

REPORT**REQUEST FOR COUNCIL DECISION**

DATE: January 9, 2017
FROM: Community Services
SUBJECT: **Bicycle Audible Warning Devices Bylaw**

FILE: 12-6140-10/18

RECOMMENDATION: THAT Council:

- A. Direct staff to undertake an education campaign relating to both bicycle safety and audible warning devices; OR
- B. Other

CHIEF ADMINISTRATIVE OFFICER COMMENT/RECOMMENDATION:

BACKGROUND

At the June 6, 2017, regular Council Meeting, Council discussed a report entitled "Follow up Information on the Pitt River Greenway Operating Agreement". Council subsequently directed staff to investigate and report back in relation to the following items:

- Bylaw requirement for the implementation for bicycle audible warning device.
- Posting of signage regarding bicycle etiquette in the dike areas.

In researching this topic, the primary sources of authority for enacting bylaws in British Columbia are the *Community Charter* (CC) and the *Local Government Act* (LGA). However bylaws will often draw sections from provincial legislation such as the B.C. *Motor Vehicle Act*, which the City of Pitt Meadows Highway and Traffic Bylaw No. 2260, 2006 specifically draws from and is of relevance in this instance.

KEY ISSUE(S)/CONCEPT(S):

At present the City of Pitt Meadows Highway and Traffic Bylaw No. 2260, 2006 has a provision under Section 14 (D) whereby no person shall operate any bicycle on any highway unless it is equipped with a bell, horn, whistle or similar device, to be used as a warning signal in case of danger, however there is no fine for non-compliance. This is a consequence of the fact that the B.C. *Motor Vehicle Act Regulations* makes no mention of bicycles requiring an audible bike device, but does make it compulsory for all motor vehicles to have a horn, as per section 7.02.

However this is not the case in other provinces. In Ontario, the *Highway Traffic Act* outlines that all bicycles must have a bell or horn in good working order and outlines a fine of \$85.00 for non-compliance. In Alberta, the City of Edmonton draws its ability to issue fines for not having an audible warning device on a bicycle, directly from the Alberta *Traffic Safety Act, Vehicle Equipment Regulation*, which like Ontario, makes it mandatory for all bicycles to have a horn or a bell.

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As a consequence without a change to the B.C. *Motor Vehicle Act*, making it compulsory for all bicycles to have a horn or a bell, the introduction of fines associated with not having one within City limits, would simply be unenforceable, not to mention may be open to legal challenges, due to it being at odds with Provincial legislation. In addition the ability of cyclists to make presence known through other means, such as using ones voice, means that the mandatory use of an audible bike device would be arbitrary.

The City of Vancouver and the City of Richmond, both have near identical bylaws, requiring bicycle users on a highway to use a warning signal in case of danger, but similarly have no fines for non-compliance. Both municipalities are comparable, in that they too, have shared pathways where cyclists and pedestrians regularly interact. The City of Richmond has also taken more of an educational approach by outlining rules and etiquette associated with using shared trails. This includes asking cyclists to slow down when approaching pedestrians as well as requesting that they make their presence known through the use of a bell or their voice when passing others. This expectation is reinforced through the use of appropriate signage along the trail system.

An approach staff is recommending would be to follow the one adopted by the City of Richmond which is educational in nature. This also echoes Metro Vancouver Parks staff recommendations, outlined in the report entitled "Follow up Information on the Pitt River Greenway Operating Agreement", which stated that Metro Vancouver does not have any plans to implement a bylaw of this nature within its Parks.

This approach is also supported when we consider the crucial issue of enforceability, should Council opt to introduce a bicycle audible warning device bylaw. This is due to the fact that the City Bylaw Department simply does not have the capacity nor the resources needed to enforce this type of bylaw, as no other municipality within the province enforces this measure, as per the reasons already outlined. This matter of enforceability was also discussed in the 2016 report released by BC's Office of the Ombudsperson, titled "Bylaw Enforcement: Best Practices for Local Governments", which asks municipalities to consider whether they have the resources and capacity to enforce a particular bylaw prior to its adoption by council.

Staff Recommendation

Staff recommends undertaking an education program in the spring of 2018, as opposed to the implementation of an additional Bylaw. This would be achieved through a combination of social media messaging and the inclusion of educational material in the City of Pitt Meadows Recreation Guide. The inclusion of bicycle etiquette on all future park signage throughout the numerous trails and dykes within the City of Pitt Meadows, along with this information being posted on the City's website, would assist in making citizens aware of their obligations.

RELEVANT POLICY: *Local Government Bylaw Notice Enforcement Act; Community Charter; Motor Vehicle Act; City of Pitt Meadows Highway and Traffic Bylaw No. 2260, 2006.*

STRATEGIC ALIGNMENT: Community Livability – Provide high quality public safety services and programs

OTHER CONSIDERATIONS: N/A.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: The educational program will be incorporated into various work plans.

FINANCIAL: An educational program will have minimal financial impacts. Engagement tools such as social media, existing City publications and annual sign replacement will all implement the educational program. If specific materials are produced for a bike safety campaign, these would be funded through the operations budget.

IMPLEMENTATION/COMMUNICATION: As outlined above staff will development an education program that will utilize a variety of tools including social media, print, and parks signage to communicate the importance of bike safety.

KATZIE FIRST NATION CONSIDERATIONS: N/A

OTHER: N/A

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