
From: Benjamin Ralston <[REDACTED]>
Sent: Friday, November 1, 2019 3:45 PM
To: City Council
Subject: Form submission from: Write a Letter to Council
Attachments: ltr_ralston_2019-11-01.pdf



Submitted on Friday, November 1, 2019 - 15:44

Submitted by anonymous user: 128.233.10.39

Submitted values are:

Date Friday, November 01, 2019

To His Worship the Mayor and Members of City Council

First Name Benjamin

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Name of the organization or agency you are representing (if applicable)

Subject Bicycle Bylaw Update - Proposed Revisions

Meeting (if known) SPC on Transportation (November 4, 2019)

Comments

I am not able to attend the upcoming meeting of the Standing Policy Committee on Transportation in person so I have prepared a short written submission in support of Ms. Melchiorre's August 2019 Project Report in the attached letter.

Attachments

[ltr_ralston_2019-11-01.pdf](#)

The results of this submission may be viewed at:

<https://www.saskatoon.ca/node/398/submission/347166>



Benjamin Ralston
[REDACTED] Avenue E South
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November 1, 2019

Office of the City Clerk
222 3rd Avenue North
Saskatoon SK S7K 0J5

Re: November 4th Agenda Item: Bicycle Bylaw Update – Proposed Revisions

Dear Members of the Standing Policy Committee on Transportation:

I write to express my enthusiastic and unqualified support for the recommendations set out within the August 2019 Project Report prepared by Ms. Marina Melchiorre regarding an update to the City of Saskatoon's Cycling Bylaw.

I assisted Saskatoon Cycles with its own submissions in support of reform to the existing Cycling Bylaw. Among other things, I supervised the initial research of a law student (Mr. Scott Silver) on this project, I supplemented Mr. Silver's work, I prepared a full draft submission from it, and I assisted during a consultation process with the Saskatoon Cycles' members to elicit further input. The final product is an attachment to Ms. Melchiorre's own detailed report. Several of Saskatoon Cycles' recommendations to the City are not reflected in Ms. Melchiorre's report and I still stand behind the recommendations on behalf of Saskatoon Cycles and the painstaking research on which they were based.

Nevertheless, I wish to wholly endorse Ms. Melchiorre's own report as it proposes balanced and politically feasible recommendations for updates to a bylaw that is out-of-date, confusing, and illogical in many respects. The length of Ms. Melchiorre's report reflects the depth of reflection, research, and community engagement that went into its preparation. Most of its proposed amendments are dictated by basic common sense and should provoke little controversy from the public. However, two of its most significant elements do appear to be eliciting some level of controversy so I wish to address them in detail with the remainder of this submission.

One-meter minimum passing distance

The inclusion of a one-meter passing distance in the proposed amendments appears to be one of its more controversial recommendations. Yet this clearly falls in line with the best practices that have emerged in North America and internationally. In the Saskatoon Cycles submission it was pointed out that a majority of states in the US (28) had put in place legislated minimum passing distances of two feet or greater at the time of writing. It appears that minimum passing distances of three feet or greater are now legislated in at least 32 states: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi,

Nebraska, Nevada, New Hampshire, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Virginia, Utah, West Virginia, Wisconsin, Wyoming, and DC.

The Saskatoon Cycles submission also pointed out that either the same (one-meter) or a greater minimum passing distance had been legislated by most states in Australia, as well as several countries in Europe. Yet in Canada, only Ontario and Nova Scotia had legislated minimum passing distances when the Saskatoon Cycles submission was being researched and drafted. I wish to point out that a legislated minimum passing distance of one meter or more now exists in a majority of Canadian provinces: namely, Ontario, Quebec, Nova Scotia, Prince Edward Island, New Brunswick, and Newfoundland and Labrador. The City of Calgary has also very recently implemented the same minimum passing distance.

There is good reason for such a rapid adoption of a minimum passing distance across the globe. Motorists have been found to be at fault in the majority of bicycle-motor vehicle crashes (57%), passing too closely is the most common incident type (40.7%), and studies in the UK and Australia have found that 13-15% of all fatal bicycle crashes involved motorist sideswipes (see Debnath et al, "Factors influencing noncompliance with bicycle passing distance laws" (2018) 115 *Accident Analysis and Prevention* 137 at 137). The City of Saskatoon can feel confident that making this amendment will not only reflect a best practice, it may well save lives.

It is also important to bear in mind that this amendment is best characterized as a *clarification* of the law rather than the imposition of some radical new requirement on those operating motor vehicles in Saskatoon. Provincial law already prohibits driving a vehicle "without reasonable consideration for other persons" (see section 44(2) of *The Highway Traffic Act, 1996*). Motorists can already be charged if they overtake a cyclist at an unsafe distance on the basis that doing so amounts to driving without reasonable consideration for others (see for example *R v Perret*, 2016-12-01SCPPerretJ (Sask. Prov. Ct.) [unreported]). And in jurisdictions where a minimum passing distance has yet to be legislated, insurance bodies still often refer to this same distance in their guidance to drivers (see for example, Manitoba Public Insurance, "Motorists encouraged to leave one-meter distance when passing a cyclist" (22 June 2017): <<https://www.mpi.mb.ca/Pages/nr2017june22.aspx>>). At this time, it cannot be said with any certainty that overtaking cyclists with less than one-meter of clearance in Saskatoon *is* in fact legal. Legislating a minimum one-meter passing distance will make it clearer for all road users that it is *not* legal.

No mandatory helmet provision

Another aspect of Ms. Melchiorre's report that may be controversial is the absence of any recommendation in support of making helmet use mandatory for adults. I wish to quickly outline a few key reasons why I think the City of Saskatoon should accept this position and not make helmet use mandatory in this bylaw.

First of all, several studies have indicated that mandatory helmet laws may not be effective at reducing head injuries (see for example: Kay Teschke et al, "Bicycling injury hospitalisation rates in Canadian jurisdictions: Analyses examining associations with helmet legislation and mode share" (2015) *BMJ Open* 5; Jessica Dennis et al, "Helmet legislation and admissions to hospital for cycling related head injuries in Canadian provinces and territories: Interrupted time series analysis" (2013) *BMJ Open* 346; Sara Markowitz & Pinka Chatterji, "Effects of bicycle helmet laws on children's injuries" (2015) *Health Economics* 24).

Second, there is evidence to suggest mandatory helmet laws can discourage cycling (see Christopher Carpenter & Mark Stehr, "Intended and unintended consequences of youth bicycle helmet laws" (2011) 54:2 *Journal of Law and Economics* 305). They may be promoting an unjustified impression that cycling is dangerous when we may well face a greater statistical risk of injury when climbing a ladder or getting into a bath (see Elizabeth Rosenthal, "To Encourage Biking, Cities Lose the Helmets" (29 September 2012) *New York Times*). This in turn can mean that even if such a law is effective at decreasing rates of head injuries, it can also decrease physical activity levels so as to eliminate any net public health benefit (see Piet de Jong, "The Health Impact of Mandatory Bicycle Helmet Laws" (2012) *Risk Analysis* 32).

Third, an emphasis on helmet use can be seen as "victim-blaming" and a distraction from more evidence-based approaches to improving cycling safety such as the creation of integrated networks of cycling infrastructure. For example, one recent publication likens the "helmet fixation" in North America to a debate over whether making bullet-proof vests mandatory for city-dwellers would reduce the severity of gun violence in US cities. While such a mandatory vest law could very well reduce deaths and serious injuries, "this would implicitly accept gun violence as inevitable, rather than seeking to stop people from being shot in the first place" (Greg Culver, "Bike helmets – a dangerous fixation? On the bike helmet's place in the cycling safety discourse in the United States" (2018) *Applied Mobilities*).

Fourth, there is some evidence to suggest that helmet use communicates a false sense of security to cyclists and drivers alike, causing the former to engage in riskier behaviours on their bikes and the latter to engage in riskier behaviour when overtaking cyclists on the road. According to one commentator, this may be why a compulsory helmet policy in Australia (which has since been abandoned) led to a dramatic *increase* in cycling injury rates (see David Pimentel, "Cycling, Safety, and Victim-Blaming: Towards a Coherent Public Policy for Bicycling in 21st Century America (2018) 85 *Tennessee Law Review* 753 ["Pimentel"] at 784-785).

Finally, mandatory helmet laws create financial and practical barriers to cycling in general, as well as specific programs like the bike-sharing facilities now available in major cities across the globe (see Pimentel at 783). This financial and practical barrier will be of particular concern to low income residents of Saskatoon who rely on bicycles as a form of safe and affordable transportation.

With all due respect to those holding contrary views, I believe that Ms. Melchiorre's report strikes the right balance by recommending that helmet use be encouraged by the City but without making helmet use mandatory through an amendment to the Cycling Bylaw.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Ralston", written in a cursive style.

Benjamin Ralston, BA, JD, LLM, PhD (candidate)