

Additional information provided by CPS, GM @ meeting

Background information about bicyclists crossing through crosswalks, bicyclists being allowed to do rolling stops (Idaho Stops), and municipal bylaw making authority:

Section 1(ww) of the **Traffic Safety Act (TSA)** defines a vehicle as "a device in, on or by which a person or thing may be transported or drawn on a highway and does include a combination of vehicles but does not include a mobility aid". Bicycles are included in this definition and are considered vehicles. Like other vehicle drivers, bicyclists must follow the same rules of the road outlined in the TSA and its associated regulations, such as the **Use of Highway and Rules of the Road Regulation (UHRRR)**.

A bicyclist only becomes a pedestrian if they dismount and are on foot, as a pedestrian is defined as "a person on foot, or a person in or on a mobility aid" [TSA 1(gg)].

Municipal Bylaw Making Authority

The TSA allow municipalities to make bylaws that apply to highways under their management. A "highway" is defined as "any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes (i) a sidewalk, including a boulevard adjacent to the sidewalk, (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and (iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a highway" [TSA(1)(p)].

The content of the bylaws may cover many topics, including governing the use of highways [TSA s. 13(1)(a)], provided no bylaws are inconsistent with the provincial laws [TSA 13(1)].

Rolling Stops at Stop Signs (Idaho Stops)

Vehicle drivers, including bicyclists, are required to bring the vehicle to a stop where there is a stop sign [UHRRR s.37]. If a municipality made a bylaw allowing bicyclists to not stop at stop signs, it would seem to be inconsistent with provincial laws. ~~To the extent that it would be inconsistent with provincial law, such a bylaw would be of no effect and bicyclists would still be charged for not complying with the provincial law.~~

If a municipality believes vehicles should not stop at a stop sign, they have the ability to change the stop sign to a yield sign or create bicycle infrastructure with separate traffic control devices indicating cyclists only have to yield. It would be advisable to ensure the traffic control devices for other drivers are updated, so it is clear who has right of way at an intersection.

Bicyclists and Crosswalks

Section 1(d) of the UHRRR defines a crosswalk as "that part of a roadway at an intersection included within the connection of the lateral line of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or by other markings on the road surface".

Since a crosswalk is part of the road, vehicles are allowed to drive on them. It is necessary for a vehicle to be able to drive on a crosswalk to continue to travel.

While vehicles, like bicycles, are allowed to drive on a crosswalk, they must continue to obey the other rules of the road. For example, yielding right of way to a pedestrian crossing at a crosswalk [UHRRR 41]; only driving on the left side of the centre line on a road unless permitted otherwise [UHRRR 12]; and obeying the vehicle-related traffic control devices like red lights [UHRRR various sections like 54, 57], and not the pedestrian traffic control devices. It is an offence not to follow these other rules and fines and demerits may be assigned.

Bicyclists must also be aware that only pedestrians, not bicyclists, have the right of way in crosswalks. If a bicyclist drives out in front of other vehicles while driving through a crosswalk, they could be charged with failing to yield right of way [UHRRR 34] or other offences depending on the situation.

Provincial law does not require bicyclists to dismount and walk across crosswalks. Under s. 13(1)(a) of the TSA, municipalities may make bylaws requiring bicyclists to do so.

*Vehicle
vs
Procedural*

Please note that unless a municipality has a bylaw allowing vehicles to drive on or across any boulevard, ditch or sidewalks, bicyclists cannot drive on sidewalks, unless at a designated vehicular crossing [UHRRR 13].

Educational Materials

All educational materials were located on the Saferoads.com website under the Tools page at www.saferoads.com/tools, materials such as the safe cycling checklist, can be ordered. In conversation with Alberta Transportation **they will be updating** the saferoads.com website information about bicyclists dismounting to cross crosswalks.

All the aforementioned information was found in, the TSA and UHRRR can be reviewed online at, www.qp.alberta.ca. Penalties for offences in the TSA and UHRRR are primarily located in the *Procedures Regulation* and the *Demerit Point Program and Service of Documents Regulation* which are also available at www.qp.alberta.ca.

*Please note that my presentation does not provide a legal interpretation of the laws, and it is recommended that I have our Municipality work with our Legal Team to determine the extent of our bylaw-making authority.