

CROSSWALK CAREO

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According to Statistics Canada, the country's most-popular leisure activity is walking. 70% of Canadians went for a walk at least once in the past three months. Of those Canadians who walk, the average is five walks per month.

But people don't just walk for leisure. Walking can be a practical way to go places. Although only 7% of Canadians walk to work, 33% of people aged 10-16 walk to school.

Studies show a clear link between walking and health. Active lifestyles reduce risks of disease, tackle obesity, and contribute to better mental health.

Yet like almost anything, walking is not completely without risk. Roadways can be dangerous places for pedestrians. According to SGI, over 13% of all traffic fatalities in Saskatchewan in 2011 were pedestrian deaths—20 deaths in total:

- 5 on local streets
- 2 on RM roads
- 11 on highways and freeways
- 2 on First Nations roads

As well, 342 pedestrians were injured on Saskatchewan roadways in 2011.

Looking more closely at these statistics, we find that 36% of the pedestrians were hit while trying to cross at an intersection, and 20% were hit while crossing or running into the roadway mid-block. Sometimes the driver was at fault, sometimes the pedestrian was at fault. In fact, SGI data revealed that in 8 of the 20 deaths, pedestrian action was a contributing factor.

So what are the rules of the road? What can be done to improve pedestrian safety? And how can citizens create communities that are better designed for diverse forms of traffic? This issue of *The PLEA* considers these questions.

WALK

ABLE COMMUNITIES

There are all sorts of communities in Saskatchewan. Regardless if it is a town, city, First Nation reserve, rural municipality, or anything else, every community has powers to promote walkability through laws, regulations, and public policies.

Of course, each community is unique. For example, while it may be a good idea for a rural municipality to create a nature walking trail, it would be impractical for an RM to build sidewalks in the countryside. Urban areas, on the other hand, have many more good reasons to encourage walkability. Because it is us as citizens who elect governments, to a certain degree we are all responsible for our community's design.

According to Canada Walks, a Green Communities of Canada initiative for promoting walking and livable communities, there are several elements essential to making a community walkable. The following pages look at these concepts and consider ways that citizens, governments, and laws can make a difference. What will become apparent as you read through these examples is how concepts that support walkability are interconnected and dependent upon one another.

DENSITY/LAND USE AND ACCESS TO AMENITIES

Canada Walks defines medium density as an area with a variety of housing types. If a medium-density area is also mixed-use, it will provide a combination of residential living, stores, schools, restaurants, and other services. By increasing an area's density, designing it for mixed use, and ensuring access to public transit, walkability is increased.



Saskatoon's 22nd Street and Pedestrian-Friendly Design

While it may be preferable to have medium housing density near stores and services, when these neighbourhoods are adjacent to busy roads, problems can develop. Such is the case with 22nd Street West in Saskatoon, a major east-west thoroughfare. Several blocks of 22nd Street are lined with low-rise apartment buildings. Many other blocks have stores and restaurants. This design has contributed to 22nd Street having twice as many vehicle-pedestrian collisions as comparable streets in Saskatoon. In fact, in the past four years there have been 82 such collisions on 22nd Street, including one fatality.

To resolve this problem, in 2011 a two-kilometre long, 2.5 metre high fence along the centre of 22nd Street was suggested. A similar fence can be found along several blocks of 2nd Avenue West in Prince Albert, and according to a June 2011 CTV report this fence has been effective in eliminating jaywalking.

The 22nd Street fence was panned by University of Saskatchewan researchers. They compared the area to similar two-kilometre long stretches of 8th Street East and 20th Street West. 8th Street had nine marked, pedestrian-activated crosswalks, and 20th Street had 14 marked crosswalks. By contrast, the stretch of 22nd Street had only five crosswalks. This included an eight-block stretch without a single marked crosswalk. The research also pointed out that lighting on 22nd Street was inadequate for drivers to see people crossing the street.

In light of the research, a report to city council, and citizen feedback, the city decided to take a different approach. The fence would be a last resort, and instead pedestrian crossing lights were installed at two intersections to help facilitate foot traffic.



1. Why is it important that lawmakers look at research and listen to citizens before making decisions?
2. What does Saskatoon's experience with jaywalking on 22nd Street tell us about community design?

ACCESSIBILITY

Canada Walks suggests that pedestrian infrastructure must be appropriate for people of all ages and abilities, including those with limited mobility. Examples include sidewalks wide enough to accommodate wheelchairs and strollers, curb cuts for sidewalks and trails, and crosswalks allowing ample time for children and those with mobility challenges to cross safely.



Making New York City Walkable for Seniors

Facing the reality that senior citizens constituted 40% of New York City's pedestrian fatalities yet seniors were only 12% of the city's population, in 2008 New

York City began its Safe Streets for Seniors program. The city's Department of Transportation identified 25 neighbourhoods where there was a high number of pedestrian/vehicle accidents and dense population of senior citizens.

With these neighbourhoods identified, the city then examined issues facing senior pedestrians and drivers alike. This included visibility, signage, crosswalk times, road widths, and drivers' compliance with traffic and pedestrian signals. Soon, problems such as crosswalk lights not being long enough to facilitate the average walking speeds of seniors were identified.

With this knowledge, the City of New York began to extend crossing times at crosswalks, alter curbs and build mid-street refuges to shorten street crossing distances, and implement traffic calming techniques. These changes are helping to make streets safer not just for seniors, but for all pedestrians.



1. It is often said that the mark of a civilised society is how it treats its most vulnerable members. How did New York City demonstrate this concept?
2. The changes to New York City streets were spurred in part by Transportation Alternatives, a bicycling, walking, and public transportation advocacy group. Why are non-governmental groups such as this an important part of our society?

CONNECTIVITY

Canada Walks has said that good connectivity occurs when sidewalks, pathways, and trails connect one area to another in a neighbourhood and when adjoining neighbourhoods are connected to each other as well as to amenities in a direct manner.



Saskatoon's Walking Paths and Crime

Like most cities, Saskatoon has several walkways that connect parks, trails, and streets. These walkways help shorten distances between destinations. Despite their practicality, the city has closed nearly 60 walkways since

2005. These closures were largely the results of citizen complaints that the walkways were plagued with vandalism and other illegal activity.

The process required to close a walkway is not simple. City policy states that when citizens apply to have a walkway closed due to illegal activity, the walkway needs to be monitored for a year by the police. If the police find the walkway's issues to be unmanageable, a community meeting will be held. At this meeting, neighbourhood residents will be informed of the walkway issues, neighbourhood patrols will be encouraged, and options to improve the safety of the walkway will be discussed.

It is only after the community meeting that a closure can proceed or be averted. A decision will be made based on feedback from the meeting.



1. Do you think closing a walkway due to loitering and illegal activity will reduce crime or just relocate the problem? Would neighbourhood patrols help improve safety and increase the sense of community?
2. When walkways are closed, the integrity of a neighbourhood's connectivity is damaged. Why is it important that such decisions are made thoughtfully and in consultation with citizens and authorities?

AESTHETICS

Canada Walks believes that a walkable community is attractive to travel through on foot and invites further exploration. The aesthetics that make a community walkable include landscaping, shade trees, lighting, public art, availability of benches, public washrooms, shelter, attractive buildings and public spaces such as plazas and parks. Cleanliness and a lack of graffiti are also important.



Regina City Square and Vehicle Traffic

In 2012, the City of Regina completed its revitalisation of Regina's City Square. This area in the city's centre includes a historical central park set aside by planners in 1883, a pedestrian mall, and a public plaza. According to

the city, "the first priority of the City Square project is to re-shape 12th Avenue as a new, pedestrian-friendly space." The plan included rebuilding 12th Avenue in a manner that was more aesthetically pleasing and better-integrated into the City Square. According to the original plan, 12th Avenue would continue to be open to two-way vehicle traffic.

The reconstructed plaza was open to pedestrians before 12th Avenue was ready to handle vehicle traffic. People began to get used to the idea of the blocks of 12th Avenue that bordered the park being free of cars. In fact, a public consultation revealed a 50-50 split of opinion on whether or not the street should be entirely closed off to vehicles. When Regina city council was presented with the option to close 12th Avenue to vehicles, they instead opted for a compromise. Council decided to allow a single lane of westbound traffic to flow through the plaza with a speed limit of 20 kilometres per hour.



1. Was the city council's decision to allow a single lane of traffic in an otherwise pedestrian-exclusive area a reasonable compromise that reflected the needs of both pedestrians and drivers?
2. Although the City of Regina aesthetically improved the City Square, it did come at a cost of \$13 million. Are investments in parks and walking paths a sound use of public money?

SAFETY AND WALKING ROUTES

Canada Walks says that key aspects of safety along walking routes include separation from the road, traffic calming features to control speed of vehicles, clear and well-maintained sidewalks, well-marked crossings, adequate lighting, and crossing signals designed with the abilities of the most vulnerable in mind.



Jaywalking in Prince Albert

The Traffic Safety Act prohibits pedestrians crossing at a controlled intersection when the light is red. But it is up to individual communities to create jaywalking bylaws that apply mid-street. The City of Prince Albert has chosen not to

create a bylaw banning jaywalking. Instead, the city has a bylaw that prohibits pedestrians walking in the path of a vehicle when it is unsafe. This means if a street is clear of vehicle traffic and the pedestrian is not at a controlled intersection, it is lawful to jaywalk.

In December 2012, the Prince Albert Daily Herald asked the Mayor of Prince Albert about creating a bylaw banning jaywalking. He said he was more concerned with vehicles not yielding to pedestrians at crosswalks. The Mayor added that to improve pedestrian safety, the city planned to put up more warning signs, create better-marked crosswalks, and look at building traffic calming devices in 2013.



1. Instead of completely banning citizens from jaywalking, the City of Prince Albert is instead asking them to act responsibly when crossing a roadway mid-street. Do you think this is a good or bad approach to creating laws?
2. Would Prince Albert's citizens be safer if the city banned jaywalking, or if the city improved pedestrian crossings?

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Legal Information for Everyone

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WALKING FACTS



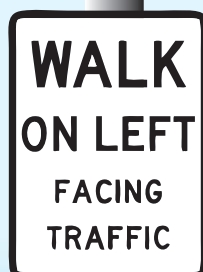
Several Saskatchewan communities have bylaws that specifically prohibit drivers from splashing pedestrians.

For example, in Shellbrook a driver who splashes a pedestrian could be subjected to a \$25 fine. But this is not the end of the possible penalties. Any driver who splashes a pedestrian could also be charged with assault and/or deemed responsible for any financial damages they cause the pedestrian.



Many communities in Saskatchewan have bylaws prohibiting the use of stop arms on school busses.

The logic behind this is a belief that stop arms create a false sense of security for students. Opponents to stop arms argue it is safer for students to cross the street at controlled intersections.



It is recommended that on streets without sidewalks, you should walk facing traffic so you can see what's coming your way.



Some provinces are more dangerous than others for pedestrians.

According to blogger and journalist Frances Bula, between 1992 and 2001 the three most dangerous provinces were:

1. Prince Edward Island (2.2 deaths annually per 100,000 people)
2. Saskatchewan (1.5 deaths annually per 100,000 people)
3. B.C. (1.4 deaths annually per 100,000 people)



A 2011 study out of Stony Brook University measured how talking and texting on a cell phone impaired a pedestrian's ability to walk.

While the study revealed that talking on a phone was not a substantial risk, not surprisingly it was found that pedestrian safety was seriously compromised by the distraction of texting.



In May 2012, news spread across the world that texting while walking was banned in Fort Lee New Jersey.

There was one problem with the story. It was not true. What happened was the town's chief of police was quoted in a wire service story about the dangers of texting while walking. A few overzealous reporters and bloggers soon distorted the chief's words to the point where Fort Lee police were handing out \$85 fines for texting and walking. There was no such law in Fort Lee.



A minimum of 2.5 hours of walking per week is required to achieve some health benefits.

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Legal Information for Everyone

PEDESTRIAN SAFETY

CROSSWALK RULES

As a pedestrian, at intersections you generally will have the right-of-way. In fact, the rules are fairly simple.

When there's pedestrian crossing lights or traffic lights, here's how they work:

- Green means go.
- ⚠ Flashing Red means time's running out. If you're not yet crossing, you cannot enter the crosswalk.
- Red means do not cross.

If the light changes before you finish crossing, you still have the right to get across the street.

At all other intersections, pedestrians will normally have the right-of-way over vehicles even if the crossing is not marked. This includes uncontrolled intersections and controlled intersections with stop and yield signs.

Pedestrians also have the right-of-way at marked mid-street crossings. If traffic lights are part of the mid-street crosswalk, these lights must be obeyed.

Uncontrolled Intersections: An Analysis

Even though pedestrians have the right-of-way, you still need to exercise caution. This was well-illustrated in a 2005 study published by the United States Department of Transportation. The Department studied 1000 unmarked and 1000 marked pedestrian crossings from various locations across the United States. Every marked and unmarked crossing studied did not have traffic signals or stop signs.

Once variables such as the volume of vehicle traffic and pedestrian traffic were factored into their findings, some interesting characteristics were revealed about pedestrian safety at marked and unmarked crossings. Here are a few highlights:

Streets with higher speed limits had roughly the same number of pedestrian-vehicle collisions as streets with lower speed limits. This was true regardless of whether or not the crossing was marked. Not surprisingly, though, the collisions that took place on higher-speed streets were usually more harmful to the pedestrian.

On streets with lower volumes of vehicle traffic, the rates of pedestrian-vehicle collisions were roughly the same regardless if the crossing was marked or unmarked.

On streets with higher volumes of vehicle traffic, more pedestrians were struck by vehicles at marked crossings than at unmarked crossings. The researchers speculated that this was because pedestrians who are statistically more prone to being hit by vehicles (seniors and children) were more likely to cross these streets at the marked crossings.

Marked or unmarked, the most dangerous crossings were multi-lane roads. Often, one vehicle would stop for a pedestrian, but vehicles in other lanes would not stop.

As a whole, their study revealed that 28% of crashes were the fault of the pedestrian.

The study concluded that because marked and unmarked pedestrian crossings had roughly the same number of pedestrian-vehicle collisions, simply painting in crosswalk lines or marking them with signage would have little or no impact on pedestrian safety. City planners had to do more.

The study suggested that to improve pedestrian safety, crosswalks needed to be built with such improvements as:

- medians on multi-lane roads for pedestrians to take refuge
- traffic signals to stop traffic
- curb extensions to reduce crossing distance
- traffic calming measures such as speed bumps and raised crosswalks
- lighting to reduce nighttime collisions

The presence of a marked crosswalk, alone, may have given pedestrians the illusion of being safer, but in practice they did little to improve pedestrian safety.

Always Look Out for Drivers

If anything, this study reinforced the importance of being vigilant when crossing the street. Even when you have the right of way, don't take any chances. Before crossing, look left, right, and left again. And make eye contact with drivers to make sure they see you.



1. Do you feel safe as a pedestrian? What improvements could be made to your community?
2. How could you lobby for changes to your community's pedestrian infrastructure?

CASE STUDY

WINTER SIDEWALKS

Making your way through sidewalks can be a challenge in the winter. This is especially true if the sidewalk is icy or packed with snow.

But who is responsible for the snow and ice on the sidewalk? Aside from Mother Nature, that is.

Many columnists, citizen-bloggers and online forum commenters have latched on to a single quote from a 2000 ruling by the Ontario Court of Appeal. The court stated that “snow and ice accumulating on public sidewalks . . . are the legal responsibility of the municipality, not the property owner.” By using this quote out-of-context, a misconception has emerged that municipalities are responsible for physically removing snow from public sidewalks.

This is not what the court said.

The court was referring to who was liable for damages if somebody should slip and fall on the ice on a public sidewalk. It was not talking about who is legally obliged to physically remove the snow.

So Who’s Responsible for What?

The removal of snow from public sidewalks in Saskatchewan is determined by municipal bylaws.

For example, in Saskatoon public sidewalks must be cleared by the owner or occupant of the adjoining property.

On the other hand, in Regina there is no bylaw requiring residents to keep public sidewalks clear of snow. Instead, they simply encourage citizens to do this.

What Does the Ontario Ruling Mean, Then?

Municipalities can make whomever they want responsible for snow removal on public sidewalks. They can have public employees shovel the snow, they can make adjacent property owners responsible, or they can do nothing.

No matter who the municipality puts in charge of clearing the sidewalks, this oft-quoted ruling from Ontario is only saying that the municipality is responsible for

injuries if someone should slip and fall. The court did not say that municipalities are responsible for removing snow.

So, for example, if you slip and fall on a public sidewalk and incur thousands of dollars in damages, no matter who was responsible for removing it, it is the municipality who you must seek damages from, not the adjacent property owner. (There are a handful of exceptions to this, such as if the sidewalk is being used for such purposes as a restaurant patio or sidewalk sale, or if a property owner allows a roof to drain onto a sidewalk.)

But before you run (or limp) off to sue the municipality next time you fall, do take note that *The Municipalities Act* in Saskatchewan limits the liability of the municipality to situations of gross negligence. Gross negligence is the legal concept of reckless disregard of a legal duty with respect to the rights of others.

I Just Want a Clear Sidewalk

Regardless of the law, most pedestrians just want a clear and safe path for their winter travels. Some cities, such as Winnipeg and Montreal, have their public sidewalks cleared by the local government, but this comes at a cost. Saskatoon has estimated it would cost \$3.3 million annually to clear snow from the over 1,400 kilometres of city sidewalks.

So whatever your preference for who clears the snow from the sidewalk, unless your hometown legislates otherwise, municipalities are not required to shovel the sidewalk in front of your home.



1. What does the experience of people incorrectly using one line from a court ruling tell us about forming opinions based on sound bites and 140-character-long statements?
2. As the saying goes, nothing in life is free. Is it better for a local government to:
 - a) remove snow and pay for it through taxes, or
 - b) ask citizens to remove snow in front of their homes and businesses?

DEMOCRACY IN ACTION

SASKATOON'S SNOW CLEARING BYLAW

Saskatoon's snow clearing bylaw requires residential properties to be cleared within 48 hours of a storm. For commercial properties, it must be cleared within 24 hours. The cleared path needs to be at least 1.2 metres wide and packed snow on the sidewalk can be no more than 1.2 centimetres deep. Fines for not complying range from \$100 for a first offence to up to \$1000 for repeat offenders.

Even though this is the law, the city does not enforce the fines. Instead, if a complaint is made the city will inspect the property. If the sidewalk does not meet the bylaw's standards, the resident will be notified. The property is then re-inspected, usually within 48 hours. If the snow is still not cleared, city staff clear the snow. The cost of this clearing—between \$100 and \$150—is passed on to the property owner.

This practice almost changed in December 2012. Executive Committee of City Council proposed that a seasonal worker be hired to hand out tickets to people who did not clear snow from their sidewalks.

Public reaction was swift and furious.

City councillors fielded hundreds of complaints about the proposal. In fact, the uproar was so loud the story gained national attention on CBC Radio One's *As It Happens*. In light of the opposition, council decided not to proceed with its plan to ticket those who didn't shovel their snow. Instead, the city carried on with its existing policy.



1. What does the change in stance from Saskatoon's city hall suggest about elected representatives listening to citizens?
2. Do complaint-driven laws such as Saskatoon's snow removal bylaw encourage neighbours to snitch on one-another? Would it be more prudent for people to talk to their neighbours before lodging a complaint with the city?



SOURCES AND RESOURCES

This issue of *The PLEA* has only taken the first few steps in considering how the law applies to pedestrians. From the impacts that labour laws and trade laws have on the shoes we wear to building codes regulating the spaces we walk in and on, there are countless ways the law applies to pedestrians.

Below are just a few resources for further examining pedestrian issues. Check them out!

Canada Walks

Canada Walks has a mission to make walkable communities the cultural and social norm in Canada. Along with the wealth of information about ways to make communities more walkable, Canada Walks' website has a diverse resources, tools, and links section for pedestrian-related resources.

www.canadawalks.ca

SGI's Traffic Safety Video Resource Catalogue

Saskatchewan Government Insurance (SGI) has a diverse library of video resources available for loan. Many of these videos examine issues of pedestrian and personal safety.

www.sgi.sk.ca/pdf/video_catalogue.pdf

International Walk to School Month

International Walk to School Month is a global event for school communities to learn about the many benefits of walking. Their website contains information on getting your school involved, along with other valuable resources.

www.iwalktoschool.org

Safety Effects of Marked Versus Unmarked Crosswalks at Uncontrolled Locations

This 2005 report from the United States Department of Transportation revealed many characteristics of crosswalks, and recommended ways to make them safer.

www.fhwa.dot.gov/publications/research/safety/04100

The Pedestrian and Bicycle Information Center

This American-based website offers information about pedestrian and bicycle-related issues.

www.walkinginfo.org

SGI's Traffic Accident Facts Reports

Every year, SGI compiles and reports statistics on motor vehicle collisions in Saskatchewan. These comprehensive reports are available at no charge.

www.sgi.sk.ca/about/publications/collisionstats



Legal Information for Everyone

Public Legal Education Association of Saskatchewan
plea@plea.org • 306.653.1868



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