

# Traffic Bylaw Changes - Bicycle Safety Passing Protocols

## Recommendation

That the February 17, 2021, City Operations report CR\_8037, be received for information.

## Previous Council/Committee Action

At the February 3, 2020, City Council meeting, the following motion was passed:

That Administration bring back a report on:

- a. the changes the City of Calgary has made to its traffic bylaws to improve clarity on bicycle safety passing protocols,
- b. what it would take for Edmonton to align with those Calgary traffic bylaws,
- c. how the Calgary work relates to the Provincial Traffic Safety Act, and
- d. what advocacy work is happening with the Province on this issue.

## Executive Summary

Safe passing distances between cyclists and drivers in other jurisdictions are typically set out through provincial regulations rather than on the municipal level and generally require a minimum of one metre passing distance regardless of speed limit. In September 2019, the City of Calgary implemented new transportation bylaws that apply to cycling on streets and pathways establishing a safe passing distance and associated fine of \$203 for violations. For Edmonton, a Charter Bylaw would be required in order to align Traffic Bylaw 5590 with the Calgary Traffic Safety Bylaw regarding safe passing distance. Under the Charter Bylaw, City Council may set out requirements for drivers to allow adequate space for cyclists.

This bylaw change allows an opportunity for behaviour and culture shift through conversations, education and engagement with Edmontonians to improve safety and would provide clear expectations for all road users to understand how best to share the road. The focus on change management is fundamental as enforcement of the bylaw would be reliant on subjective visual measurement.

## Report

Section 23 of the Province of Alberta's *Use of Highways and Rules of the Road Regulation* states that a person driving a vehicle shall not overtake or pass another

vehicle if the act cannot be made safely. However, neither the regulation nor the *Traffic Safety Act* define a minimum passing distance for motorists overtaking cyclists or provide guidelines on what is considered to be safe passing distance. In September 2019, the City of Calgary implemented new transportation bylaws that apply to cycling on streets and pathways. These bylaws add to the requirements under the *Use of Highways and Rules of the Road Regulation*. The new transportation bylaws cover minimum safe passing distances for cyclists, hand signaling for cyclists and regulations for motorized and non-motorized mobility devices.

One of the changes to the City of Calgary bylaws was the creation of a specific minimum safe passing distance for motorists passing cyclists. The bylaw outlines the required minimum distances, based on the driving speed, that a motorist must provide when passing a cyclist.

- On roads with a speed limit of 60 km/h or less, drivers are required by law to leave a minimum of 1 metre when passing someone cycling.
- On roads with a speed limit of higher than 60 km/h, the distance a driver is required by law to leave when passing someone cycling increases to at least 1.5 metres

Failure to comply with the minimum safe passing distance may result in a \$203 fine as per the new bylaw.

#### **Process for City of Edmonton Changes**

A Charter Bylaw would be required in order to align Traffic Bylaw 5590 with the Calgary Traffic Safety Bylaw regarding safe passing distance. Under the Charter Bylaw, City Council may set out requirements for drivers to allow adequate space for cyclists.

This Charter Bylaw would be received for first reading and then be advertised to allow 60 days for petition responses. In order to implement a bicycle passing distance bylaw, the following steps must occur:

- (1) Public Hearing for Charter Bylaw; and
- (2) Second and third reading of the new bylaw and amendments to Traffic Bylaw 5590.
- (3) Advertising of the date that the bylaw becomes effective as required by the City of Edmonton Charter, 2018 Regulation.

Should City Council wish to consider this change, Administration recommends aligning with the City of Calgary's approach. A full change management and communications plan would be developed in conjunction with Edmonton Police Service to support requested bylaw updates in alignment with the Safe Mobility Strategy and Bike Plan.

### **Other Canadian Safe Passing Laws**

Safe passing distances are typically set out through provincial regulations rather than on the municipal level. In Canada, only Calgary and Whitehorse have included additional requirements through bylaw. Currently, eight provinces in Canada include safe passing laws in their provincial traffic regulations. The safe passing distance laws in British Columbia, Yukon, Ontario, New Brunswick, Nova Scotia & Prince Edward Island all require a minimum of 1 metre passing distance regardless of speed limit. Quebec and Newfoundland have safe passing distance laws that are similar to those in the City of Calgary bylaw: one metre for vehicles traveling less than 50 km/h, and 1.5 metres for vehicles traveling faster than 50 km/h.

### **Edmonton Police Service Enforcement Considerations**

Administration consulted with the Edmonton Police Service to understand enforcement considerations of a safe passing distance bylaw. The enforcement of the bylaw would rely on subjective visual measurement of the distance between a vehicle and a bike. Due to the nature of the behaviour, enforcement could only take place in real time and would rely on roving (mobile) monitoring rather than static enforcement locations. As a result, this change would be best supported by behaviour and culture shifts through conversations, education and engagement with Edmontonians to improve safety.

### **City of Edmonton Strategic Alignment**

Improving safety and comfort for people cycling is a necessary and important step in advancing the vision outlined through a number of strategic plans, including:

*ConnectEdmonton:* The goals of Healthy City, Urban Places, Regional Prosperity and Climate Resilience are all supported by promoting and improving active transportation safety.

*City Plan:* The City Plan seeks to expand Edmonton's active transportation network and to increase the number of trips made by walking, rolling and biking. Improving the safety and comfort of people traveling outside of a vehicle and throughout the existing transportation network is crucial to achieving these goals.

*Safe Mobility Strategy:* People moving throughout Edmonton outside of a vehicle are particularly vulnerable to risk. From 2015-2019, approximately 87% of crashes where someone riding a bike was killed or seriously injured occurred on a road without protected bike infrastructure. Establishing a minimum distance required for safe passing helps create a clear expectation for drivers when passing cyclists on the road. This supports safe behaviours on Edmonton streets, especially in the absence of protected bicycle infrastructure, and creates an opportunity for simple and direct driver education. Furthermore, research suggests that drivers give more space when passing cyclists in jurisdictions that have safe passing laws compared to jurisdictions that do not. This was demonstrated by measuring the passing distance during overtaking

maneuvers across several cities with and without safe passing laws in Michigan.

*Bike Plan:* The Bike Plan provides strategic direction for how the City plans, designs, implements, operates, and maintains bike infrastructure and programs. A minimum safe passing distance is outlined in the Plan as a mechanism for clarifying the rules of the road and enhancing the regulatory framework regarding cycling in Edmonton.

**Provincial Advocacy**

Starting in 2016, the City of Edmonton, along with multiple other jurisdictions, partnered on a project to create an Alberta Bicycle Facilities Design Guide (Design Guide) with an associated best practice and a review of current legislation. The purpose of the design guide is to provide design professionals in communities across Alberta with comprehensive guidance regarding the planning, design, implementation, and maintenance of bicycle facilities and to promote uniformity of treatment in the design of bicycle facilities across the province. The Guide is currently in Draft status and The Final Draft of The Guide as well as the Legislative Review have been shared with the Province for review and consideration.

The Design Guide was developed under the guidance of a Core Project Team made up of the following partners: City of Edmonton, City of Calgary, City of Red Deer, Town of Canmore, Rocky View County, and Province of Alberta, represented by Alberta Transportation. As part of the review, Safe Passing Laws have preliminarily been identified as best practice. The process has also identified that legislative changes that are homogenous across the Province (i.e. *Alberta Traffic Safety Act* and its associated regulations) are more beneficial than local legislative changes which can vary from jurisdiction to jurisdiction. Until such time as changes are made to Provincial legislation, adopting the same approach as the City of Calgary would help promote consistency across the province and support the recommendations made by the Design Guide.

**Corporate Outcomes and Performance Management**

<b>Corporate Outcome(s): Edmonton is a Safe City</b>			
<b>Outcome(s)</b>	<b>Measure(s)</b>	<b>Result(s)</b>	<b>Target(s)</b>
Achieve Vision Zero through safe and livable streets in Edmonton	Fatalities (All Road Users)	14 (2019) 19 (2018) 27 (2017) 22 (2016)	Decline to Zero (2032)
	Serious Injuries (All Road Users)	268 (2019) 319 (2018) 341 (2017) 325 (2016)	Decline to Zero (2032)

	Serious Injuries (Vulnerable Road Users)	98 (2019) 116 (2018) 113(2017) 113 (2016)	Decline to Zero (2032)
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**Others Reviewing this Report**

- C. Owen, Deputy City Manager, Communications and Engagement
- J. Meliefste, Branch Manager, Integrated Infrastructure Services
- R. Smyth, Deputy City Manager, Citizen Services
- S. McCabe, Deputy City Manager, Urban Form and Corporate Strategic Development
- B. Andriachuk, City Solicitor, Office of the City Manager