



Engineering Services

Town of Newmarket www.newmarket.ca

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Active Transportation and Road Safety Congress Summary

May 1, 2018

1.0 Introduction

On April 27th, 2018, the Town of Newmarket held an Active Transportation and Road Safety Congress at Old City Hall located at 460 Botsford Street, Newmarket.

Approximately 70 people attended. The event, hosted by the Town of Newmarket's Transportation Services - Engineering Services, Development & Infrastructure Services Department, focused on three key objectives:

- Update Newmarket Council, staff and the public on best practices in active transportation planning and design, vision zero, road safety and municipal risk management and liability;
- Present the draft network for Newmarket's Active Transportation Implementation Plan (A.T.I.P.) and ask participants to rank their implementation priorities; and
- Provide an update on road safety initiatives in York Region and public outreach initiatives being led by York Region Police.

The Congress was facilitated by Dave McLaughlin the National Active Transportation Manager of W.S.P. Canada who also presented on the state of active transportation policy at the federal, provincial, regional and local municipal levels. Other expert speakers included:

- Sgt. Karen Hodge, York Region Police Department's Traffic Collision Unit;
- Belinda Bain, a lawyer and Partner at Gowling W.L.G.;
- Jason Neudorf, a Senior Project Planner at W.S.P. Canada; and
- Adam Bell a Road Safety and Vision Zero Specialist at W.S.P. Canada

The Mayor of the Town of Newmarket, Tony Van Bynen opened the Road Safety Congress. The Mayor discussed how traffic mitigation is one of Council's Strategic Priorities and emphasized the importance of safe streets for residents, and of collaboration between the Town of Newmarket, York Region Police, York Region and neighbouring local municipalities.

This report summarizes themes and information presented at the congress by the speakers as well as key questions and answers.



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2.0 Cycling Policy and A.T. Planning & Design

In 2012 the province of Ontario rolled out a new cycling strategy called CycleON, followed in 2014 by CycleON Action Plan 1.0. This first action plan set out several key strategies and actions under the following themes:

- Design healthy, active and prosperous communities;
- Improve cycling infrastructure;
- Make highways and streets safer;
- Promote cycling awareness and behavioural shifts; and
- Increase cycling tourism opportunities.

Building upon the success of the first action plan and a \$25 million municipal partnership fund, the province introduced in late 2017 the Ontario Municipal Cycling Commuter (O.M.C.C.) funding program with \$93 million for projects initiated in 2018 with a completion date of 2020.

All 118 municipalities who submitted a funding application under this program received provincial funds, based on population and a project list submitted, with \$3.5 million designated to York Region and \$290 thousand going to the Town of Newmarket. In early 2018, the province released CycleON Action Plan 2.0, which included another set of actions and summarized some key outcomes from Action 1.0. This included the announcement of a proposed 9,800 km province-wide network strategy plan, consisting of both on-road and off-road facilities and a cycling education strategy.

Earlier this year, the Share the Road Coalition commissioned a Nanos research survey which revealed that 32% of polled Ontarians would cycle to work if given the chance and 70% of polled Ontarians supported bike friendly transit. In conjunction with the Federal government and further A.T. system support networks developed by Metrolinx, A.T. in Ontario is fast becoming an important means of travel throughout the GTHA. The province, in partnership with the Ontario Traffic Council, has also provided consistent municipal bikeway planning and design guidelines (Ontario Traffic Manual Book 18: Cycling Facilities) and is in the process of updating the minimum maintenance guidelines which for the first time will include guidance on cycling facilities.

Planning A.T. systems according to the Municipal Class Environmental Assessment (M.C.E.A.) process has recently become easier, as illustrated by amendments to the 2015 M.C.E.A. process. Most projects which alter the profile of the roadway, such as road diets and the installation of bike lanes and sidewalks or in-boulevard multi-use trails, are now considered pre-approved.



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A.T. network planning best practices are based upon transparent consultation between the public, decision makers and municipal staff when selecting the most desired connections within and between communities. It is important that in expanding A.T. networks that municipalities develop a coherent pedestrian, commuter and recreational experience while maximizing the available funding and partnerships with other levels of government.

Once links are identified, the Ontario Traffic Manual Book 18 provides municipalities with the tools to select and develop safe and cost-efficient bike facilities. The national Transportation Association of Canada (T.A.C.) geometric design guidelines have been recently updated to include guidance on pedestrian and cycling facilities, which now recognize that reduced motor vehicle lane widths are acceptable on lower speed and lower volume roadways under certain conditions. This permits municipalities more flexibility to implement A.T. facilities more often without widening a roadway or altering the physical infrastructure.

Once a facility type is selected and implemented, it is key that the municipality routinely monitor and maintain these facilities to detect any shortcomings for future improvements. Staff should consider the maintenance, wayfinding and condition requirements of each facility type during regular data collection and scheduled inspections to develop the best possible network for residents and users. As the network is implemented over time, it is important that amenities are also implemented to accommodate the demands of A.T. users. These include short and long-term bike parking, benches along trails, bike repair stations and other amenities that support the public's use of the cycling and trail systems in Newmarket.

3.0 A.T.I.P. Implementation Plan

Newmarket's Active Transportation Implementation Plan (A.T.I.P.) is built upon a comprehensive framework aimed at delivering an efficient, accessible and comfortable A.T. network. The process that led to the A.T.I.P. included in-depth data collection and a trail inventory of the Newmarket trail system. The inventory confirmed that Newmarket currently possesses high-quality trail system and resulted in the development of a new asset management tool for town staff to ensure success of the trail system.

During the inventory phase, the project team also investigated on road routes with and without cycling facilities to assess current conditions and opportunities based on the cycling network concept in Newmarket's current Official Plan. Building upon the network concept, an implementation strategy was developed that confirmed candidate routes suitable for expansion. These candidate routes were assessed through route selection



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criteria to determine the most valuable connections and then appropriate facility types were recommended consistent with provincial guidelines and best practices.

The third step of the A.T.I.P. was to develop a wayfinding strategy template which complements the York Region system and is built upon four wayfinding principles:

- Ability to attract attention;
- Simplicity of Signage;
- Predictability of Information; and
- Reiteration and Confirmation.

These wayfinding elements consider the conveyance of information through branding consistency, hierarchy of destinations, wayfinding support through mobile and digital platforms. The final step was an implementation strategy organized into short term, medium term and long-term phasing timeframes with associated costs. Identified short term (0-3 years) costs are estimated to cost approximately \$4.4 million based upon the work previously conducted on the East-West bikeway. Medium term (3-5 years) costs are estimated at approximately \$1.7 million, not including consultation costs or ancillary requirements.

Long term (5-10 year) costs are estimated at \$2.9 million for the basis of funding should the medium and short-term goals be met. Future phases (10 years and beyond) will have to be based upon the success of previous phases and confirmed in a future A.T.I.P. update and then costed at that time. For long term implementation to be successful, it requires sustainable funding through regional and local partnerships, consideration for operations involving staff throughout the planning & evaluation process and stakeholder engagement with residents, schoolboards and advocacy groups.

Five key takeaways from the draft A.T.I.P. were shared with participants:

- Recommendations are based on best practices;
- Collaboration is key throughout the implementation process;
- New trails and upgrades to existing trails should be informed by A.O.D.A. design principles;
- Maintenance implications should be identified early in the planning process; and
- Collect A.T. data for improving and supporting network expansion.



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4.0 A.T.I.P. Breakout Session

During the congress an interactive activity was conducted. Each breakout table was given a map of the Town of Newmarket's proposed A.T. network and draft phasing strategy. Each attendee was asked to review the Active Transportation network and phasing map to assess the priority of proposed short, medium and long-term connections. Once the breakout session was concluded and the maps collected, it was revealed that many participants believed that York Regional Roads are a priority to establish a spine for the A.T. network, particularly Mulock Drive, Leslie Street, Prospect Street and Davis Drive. Other comments spoke to the need for a formal crossing of the desire line passing the GO Corridor by Silken Laumann Drive.

Respondents tended to identify corridors opposed to single segments of routes for priorities or phasing changes. Generally, the proposed phasing identified in the draft A.T.I.P. was confirmed by participants.

5.0 Vision Zero

Vision Zero initiative was initiated by the Swedish government in 1997 as a means of reducing road fatalities and serious injuries to zero through a combination of policy, engineering, engagement and technological programs. Since its initiation, Sweden has reduced its fatality rate dramatically, making its road some of the safest in the world. With success of Vision Zero policies in Sweden many cities in North America began developing Vision Zero action plans to mirror Sweden's efforts.

The Vision Zero approach to road safety is focused on the following:

1. Focus on fatalities and serious injuries
2. Accounts for human error
3. Places responsibility on all stakeholders
4. Solution are system oriented
5. Focus on injury prevention

Under this approach, Vision Zero assesses road safety through 5 overlapping principles:

Engineering – develop road systems that account for human error

Education – inform the public about Vision Zero programs and road safety initiatives

Enforcement – employ proactive policy in methods

Engagement – involve the public throughout the process

Evaluation – identify program shortcomings and improve regularly



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In 2015, the global average fatality rate was 17.4 per 100,000, while Sweden had a fatality rate of 2.7 per 100,000, one of the lowest in the world. Canada, despite having no Vision Zero programs, had a fatality rate of 5.2 while Ontario had a lower rate of 4.0 per 100,000. Governments throughout Ontario have already reached successful heights of road safety; Vision Zero builds on that success.

A Vision Zero implementation plan for Newmarket should complement already successful safety programs; involving the traffic mitigation strategy for deploying pilot traffic claiming programs and A.T. network connections. Reviewing neighboring jurisdictions Vision Zero practices and the experiences will help the Town of Newmarket employ the strategies which integrate with their safety policies.

Once in place, Newmarket should continue to develop and research local fatal and sever injury collisions to inform the traffic mitigation strategy. It was suggested that Newmarket should consider developing a Vision Zero action plan and begin to assess road safety holistically.

The Complete streets strategy works to create livable neighborhoods without compromising the safety or comfort over another user. Under this strategy a Complete Street supports diverse transportation options accessibly through sustainable practices, enabling road users to enjoy a vibrant and attractive space to travel. Newmarket's A.T.I.P. was developed based on the principles of Complete Streets.

6.0 Active Transportation: Municipal Risk and Liability

As Active Transportation demand grows and the infrastructure aimed at meeting this demand expands, the liability of users and municipalities becomes an increasingly important topic of discussion. Currently, the responsibility of roadways is governed by the Highway Traffic Act (H.T.A.). The H.T.A. assigns responsibilities of roadways according to hierarchy to the appropriate authority, either local, region or provincial. The standard of care judged by the courts against municipalities are judged by where accidents/collisions take place. Highways, roadways and trails all have different standards of care. A highway is defined to include the entire R.O.W., including sidewalks, lanes, bike lanes and shoulder etc.. The roadway means part of the highway that is improved, designed or ordinarily used for vehicular traffic but does not include the shoulder. These definitions are important when thinking about the application maintenance policies and risk and liability.

Standard of care for highways requires that they are kept in a state of good repair reasonably within the character of the cross sections. If there is an incident which does occur on the highway, the municipality has the defense in that it is not liable if; (1) it did



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not know and could not reasonably be expected to have known about the state of repair of the highway or bridge; (2) it took reasonable steps to prevent the detail from arising; or (3) at the time the cause of action arose, minimum standards established under subsection applied in the highway or bridge and to the alleged default and those standards have been met.

Regarding off road trails, if an incident were to occur in a park or on a trail system, the owner or caretaker of the park owes a duty to ensure safety for everyone. Recreational trails operate under a separate and lower standard of care under the Owners Occupiers Act. This Act notes a duty of care where there is no intent to do harm to a person and to not act with reckless disregard for any users' safety. These standards apply to trails which are reasonable marked and as named / signed and promoted as a "recreational" trail. Municipalities should make sure that trailhead signs state "recreational" trail on the sign and that it be placed at all major entrances informing people what the purpose of the trail is.

It was noted that draft Bill 37 before the current provincial government is seeking further legal support to protect vulnerable road users. This piece of policy, if approved, will impose stiffer penalties on drivers who cause harm to pedestrians or cyclists and would further include guidance to the courts on directing offenders to enroll in rehabilitation programs for drivers who require education on safe driving behavior and the rules of the road. To ensure the safety of all road users, education and outreach will play a key role in protecting vulnerable road users. Educating drivers and cyclists about active transportation systems, behaviors and best practices will help to divest the polarization of shared road space.

7.0 York Region Police: Traffic Collision Unit

The York Region Police (Y.R.P.) have recently rebranded the traffic unit to the Road Safety Unit to focus on road safety as one of the important priorities for the Y.R.P.. Currently, Y.R.P. conducts traffic enforcement through 4 platoons across the region, each with their focus area of expertise. Active transportation is consistently the responsibility of traffic safety programs who primality work with municipal governments, school boards and external stakeholders such as M.A.D.D..

York Region Police's focus is to educate drivers, cyclists and pedestrians about road safety, especially during the warmers seasons. As Y.R.P. works towards improving road safety, it is important that the data reported and collected be accurate and reflective of all types of collisions. Many cyclists do not report collisions or near misses to the police, which is imperative in developing preventative collision measures.



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The York Region Police do not issue many traffic citations to cyclists, but of the tickets issued by officers, the majority are failing to identify themselves, not wearing a helmet or conducting age appropriate cycling. Officers are encouraged to educate cyclists about the proper cycling behavior as well as appropriate equipment instead of providing a ticket for infractions.

We would like to thank members of the public, Town staff and members of council who gave their time and input in the Newmarket active Transportation Road Safety Congress. On behalf of the study team and all those who contributed to the Road Safety Congress in providing the Town and its partners with the tools and guidance necessary to improve implementation of active transportation in the Town of Newmarket.

8.0 Question and Answers

Will the A.T.I.P. be made available online?

You may contact town staff and they will provide the draft once it is ready for circulation.

Is it possible to do the poll for separate jurisdictions? One for Newmarket and another for Regional trails?

If we have time, we can produce a poll for the end of today's events.

Is the differentiation of recreational active transportation users and active transportation commuters? Are there groups who belong to neither?

The A.T.I.P. views the leisure system at a high level, the active transportation system is more detailed; the Tom Taylor trail is an example of this, as it is a recreational trail but is well connected for commuters.

How do we discourage pedestrians from using the bike lanes to walk?

Cycle track is not a recreational trail, it is for active transportation users not primarily for recreational trails. One way to solve this issue is to promote the clearing of the pedestrian walkways and educate all riders about different facility types.

How do you ensure safety on the trails?

We can't ensure safety but we can promote safety and how to use these facilities properly. More can be done, it is important to note that trails aren't commuter highways and that pedestrians always have the right of way.

If I get caught for cycling infraction does it affect my driving record?

Yes, it could, depending on the offence. Unlike motor vehicle insurance, there is no mandatory insurance for a bicycle but a cyclist can be charged under the H.T.A..



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Liability and insurance for e-bikes compared to conventional bikes, is there difference? Do they have the same rights as a bike?

The York Region Police treat e-bikes as a regular bike. E-bikes are vehicles under H.T.A. and all provisions apply equally to both bikes and e-bikes. The e-bike under the H.T.A. identifies that as the power of an e-bike increase beyond a threshold the e-bike is treated as a vehicle. If you are hit by an automobile while cycling that car must be insured, if you are hit by an e-bike you will not be covered by insurance as an e-bike does not require insurance to use, and typically under no fault insurance the auto policy kicks in.

Is the Town contemplating the Minimum standard for snow clearance for bike lanes?

Draft level of service standards are being considered in the current update to the province' minimum maintenance guidelines, but nothing has been formalized yet and it may address plowing of bike lanes. Snow storage is also a priority for some locations which may not have the space for snow storage and bike lanes, but this standard is still under consideration.

Has Edmonton found success with photo radar?

Yes, Edmonton and Calgary have robust photo radar programs and have done a great job implementing this program city wide. Calgary funds their road safety programs through photo radar which has in turn improved their road fatality rates.

Why aren't one-way streets considered for narrow roadways for bikeways?

One-way roads can confuse drivers by adding complex maneuvers at intersections and may impact the level of convenience to access properties along the road.

What are your thoughts on love 30. Dropping speeds to 30 km on residential streets?

The effectiveness of speed management through signage is limited by itself in effectiveness. Signage alone isn't the best treatment of speed management, instead a combination of enforcement, education, engineering and evaluation need to be employed to ensure those lower speeds.

Under the H.T.A., the bike isn't a motorized vehicle, should demerit points be applied to your license?



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Under the H.T.A., a bike is considered a “vehicle” and as such, is subject to all regulations of the H.T.A., however a bike is not a “motor vehicle” and therefore an infraction on a bike will not affect your driving record or result in a loss of demerit points at this time.

If municipalities put bike route signs out on a road does this increase the standard of care for the municipality?

No, the obligation to consider all road users exists for municipalities, a cyclist on the road has the right to safety along with all road users and the municipality is still responsible for M.M.S..

Radar enforcement has a threshold of speeding before a speeding ticket is issued, could officers pull people over if they do not hit that threshold?

Y.R.P. advised there is no speeding threshold, if you travel above the speed limit you will be issued a speeding ticket. It is up to the officer’s discretion.

Y.R.P. identified residential roads as having trends in collisions. What liability does the town have in resolving these trending issues?

These concerns would be identified through the public outreach programs, speeding activity and collaboration with the town to decide on next steps when addressing these trends.

In the spring, there are many occasions of pedestrians using the bike lanes, this is important to enforce and prohibit.

It is important that municipalities design and maintain all pedestrian and cycling facilities as well as educate people about trail etiquette.

The online reporting forms do not allow residents to identify black spots in their road networks, the options only detail specific incidents of collisions rather than identify areas of concern.

The road watch website does specify areas of concern; it might be a case of using the wrong form, the process will be reviewed.

When does a cyclist take the lane, and is two cyclists side by side on roadways without bike lanes acceptable?



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A bike under the H.T.A. is a vehicle and has the right to take a lane on a road. The cyclist must travel as close to right as possible in the lane. If a car approaches a cyclist, a motorist is legally required to give one metre of clearance space. Nothing under H.T.A. prevents cyclists riding side by side, but some regions or towns have by-laws which restrict cyclists from riding side by side.

Are there any communities in Ontario that are looking at the Idaho stop? (this allows cyclists to treat stop signs as yield conditions)

The Idaho stop (allowing cyclists to slow down but not stop if it is safe to proceed at a stop sign) is controversial creating a polarization between cyclists and vehicles. The major area of concern is the unpredictability of the maneuver causing confusion between drivers and cyclists.

It helps to have residents in these meetings with consultants and the town, we however do not include youth. How do we reach children or youth to get their perspectives on our A.T. network?

It was acknowledged that we can do better at engaging youth. Thinking that it is solely upon the parents to provide input on behalf of their kids is unrealistic as many parents cannot attend these events themselves or do not appreciate the needs of children in a road environment. So, we must improve our approach to this age group; by collaborating with schools and school boards and Y.R.P. and other partners. Public outreach in the past has tried to target venues like community centres / hockey rinks etc. to approach both parents and their kids with some success, but more work still needs to be done in this area.

Polarization exists between the priority of on street parking and cycling safety. How do we make the desires of drivers and cyclists less polarizing?

We need to compromise and work together and shift as a community. We need to take time to shift together, and engage throughout the process by having these conversations.