



ADMINISTRATIVE REPORT

Report Date: October 31, 2017
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Meeting Date: November 15, 2017

TO: Standing Committee on City Finance and Services
FROM: General Manager of Engineering Services
SUBJECT: Minor Amendments to the Street and Traffic By-law 2849 and Skateboards in Protected Bike Lanes

RECOMMENDATION

- A. THAT Council approve the use of skates, skateboards, and push-scooters in protected bike lanes on a permanent basis.
- B. THAT Council approve, in principle, changes to the Street and Traffic By-law No. 2849 as detailed in this report and Appendix A.
- C. THAT Council authorize the Director of Legal Services to prepare and bring forward for enactment amendments to the Street and Traffic By-law No. 2849 as generally outlined in Appendix A.

REPORT SUMMARY

This report has two sections:

- 1) A summary of the use of skates, skateboards, and push-scooters in protected bike lanes trial, and the recommendation to make the trial permanent;
- 2) A review of the current definition and recommended changes in the Street and Traffic By-law No. 2849 for the following items:
 - Jaywalk
 - Elephant's Feet Markings
 - Crosswalk

The recommended by-law changes are endorsed by the Active Transportation Policy Council (ATPC) and supported by Action E.3.3.1 in Transportation 2040, which calls upon the City to update by-laws to (a) better protect vulnerable road users, (b) to address inconsistencies with established safe behaviour, and (c) to encourage more active transportation while considering safety for all road users.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Skateboards

In the 1990's, skateboarding was banned on streets, sidewalks, and paths.

In December 2001, Council recommended that skateboards be permitted on minor streets, meaning streets without lane lines or directional dividing lines, for a one-year trial period.

In April 2003, Council unanimously carried a motion to permit the use of skateboards on minor streets indefinitely.

In 2005, staff reported to Council on the consequences of eliminating bylaws regulating skateboards and found allowing skateboarding on major streets to be a safety concern, and recommended no changes.

In December 2015, Council approved that skates, skateboards, and push-scooters be permitted in protected bike lanes for a trial period of no less than one year.

Street and Traffic By-Law No. 2849

In December 2013, Council recommended changing the definition of "Jaywalk" to exclude separated bike lanes. This allowed pedestrians to cross separated bike lanes to access parked vehicles adjacent to the lanes

REPORT

Section 1: Skateboards in Protected Bike Lanes

Background/Context

On December 10th, 2015, Council approved the use of skates, skateboards, and push-scooters to be allowed in protected bike lanes as a legitimate mode of transportation for a trial period of at least one year. The decision was supported by the following key elements:

- As part of the City's ongoing efforts to provide a safe environment for people to choose healthy transportation options, the use of protected bike lanes for skates, skateboards, and push-scooters increases the access to destinations, particularly in the downtown.
- The City's protected bike lanes have been designed for cyclists of all ages and abilities, and are a good fit to enhance safety for these other users by removing conflicts with motor vehicles in the mid-block, accommodating varying speeds by providing adequate space to pass safely and get around each other, as well as enhancing pedestrian safety on downtown sidewalks where skateboarding typically occurs illegally.
- Previously, skateboarding was permitted only on minor streets. However, some areas of the City (e.g. the downtown peninsula) have few minor streets and many destinations are therefore not accessible. As a result, people on skateboards sometimes ride illegally on major streets, bike lanes, and sidewalks.

Strategic Analysis

Following the by-law amendment, staff developed options to bring awareness to the trial with the use of custom signage on protected bike lanes throughout the City. Over the subsequent two years, there were no incidents or concerns reported through the City’s 3-1-1 contact centre regarding the trial. In addition, through regular coordination meetings with the VPD and ICBC, staff have been advised that neither the police nor ICBC have any concerns with making the trial permanent.

As of August 2017, available data in regards to the number of skateboarders in protected bike lanes suggest it is a small proportion of users. In addition, there has been a positive response to the trial on various social media outlets.

Following the trial that has lasted nearly two years, it is now being recommended to make the by-law change permanent.

Section 2: Street and Traffic By-Law Updates

I. Jaywalk

Background/Context

The Street and Traffic By-law defines the term “Jaywalk” as follows:

“Jaywalk” means to cross a roadway, which is not a lane or a portion of a street designated by the City Engineer for the exclusive use of bicycle traffic, at any place which is not within a crosswalk and is less than one block from an intersection where traffic is regulated by traffic control signals.

The current definition of jaywalk prohibits pedestrians from behavior that can be un-safe, such as crossing mid-block on a busy arterial street. However, since “roadways” include all streets within the City intended for vehicular use, minor neighborhood streets are included as well. A scenario to highlight the inconsistency of this definition with typical behaviour is illustrated below:



On a low volume street like 19th Ave, within a block of an arterial street with a traffic signal, it is general practice to cross mid-block. Every time a resident does this, they are technically jaywalking.

Strategic Analysis

Staff have reviewed pedestrian collision data and compiled the following summary. According to the 2005-2013 available ICBC data:

- Jaywalking on minor streets represents approximately 0.5% of the total pedestrian collisions involving vehicles in the City of Vancouver.
- Jaywalking on minor streets *within a block of a traffic signal* represents 0.2% of pedestrian collisions involving vehicles. In terms of total numbers, this equates to 10 collisions over eight years, whereas, the total number of pedestrian collisions involving vehicles in the City in this same time-frame is over 5300.

In summary, the number of collisions resulting from jaywalking on minor streets within a block of a traffic signal is not a significant safety concern, in particular when compared to the overall numbers of collisions involving pedestrians.

To improve consistency between the Street and Traffic By-Law and this common low-risk behaviour of residents and visitors in the city, staff recommend modifying the By-Law. The suggested way to do so is to add “minor street” as an exception to the definition, so that crossing a minor street mid-block within a block of a traffic signal will no longer be considered jaywalking. Please refer to Appendix A for further details of the proposed change.

II. Elephant’s Feet Markings

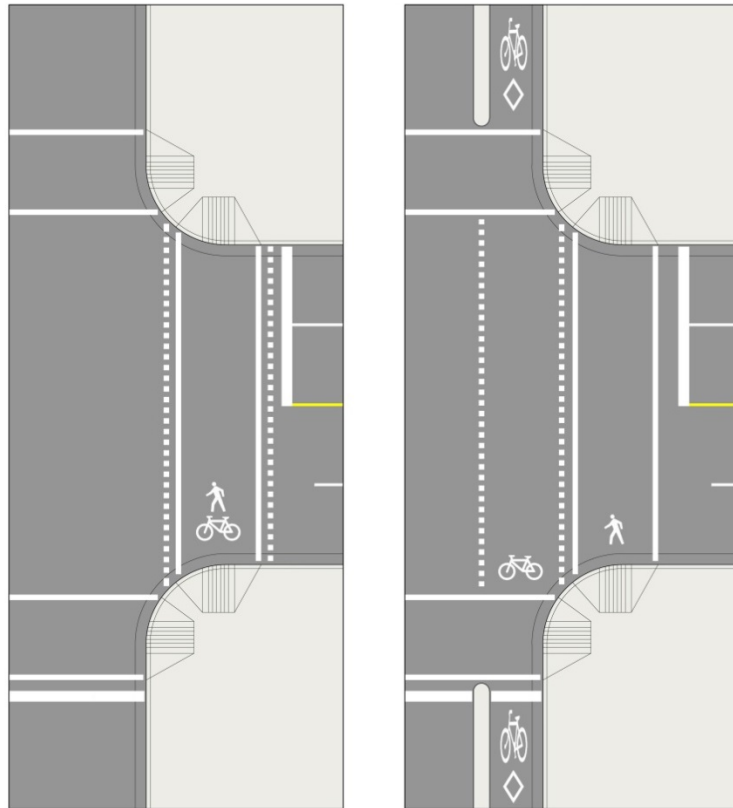
Background/Context

Elephant’s feet markings (a series of white painted squares, typically adjacent to a pedestrian crosswalk) are devices that identify a safer crossing for cyclists. They were initially implemented in Vancouver on Cambie Street following Canada Line construction in 2009. Their usage and design are defined within National Guidelines by the Transportation Association of Canada (TAC) to provide better awareness to motorists where people cycling cross a roadway. Vancouver has developed design criteria for their usage that is consistent with TAC.

Elephant’s feet are used to highlight bike crossings where a separated facility or multi-use path crosses an intersection. Their usage is typically referred to as marking a “crossbike”. However, the term carries no specific legal definition in the BC Motor Vehicle Act or the City’s Street and Traffic By-Law.

The absence of a legal definition of Elephant’s feet presents some risk, as cyclists within a crosswalk marked with Elephant’s feet are, in some cases, in a legally ambiguous part of the roadway, and in the unfortunate circumstance where a collision or injury occurs, it may not be straightforward how to assign legal responsibility.

A depiction of the markings is illustrated below:



Crosswalk with Elephant's Feet - Shared (left) and Separated (right) Configuration

To avoid the ambiguity, roadway designs in the City have included additional signage to define right-of-way and permission for cyclists to use the crosswalk. This requirement does not generally enhance safety, however, and with limited space and sign clutter on our streets, it would be preferable for the signage to be optional rather than mandatory.

In general, the preferred design option is to mark separate areas for pedestrians and cyclists (as depicted above on the right) that clearly indicate the space assigned to cyclists and to pedestrians. However, in some cases there are physical limitations at the intersection that require the space to be shared, and there are several existing locations in the City that have this configuration. Moving forward, it is recommended to install the separated configuration wherever possible.

Strategic Analysis

The BC Motor Vehicle Act defines a crosswalk (Part A) as:

“a portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface”.

Implied by this definition is that there is no legal distinction between a series of elephants feet markings and typical crosswalk markings (parallel lines).

Further, according to the BC Motor Vehicle Act (Section 183[3]B) cyclists must not “...ride on a crosswalk unless authorized to do so by a bylaw made under section 124 or unless otherwise directed by a sign.”

It is thus recommended to enact such a by-law, which will remove the current legal ambiguity by defining elephant's feet markings and in-turn remove the requirement to add "cyclists may use crosswalk" signs at every cyclist crossing location (Appendix A).

III. Crosswalk

Background/Context

While developing this report and examining the details of the legal amendments to allow cyclists to use elephant's feet crosswalks, it was noted that the definition of "crosswalk" in the Motor Vehicle Act of B.C. is different than the definition of "crosswalk" in the Street and Traffic By-Law. The Motor Vehicle Act provides that it is an offence to cycle in a crosswalk; it also empowers municipalities to enact by-laws to allow for circumstances when it would be lawful to cycle in a crosswalk. This grant of authority to the City is in regards to "crosswalks" as defined in the Motor Vehicle Act.

Strategic Analysis

As described in the previous section of this report, the Motor Vehicle Act empowers the City to enact a by-law under section 124 of the Motor Vehicle Act to allow cyclists in crosswalks, despite the fact that this is an offence under the Act. In order to create a valid exception to the Motor Vehicle Act provision, the definition of "crosswalk" in the by-law and the Motor Vehicle Act should be the same. In order to ensure that the proposed changes to the Street and Traffic By-law are valid, it is necessary to amend the definition of "Crosswalk" in that by-law so that it aligns with the Motor Vehicle Act definition.

The Street and Traffic By-Law currently defines a marked or unmarked crosswalk at an intersection as the space between the edge of the roadway and the adjacent property line. The new definition will define a marked crosswalk at an intersection as only the portion of the roadway between the marked lines. This proposed change is better aligned with the City's safety goals as it encourages pedestrians to walk only within the marked portion of the roadway.

Where there are no markings, "Crosswalk" will continue to be defined as the space between the edge of the roadway and the adjacent property line, thus maintaining the by-law that a crosswalk exists at every street intersection whether marked or un-marked.

For these reasons, staff recommend amending the definition of "Crosswalk" in the Street and Traffic By-Law as described above. Please refer to Appendix A for further details.

Implications/Related Issues/Risk

Financial

There are no financial implications.

Legal

To implement the changes outlined within this report, amendments to the Street and Traffic By-law are required.

A draft By-law revision for the proposed actions is provided in Appendix A.

CONCLUSION

Staff recommend that Council approves the permanent use of skates, skateboards, and push-scooters in protected bike lanes, as well as approve, in principle, changes to the Street and Traffic By-law No. 2849 as detailed in this report and Appendix A

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APPENDIX A

BY-LAW NO. _____

A By-law to amend
Street and Traffic By-law No. 2849
regarding jay walking and elephants' feet markings

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This by-law amends the indicated provisions of By-law No. 2849.
2. In section 3, Council:
 - (a) adds the following definitions in alphabetical order:

“**Elephants' feet markings**” means a series of white painted squares that delineate a crosswalk where cycling is permitted”; and
 - (b) strikes out the definition of “**Crosswalk**” and substitutes:

“**Crosswalk**” means:

 - (a) the portion of a roadway at an intersection or elsewhere that is marked for pedestrian crossing by lines or other markings on the road surface or by a sign; or
 - (b) at an intersection or elsewhere that is not marked for pedestrian crossing by lines or other markings on the road surface or by a sign, means the portion of a roadway between the extension of the lateral edge of the roadway and the adjacent lateral property line, but does not include lane intersections.”
 - (c) strikes out the definition of “**Jaywalk**” and substitutes:

“**Jaywalk**” means to walk across a roadway, other than a lane, a minor street or a portion of a street designated by the City Engineer for the exclusive use of cyclists, at any place that is not a marked or unmarked crosswalk and is less than one block from an intersection where there are traffic control signals.”
3. After section 60F, Council adds:

“60G No person shall ride a bicycle, skateboard, or push scooter, or use non-motorized skates in a marked crosswalk, unless it is also marked by elephants’ feet markings on one or both sides of the crosswalk, or it is otherwise signed to permit cycling.

60H Subject to the provisions of section 60I, a person may ride a bicycle, skateboard, or push scooter, or use non-motorized skates in an unmarked crosswalk.

60I A person riding a bicycle, skateboard, or push scooter, or using non-motorized skates in, through or out of a marked or unmarked crosswalk, must yield the right of way to pedestrians who are entering into, walking in or walking out of the crosswalk. For the purposes of this section, a marked crosswalk includes the area of the crosswalk delineated by elephants’ feet markings.”

4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2017

Mayor