



Dec 6, 2022

To:

Bradley Gerhart, Sr Leg Director, Policy Analyst | Strategic Policy and Legislation Branch

Cc:

Minister Fleming, Minister of Transportation & Infrastructure

Minister Ma, Minister of State for Infrastructure

Blazkova, Hana, Policy Analyst, Ministry of Transportation & Infrastructure

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Kate Berniaz, Senior Manager, Ministry of Transportation & Infrastructure

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Re: Additional Recommendations to Reform the BC Motor Vehicle Act to Better Protect Vulnerable Road Users

Dear Bradley,

We are pleased Government of BC staff are actively developing recommendations to reform the MVA to achieve the government's climate action, road safety and transportation goals. Urgent action on all recommendations will help to save lives and reduce vehicle kilometres driven sooner. We recommend that phase one of legislative reform in 2023 incorporates as much as possible, without delaying many aspects to phase two.

We continue to support all recommendations in our 2018 [Position Paper: Modernizing the BC Motor Vehicle Act](#), and there has been evolution of road use, technology, research, equity awareness and case study statistics to further inform improvements to the BC Motor Vehicle Act (MVA). HUB Cycling and the BC Cycling Coalition respectfully submits these additional recommendations, along with background context, and evidence to support further reform of the BC Motor Vehicle Act as soon as possible:

1. Make the BC Motor Vehicle Act more equitable

The police and RCMP have extraordinary discretionary enforcement powers that can be used to over-police marginalized communities, mainly unhoused people, but also, inter alia, ethnic minorities, women and LGBTQ+ individuals. Research shows that



marginalized communities feel under-protected and 'over-policed.'¹ In addition, these communities do not trust police as they feel that they do not have fair access to policing and justice.²

As part of the MVA reforms, we recommend the BC Government develop, adopt and implement appropriate legislative and regulatory standards, guidelines, policies and strict directives to address and end racial profiling and racial discrimination in policing.

We also recommend that MVA reforms include provision for race-based data collection and analysis across the spectrum of officer activities, including stop and question practices, fines, charges and arrests as suggested by Ontario Human Rights Commission.³

In a Kansas study, racialized folks were stopped more frequently than others, homeless were 60% more likely to receive citations.

"The National Association of City Transportation Officials (NACTO) published a 2022 working paper, entitled "[Breaking the Cycle: Reevaluating the Laws that Prevent Safe & Inclusive Biking.](#)" which concluded "bicycle laws across the U.S. often fail to improve safety while leading to harmful over-policing that disproportionately punish Black, Latine/x, low-income and unhoused bike riders. There is little evidence that many laws regulating bicyclist equipment and behavior have substantial safety benefits, and calls on policymakers to refocus policies on the wellbeing of all road users, including by eliminating laws used to unfairly criminalize people on bikes."

Here are themes from the NACTO research:

- **Laws regulating equipment**—from bike registration requirements and helmet mandates to penalties for dirty tires—rarely contribute to safety.
- **Laws regulating behavior**—including the direction of travel and strict adherence to stop signs and markings—fail to distinguish between a 40-pound bike and a 4,000-pound car.
- **Laws regulating location**—including prohibiting bike riders from riding on sidewalks, vehicle lanes, greenways and bridges—are most often enforced when a bike rider has no safe alternative to the facility they're using.

Another step towards greater equity in transportation infrastructure regulation is to welcome people who use wheelchairs and mobility scooters to use bike and roll routes.

In Greater Victoria, they have made considerable inroads welcoming people who use wheelchairs and mobility scooters to use bike and roll routes. Leading communicators,

¹ [Crime, Community Safety and the Policing of Marginalised Populations: A Review of Research](#)

² [Overdose Prevention Society: Residents of the Downtown Eastside do not trust the police](#)

³ [Ontario Human Rights Commission: Framework for change to address systemic racism in policing](#)



including Chris and Melissa Bruntlett have also taken on this issue globally (chapter 7 of Curbing Traffic and multiple videos).

Greater Victoria Acting Together (www.gvat.ca) met with Minister Fleming about this and received strong support. (The amendments to the Act for pilot projects have passed in the Legislature, but are not in effect as no pilot projects have been approved. However, it seems like there are easier and better routes to change, such as a letter of interpretation from the Minister). Minister Heyman and Climate Action Secretariat staff have also been briefed on this.

A majority of the leading municipal candidates in Victoria and Saanich have committed to Capital Bikes, Action Committee of People with Disabilities+ that they will "support welcoming people who use wheelchairs and mobility scooters to use all ages and abilities (AAA) bike and roll routes." <https://www.transportchoicevictoria.ca/>

Please refer to recent articles from the [Tyee](#) and [CBC](#) (link to podcast at bottom) for more examples of cycling infrastructure being used by people of a variety of physical abilities. Additionally, the BC Human Rights Act mandates that the mobility rights of people with disabilities be considered.

The State of California passed The Freedom to Walk Act. [Freedom to Walk](#) adjusted the laws to legalize walking while keeping reassurance that people are able to cross the street safely. Although the bill does not fully decriminalize jaywalking, it does prevent police from issuing tickets unless the street crossing is truly dangerous. This act will do the following:

- Decriminalize safe, common sense street crossing, when traffic permits, whether or not a pedestrian is within a marked/unmarked crosswalk.
- Remove a pretext for over-policing that has disproportionately hurt Black and Latinx people.
- Recognize the rights of pedestrians to fair and equitable use of our public roadways.
- End a traffic enforcement practice that places an undue financial burden on low-income residents through fines, fees, and penalties without increasing safety.

2. Fast track safety awareness improvements with partners like ICBC:

As we discussed in our August meeting, education plays an important role alongside legislation and regulation in creating safer roads.

Here is a list of education topics that can complement MVA modernization.

How to use:

- Safe passing distances for people driving overtaking people on bikes



- Roundabouts and traffic circles
- Bike boxes at intersections, including turning boxes
- Bike-specific signals, and the fact that signal timing can vary from other signals
- Bike crossings (elephant feet, and green paint)
- Truck sideguards to prevent vulnerable road users going under heavy trucks in a crash
- Rights of way
- The importance of making eye contact
- Giving extra passing distance at rail tracks and cattleguards
- Right hand reach and the issues associated with dooring
- Cycling speeds (including e-bikes) and how to assess related intersection timing

There are opportunities for the Province of BC to work with ICBC, Road Safe BC, BCAA, driver training organizations, cycling organizations and others to disseminate this educational information.

In particular, there are a number of ICBC opportunities to provide continuing education through the driver license renewal process. Drivers who took their driving test many years ago were not trained about vulnerable road users, nor about newer infrastructure like roundabouts, bike crossings, etc and this could cause collisions and unsafe situations.

Driver licence renewal letters and emails should include information on newer infrastructure, micromobility and vulnerable road users. HUB Cycling and BCCC are available to support communications material development to be as engaging and effective as possible.

Licensing office opportunities include digital content on the in-office screens and renewal notices. ICBC's driver manual already has high quality images - these could be used to add to the screens and renewal notices regarding roundabouts, bike boxes, safe passing distances and other ways to protect vulnerable road users.

ICBC's existing educational materials are good, but they largely require drivers to proactively visit their website or social media sites, which very few people do. Much more effective would be to use the renewal process. Digital screens in renewal offices would be very effective means to communicate this information.

We suggest the following content that could be added to those screens year round (not just during "Bike Month"):

ICBC [video](#) for drivers and [the one for people cycling](#)



[Open your eyes, then your door .gif ad](#)

[Use your lights, day and night .gif ad](#)

Here is some video content in [Punjabi](#) and [English](#) to encourage more people to cycle in Surrey which would reduce congestion on roads and might reduce conflict between drivers and people walking/cycling.

We recommend the Government of BC instruct or encourage ICBC to take these and other actions to better protect vulnerable road users.

Please let us know how we can support the improved dissemination of this type of educational material.

3. Require Side Guards on Heavy Trucks

Large vehicles and trucks with standard mirrors continue to have large blind spots at the front and immediate side of the vehicles where people cycling and walking are often present and vulnerable to injury and even death.

In June, 2022, Agustin Beltran was traveling west on Pacific Boulevard in Vancouver, in the protected bike lane. He crossed Hornby in the green painted bike crossing when a dump truck entered the crossing, turning right. Given the length of the truck (semi trailer dump) the driver must have been positioned in the middle or left lane, not the turn lane, to make the corner. The truck entered quickly, Agustin veered right, and collided with the truck around the passenger door. He was knocked down, and then the truck completed its turn, drawing the trailer over top of him and then running over him with the rear trailer axle.

It appears to be a case of driver error and not yielding to a person in a marked crossing - The truck did not have side guards, which may have prevented Agustin from going under the truck trailer.

Side guards, or 'lateral protection devices' (LPD) significantly reduce the likelihood of injury to other road users, and in many parts of the world they are required on all heavy trucks.

The Province of BC should amend section 7.04 of the BC Motor Vehicle Act to require side guards or LPDs and mirrors covering the front and side blind spots on large, heavy and semi-trucks. The BC Trucking Association would be a valuable stakeholder to engage. The federal government also plays an important role here and the Province of BC should advocate for improvements at that level.



[Current definition:](#)

7.04 (1) Subject to subsections (3) and (4), every motor vehicle shall be equipped with an inside mirror that provides the driver with an undistorted reflected view of the highway directly to the rear of the vehicle extending to the horizon from a point on the road surface not more than 61 m behind the vehicle.

4. Reform lane positioning legislation related to a Safe Passing Distance Law

Lane positioning legislation and police education related to a Safe Passing Distance Law should be reviewed and clarified to indicate that regardless of where on the road a person is cycling, a safe passing distance must be used. HUB Cycling recommends clarifying rights of way in commonly problematic situations, in particular when

- motorists turn across cycling through-traffic; and
- a person cycling may pass on the right. For example, there is a legal case where the person cycling passed a left turning vehicle and was found at fault because there is no explicit rule for people cycling

5. VRU protection

A vulnerable road user definition should include people walking, cycling, using a scooter, wheelchair, mobility device, or horse.

Our organizations support additional fines, driver penalty points, and potential jail time for collisions or unsafe situations threatening, injuring or killing vulnerable road users. To enforce this and hold road users accountable, HUB Cycling recommends the use of cameras at high risk intersections.

6. Introduce a stop as yield law for people cycling

Coming to a complete stop at a stop sign when cycling is less safe, as stopping requires the vulnerable road user to spend more time in the intersection, which is the most dangerous spot for a person cycling. At a full stop, the person cycling is harder to see. In Idaho, their stop as yield law has been found to improve safety. Some jurisdictions have also changed stop lights to yield, or stop then go when safe.

Currently in BC, the fine is \$167 for both people driving and cycling who fail to stop properly at an intersection.

Nine North American jurisdictions have implemented a stop as yield law: Idaho, Delaware, Washington, Oregon, Colorado, Arkansas, Utah, North Dakota. Some of them also allow "red signal as stop" for bikes, i.e. bikes must stop at a red signal, but don't have to wait for the green if the way is clear.



Christopher Waters, Professor at the University of Windsor has done significant research on the topic of Stop as Yield Laws for people cycling :

- After Rolling Stops were legalized in Idaho, bicycle-vehicle collision rates declined by 15%. Bikes are momentum based; traffic flows more smoothly when people cycling yield instead of stopping. [#IdahoStops](#) are good for everyone involved.
- A study published by DePaul University in Chicago states: “Safety research shows that yielding to managing the intersection by cyclists is often safer than having them stop at the intersection. Plus it makes laws more realistic for bikers that they can more realistically follow,” explains Joe Schwieterman with DePaul’s Chaddick Institute for Metropolitan Development.
- [Recent media around Toronto police not stopping at Stop Signs, and lawyer request for stop as yield law](#)
- Known as The Rolling Stop Law [@CycleToronto](#) has a campaign underway lobbying for changes to provincial regulation, which would allow cyclists to treat stop signs as yield signs, instead of requiring cyclists to come to a complete stop. <https://cycleto.ca/rolling-stops>
- [Jason Meggs published article:](#)
 - School of Public Health, Environmental Health Science Division, UC Berkeley, CA Email: jmeggs@berkeley.edu
 - “Traffic safety and other policy goals are best served by relaxing stopping rules for bicyclists, legalizing 5 existing behaviors. Cyclists have been lumped with motorists under the law, yet warrants have never been made for bicyclists to determine whether their stopping is necessary or even beneficial.”
 - “stopping discourages bicycling, substantially increasing time, energy expenditure, discomfort, risk of collisions and risk for strain and overuse injuries. Removing stops may halve injury-risk by “Safety in Numbers” alone.”
 - Intersections are the most dangerous zone for people cycling, whose safety benefits from the freedom to choose the safest time to clear, and to do so more quickly. Bicyclists enjoy vastly superior abilities to perceive and execute a safe yield at a stop than other modes, and great incentive to do so safely.
 - “Idaho presents a natural experiment to test the safety of relaxing requirements due to its state law allowing cyclists to yield rather than come to a hard stop. Comparison cities lacking the law were sought and Idaho fared best for overall bicycle safety, 30.4% better than the closest match. Bicycle injuries declined 14.5% the year after adoption of the law. Interviews and a survey were conducted and all indications were that the law has been beneficial or had no negative effect, encouraging additional states to follow.”

- [Chicago Kent Law Review](#) Asmara M. Tekle, Roll On, Cyclist: The Idaho Rule, Traffic Law, and the Quest to Incentivize Urban Cycling, 92 Chi.-Kent L. Rev. 549 (2017):
 - “decriminalizing the all-too common cycling convention of rolling through stop signs, instead of coming to a full stop, might help to change the legal norm expected of cyclists at stop signs.³ The effect may be to place cyclists on the right side of the law and help motorists and cyclists alike to view cyclists as equally deserving of the road and not as “scofflaws” who flout the law, a perception that haunts urban cyclists.” Relative to costlier economic investments in bike infrastructure and road design, decriminalizing cyclists’ rolling stops is a cheaper way to incentivize urban cycling.
 - In 1982, Idaho was prompted to promulgate this law by magistrates fed up with the clogging of the courts by cyclists cited by law enforcement for misdemeanor criminal offenses.¹
 - Idaho cycling traffic fatalities 1.1% (far below national average of 2.2%)
 - “Cyclists, encased in human flesh as opposed to the steel and iron of motorists, do what is reasonable and necessary to give themselves an advantage when they are so disadvantaged on existing roadways that preference motorists.”

7. Safe Neighbourhood Speed Law Updates

Although the Province of BC indicates that a law enabling municipalities to set their own speed limits is already in place, many municipalities see the current legislative language as inadequate to reduce legal risk without signing each block, which is financially restrictive.

A recent online poll conducted by Research Co, found that 66 per cent of British Columbians said they were in favour of reducing speed limits to 30 km/h in residential neighbourhoods. Here are some case studies of places that have imposed safer speed limits since the Position Paper was published:

As of May 31, 2021 the [default unposted 40 km/h speed limit is in effect in Calgary](#). This change will affect the speed limit on both residential and collector roads in neighbourhoods.

The change was very popular among the general public. In fact, most people didn’t feel it was low enough.

Also this year, Victoria introduced a 30km/h speed limit expansion. Articles with more information can be found [here](#) and [here](#), for example.

Last year, the District of Saanich dropped the speed limit from 40 km/h to 30 km/h on roads without a centre line as part of a regional pilot project with Victoria, Oak Bay



and Esquimalt that was later paused by the provincial government. Other municipalities, including Courtenay, have begun moving forward with their own speed reduction pilot projects on residential streets.

Elsewhere, Waterloo, Ontario recently reduced its residential speed limits to 30 km/h while Hoboken, N.J., near New York City, has also moved towards dropping its speed limit to 20 miles per hour (roughly 30 km/h) on local roads.

We recommend that the Province of BC review and further improve the legislative language to reduce legal risk to municipalities, and to encourage speed limit reduction on neighbourhood streets without the use of signage on each block, by allowing municipalities to establish lower default speed limits in defined neighbourhoods. Municipalities have communicated to us that the current legislative language does not adequately minimize liability risk for municipalities to feel comfortable enacting zoned speed limits without signing every block.

As we move into planning for 2023 and beyond, our organizations would very much like to work in partnership with the government on MVA reform that considers the viability, safety and comfort of vulnerable road users across British Columbia, and how we can help create a more equitable and healthy province. We are always available to further discuss these recommendations and to join stakeholder working sessions to support legislative change.

Sincerely,

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