



Our theme this quarter is "Cycling to School". See inside for articles about kids and cycling

**Inside this issue:**

Cycling Advocacy at the Airport	3
Funding for Bike Routes in the Tri-Cities	9
Cycling Training for School Communities	11

# The Urbane Cyclist

The Vancouver Area Cycling Coalition Quarterly

www.vacc.bc.ca

*Make cycling an integral part of the transportation culture of the Lower Mainland*

## **The new Pitt River Bridge and Mary Hill Interchange Project by Marion Orser**

From the Gateway website, the Project objectives are to:

- **Improve reliability** for vehicle and marine traffic;
- **Improve safety** along a key goods movement and commuting corridor; and,
- **Provide capacity** to serve the needs of growing municipalities and industry.

*The new fixed bridge and interchange are intended to create lasting improvements that provide benefits to the movements of people, goods and transit as well as safely accommodating cyclists and pedestrians.*

The cycling community, including the VACC and the British Columbia Cycling Coalition (BCCC) has been advocating for facilities for cyclists on this bridge for some time. The first plan set out by Gateway was not satisfactory to cyclists. Cyclists wanted efficient crossing of the bridge, in all directions of travel. To their credit, Gateway staff went back to the drawing board and came up with a plan that the cycling community could support. Although not ideal, cyclists were accommodated in all directions of travel.

Unfortunately the private developer of the project bid on a different style of bridge. There are some benefits to cyclists—such as less height to gain to the bridge deck— but on the negative side, some of the access is extremely circuitous. For instance from the Lougheed Highway eastbound cyclists must make two left hand turns at busy intersections as well as two crossings of minor streets to continue on Lougheed. This would add approximately ten minutes to travel time. This design is similar to the first Gateway staff design that cyclists rejected.

*Continued on page 9*



*Did you know that...*

Collectively, Bike to Work Week participants logged 140,000 km on their bikes, representing **33 tonnes** of carbon dioxide not emitted by choosing a bicycle over a single passenger automobile.

*More BTWW facts and figures, page 7*

## The Urbane Cyclist

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The views in this publication are not neces-  
sarily those of the VACC

### VACC BOARD OF DIRECTORS

John Fair - President	604 986-9220
Arno Schortinghuis - Vice Pres.	604 325-1158
Jack Becker - Treasurer	604 681-5744
Colin Brander	604 733-9265
Marion Orser	604 520-7636
John Seinen	604 469-0361
Charlotte Bathurst	
Rob Brownie	778-230-1156
Maggie Wojtarowicz	
Ray Henderson	604 215 2118
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### MEET US

The VACC Board meetings are open to all  
interested in bicycling in Greater Vancou-  
ver. We generally meet on the second  
Wednesday of the month at 6:30 p.m.  
Phone **604 878-8222** for details.

**info@vacc.bc.ca**

### INTERNET

Keep up on the latest cycling issues and  
events. Join one of our e-mail lists at  
**www.vacc.bc.ca/lists**

### GOT SOMETHING TO SAY?

We welcome articles (300 words or less)  
about cycling in Greater Vancouver.

Submissions may be sent to:  
**The Urbane Cyclist:**  
newsletter@vacc.bc.ca

We reserve the right to edit submissions  
for clarity and length.

**Next deadline: Friday, Oct 19, 2007**

## It's Like Riding a Bike... by Bonnie Fenton

"It's like riding a bike," they say. Something once learned and never forgotten. Something everyone knows how to do. But *not* everyone learned how to ride a bike as a child. And having reached adulthood without learning, it's hard to get started. After all, having your dad run along behind you as you wobble down the street just isn't the same when you're 45 as when you're five. So what's a person to do?

In the course of offering our Commuter Cycling Skills Program, the VACC received inquiries from people wondering if we taught adults how to ride a bike - starting from the beginning.

While classes are available for kids, currently there's nowhere in the Lower Mainland for an adult to go to learn to ride a bike. So, as a supplement to the Commuter Cycling Skills courses, the VACC will be launching beginners cycling classes for adults in the spring of 2008.

Participants will be taught one-on-one by skilled, empathetic instructors in a supportive environment. Over the course of two 2-hour sessions, they will learn the basics of balance, starting, stopping, turning, shifting gears, and more.

For more information, contact Bonnie at [bikeskills@vacc.bc.ca](mailto:bikeskills@vacc.bc.ca) or 604-734-1385.

## Students Get Covered Parking by Lorene Meyer

Students and parents at Frank Hurt Secondary in Surrey convinced their Principal to move the bicycle parking to an enclosed area to thwart a repeat bicycle thief. With the good weather last September, student bicycle parking was in demand; unfortunately a repeat thief was using the opportunity to steal bicycles. Even though the storage area was on camera the thief was able to elude the security guards.

Security was certain it was the same person stealing the bicycles but was not able to catch him. By the end of September the thief had managed to steal at least six bicycles.

Many students really needed to ride their bikes to school because there was no easy bus access and walking was too far. Some of the students started double locking their bikes with other students but it was inconvenient. Parents phoned the school to complain and were told, "nothing could be done, it is your responsibility." After a parent attended a PAC meeting and demanded that something be done, the issue was finally addressed.

The solution was really quite simple. Thieves do not like to be enclosed and want access to a quick get away. There was a covered, secure fenced-in storage area at the back of the school but it was being used by the fine arts department to store old parts of stage sets. The area was quite large and a lot of the material being stored was junk. After pushing the junk over to one side an area perfect for the bicycle racks was left.

Security opened the gate to the area before classes to allow bike parking, then locked it back up during school hours. There have been no additional thefts or vandalism reported from the bike storage area since.

The school found that the number of bicycles was increasing with the secure bike parking, and by the end of June there was a new problem: they need to expand their bicycle parking as there are often not enough racks!

# The Urbane Cyclist

## **Cycling Advocacy at the Airport by Arno Schortinghuis**

The VACC has been working with the Vancouver International Airport Authority over the last few years in an attempt to improve cycling access and end of trip facilities at the airport. The Vancouver International Airport Authority is fairly progressive in that they offer their employees a \$50 per month rebate if they get to work by walking, cycling, transit or car pool. There is also secure bike parking at the Airport Terminal building for airport employees.

Ted Mann, a VACC member who worked at the airport until recently, has spearheaded this initiative for the last few years. Since much construction is occurring at the airport as a result of the Canada Line, we thought this would be a good time to advocate for improvements to cycling facilities.

Planned improvements will make cycling at the airport better than ever. The difficult exit at the south end of the Arthur Laing Bridge onto the bike path will be greatly improved by the creation of a higher speed exit onto the bike path. The bike path at this point will then proceed under the Canada Line, and then north of the Templeton Station to Templeton Street. Cyclists can then proceed on bike lanes on the North Service Road to the Terminal Building or north on Templeton to access the road to Iona Island. We have encouraged the Airport Authority to provide lighting along the route to the Terminal Building at night. Bike lockers will be provided at Templeton Station and more bike racks will be provided at the terminal building.

We are also pursuing further improvements, namely:

- Bike lanes on the full length of Miller Road. This will also require action by the City of Richmond.
- Pavement and lighting on the gravel path at the south end of Templeton Avenue.
- Recreation path along or near the water, south of Miller Road towards Number 2 Road.
- Off-road recreation path toward Iona Island.

- Improved cycling facilities in the South Terminal area.
- Bike assembly areas at the terminal buildings.
- Facility to obtain or to store bike boxes.
- Wider bike lanes and higher railings on the Arthur Laing Bridge.
- Improved signage.
- Improved connections to regional bike routes.

Our goal is to make it easy for cycling tourists to find their way to and from the airport and also to make cycling the first choice for airport employees, whether they cycle from home or cycle the last piece of the trip from the Canada Line.

I would like to take this opportunity to thank Ted Mann for the advocacy work he has done with the Airport Authority and with the City of Richmond. Unfortunately, Ted will be leaving the area, so if you work at the airport and are interested in advocating for better facilities, please get in touch with me at the e-mail address below.

The building of the Canada Line has prompted improved cycling facilities along the length of the line. Cycling access to downtown Vancouver from the airport will be greatly improved next year with the opening of the bike deck on the Canada Line bridge across the Fraser River (a VACC initiative) and bike lanes on part of Cambie St. Cycling access to downtown Richmond will be greatly improved with the bike lanes on Number 3 Road; a result of the street reconstruction following the building of the Canada Line.

Arno Schortinghuis  
Vice-President, VACC  
arno@telus.net

## **When Does the Law Consider a Child Cyclist Capable of Being Legally Responsible? By Erika Eineigel**

*On teaching a child to ride a bicycle, the author Sloan Wilson said this: "A shaky child on a bicycle for the first time needs both support and freedom. The realization that this is what the child will always need can hit hard."*

Along with a child's unmistakable freedom of riding to school on a bike comes the responsibility to be safe. But as we all know, safety cannot be guaranteed by any user of the road, and child cyclists are no exception. Unfortunately, there have been several instances – too many – when children on bikes have been injured by a motor vehicle.

With respect to the law, some of the questions that face the courts in these types of cases concern the issue of liability. First, was the driver of the motor vehicle responsible for the collision that caused the child's injuries? And secondly, can the child be considered partly at fault too? As each situation is different on the facts, the courts will carefully consider the specific circumstances of the accident and apply these facts to the law.

The common law that has developed in Canada on this point reflects an approach consistent with that of a reasonable standard of care. The Supreme Court of Canada, in a 1956 decision called *McEllistrum v. Etches*, held that the question to be asked in these situations is whether the child exercised the care to be expected from a child of similar age, intelligence and experience. In employing this legal test, the courts in British Columbia have considered evidence such as whether the child was familiar with rules of the road or received bicycle safety instructions, I.Q. tests, when he or she started riding a bike, and his or her relative immaturity with respect to other children of the same age, among other factors.

By way of example, in a 2004 B.C. Court of Appeal decision, a 10-year old boy was riding his bicycle on his way to swimming lessons and was weaving from side to side on the road. The defendant driver saw him at a distance and sounded her horn as she approached him from behind. She then attempted to pass the cyclist while he was on the right side of the lane, but the boy weaved back to the left side of the lane and collided with the car. As a result, the boy suffered a skull fracture and other injuries.

In assessing liability, the trial judge noted that the boy had been taught the rules of the road and some elements of road safety, which goes to the fact that the boy ought to have known better. The judge noted further, however, that the boy had been pulled off the road at times because he wasn't careful, and held that there was a relatively minimal degree of fault to be allocated to the boy owing to his age and relative immaturity. Nevertheless,

*Continued on page 6*

## **MEET YOUR BOARD**

### **MEMBERS**



### **Maggie Wojtarowicz**

Relatively new to the cycling scene, Maggie enjoys biking as an activity and a complementary mode of transportation. From her days of riding the seawall, to her 80 km ride of the Lochside and Galloping Goose trails, and her occasional heart-in-the-throat commute from Vancouver to Burnaby, Maggie believes biking can be for everyone, and hopes to introduce and encourage would-be bikers to try and fall in love with biking – or at least feel comfortable enough to enjoy it!

As a civil engineer passionate about sustainability, Maggie is active with the Association of Professional Engineers and Geoscientists of British Columbia's Sustainability Committee. Maggie also chairs the Division for the Advancement of Women in Engineering and Geoscience.

## Wheels for Change by Arno Schortinghuis

Last year, a theatre owner in Vernon decided to show Al Gore's *An Inconvenient Truth* for a single evening. The theatre was packed and many people were turned away. So the theatre owner decided to do a second showing. Again people had to be turned away. Then the theatre owner decided to run the movie until interest died down. The movie ran for thirteen weeks.

Many Vernon residents were very concerned about the issue of climate change and some set up a meeting to discuss what to do about it. This meeting attracted many people and more meetings were scheduled. Mary Stockdale and Celia Auclair met at one of these meetings and discovered that they had a shared interest in cycling, so they decided to organize a cycle tour to promote action on climate change. Thus Wheels for Change ([www.wheelsforchange.ca](http://www.wheelsforchange.ca)) was born. After considering various options, they decided to organize a 1000 km bicycle tour from Nelson to Victoria. They hoped to attract enough cyclists to log a combined total distance of 40,000 km – the distance around the earth.

They started the tour in Nelson on June 30 and

arrived in Victoria on July 22. Community events, were held in 14 communities along the way. The VACC joined forces with Wheels for Change by organizing a 20 km ride from John Hendry Park in Vancouver to Moody Park in New Westminster along the Central Valley Greenway route. On July 21, about 75 cyclists logged a combined distance of approximately 1500 km over this route. Notably, eight children joined us for the last ten kilometres. The ride was followed by a picnic and rally in Moody Park with speeches by New Westminster councilor Johnathan Cote, Mary Stockdale and others. Many thanks to all who helped to make this a successful event.

The Wheels for Change tour ended in Victoria on July 22 in front of the Legislature. Petitions were presented to several politicians; however the federal Conservative Party was notably absent. Speeches were given by the politicians, organizers Mary and Celia, transportation economist Todd Litman and environmentalist Guy Dauncey. However, the most poignant speeches were given by three of the children who expressed their deep concern about climate change and their pride in riding over 300 km to promote action on climate change.

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# The Urbane Cyclist

Continued from page 4

the court found that at his age, the boy was capable of being negligent and that in failing to take reasonable precautions was found to be 10% at fault for the collision.

In another case, decided in 2007, an eleven year old boy was riding his bike on Mt. Seymour Road in North Vancouver on his way to the Parkgate Shopping Centre. He lived with his family in the immediate area and was going to buy some things his mother needed for the preparation of a special lunch, it being Easter Sunday that day. To get to the shopping mall, the boy turned left to cross Mount Seymour Road on a crosswalk. It was as he was crossing on his bike that the collision occurred. The boy was struck by the right front of the defendant's vehicle and propelled over the car's hood where he collided with the windshield.

The trial judge, in considering liability issues, accepted the boy's parents' testimony that they had taught the boy to cross at the crosswalk, dismount from his bicycle, look both ways for traffic and proceed on foot. The court also accepted the boy's father's testimony of his son as reliable, cautious and not a risk taker.

Although the court held that because the boy was riding his bicycle he could not claim the right-of-way that the law accords to pedestrians in crosswalks, and reference was made to the *Motor Vehicle Act* as expressly forbidding a cyclist to ride in a crosswalk unless a bylaw or a sign authorizes doing so, the court found without a doubt that the driver of the car was negligent. The judge stated that had the driver been keeping an adequate lookout, he would have had sufficient time to perceive the danger and brake sufficiently to avoid the accident.

With respect to contributory negligence of the child, the trial judge stated that "while an adult would probably have been less likely to be drawn into a false sense of security in these circumstances than an 11 year old child, it is through the child's eyes that I must judge this case. With this in mind, I am not prepared to find that the plaintiff was at fault in failing to recognize until it was too late that the defendant's car was not going to stop for him." However, with respect to crossing the street on his

bicycle rather than on foot, the court noted that the boy was negligent in doing so since he was intelligent and experienced enough to know better and as such, apportioned 15% of the negligence against the boy, with the remaining 85% against the driver of the car.

With respect to children taking safety into their own hands, the B.C. Court of Appeal in a further decision stated that "[i]t must of course be borne in mind that one of the acknowledged characteristics of children is that they will be more prone to distraction than the reasonably prudent adult. Children commit more and greater errors of judgment than adults and a momentary lapse in awareness is to be tolerated and does not result in a finding of legal responsibility."

Although each situation is different, an important lesson is that although the law acknowledges that child cyclists are not necessarily to be treated as adults – and as such, drivers ought to be especially vigilant around child cyclists – at the same time, the law also expects a degree of prudence from a child on a bike. Safety training and education can go a long way in teaching children to be smart on the road.

It also bears repeating that although the risk for children riding bikes is a reality, children are also at an undeniable risk of injury as passengers in automobiles. The difference is that children on bikes must shoulder some responsibility in exchange for the freedom of transporting themselves. Indeed, smart riding while young can indisputably lead to a long and healthy relationship with the bicycle.

**Think of bicycles as  
rideable art that can just  
about save the world.**

**~Grant Petersen**

## **Bike to Work Week Results by Mia Kohout**

The results are in!

The Vancouver Area Cycling Coalition hosted the first GVRD wide Bike to Work Week (BtWW) this past May 28 to June 3. The response to the week was overwhelming.

- 3350 people registered, representing a total of 589 workplace teams.
- Of the registrants, 911 people registered as a new cyclist (someone who rarely bikes to work).
- Collectively, Bike to Work Week participants logged 140,000 km on their bikes, representing 33 tonnes of carbon dioxide NOT emitted into the atmosphere (had those people been driving a single passenger automobile).

The greatest response was in the City of Vancouver. This can be attributed to the great strides that have been made in Vancouver over the past five years to accommodate commuter cycling, as well as to the shorter distances that people have to travel if they both live and work in the city.

Bike to Work Week was also a big success on the North Shore, thanks to VACC members Dave Perfitt and John Fair who introduced the BtWW concept to the North Shore in 2005.

Just as important was the outreach that Bike to Work Week had in other Lower Mainland cities this spring, particularly the strides made in Surrey, Richmond and New Westminister. Both the City of Surrey and the City of Richmond were enthusiastic sponsors in the inaugural event, and each city had two local commuter stations. New Westminister was not a sponsor in 2007, but thanks to Fulton Tom and the New West VACC committee there were three commuter stations in New West this year. Although the stations were not as heavily visited as their counterparts in Vancouver, participants in the outlying areas were thrilled to see attention being paid to the importance of commuter cycling. But there is still a lot of work to be done.

Bike to Work Week program components will be fine tuned before next year's event. The VACC also hopes to expand the program and set up commuter stations in more communities in the Lower Mainland next year.

In the meantime, a big thank-you to volunteers, sponsors, and workplace team leaders for making the first annual GVRD wide Bike to Work Week a huge success!

Special mentions: A very big thank-you to Dave Perfitt, Sheree Gable, Fulton Tom, John Seinen, Tania Lo, Bonnie Fenton, Reece Griffin and Brian Smith who contributed countless hours to the success of this campaign. Thanks team!

*If you, your workplace, or your community is interested in Bike to Work Week 2008 and Bike to Work Week events in your community, please contact Mia [biketowork@vacc.bc.ca](mailto:biketowork@vacc.bc.ca).*



*BtWW Photos by John Seinen and Jorge*



*A note from a Commuter Station Volunteer*

*Bike to Work morning, May 29 by Mona Milne*

*It was a perfectly sunny morning to stop for coffee and bagels at 84th Avenue / King George Highway in Surrey. I was most impressed by two women, who had recently started biking from White Rock to work at Surrey Memorial Hospital. Some other visitors were obviously not daily bike commuters, but made the effort this week, and perhaps also will in the future. We also had visits from some curious seniors walking the paths in the green belt to the east of our bike stop. Unfortunately some cyclists going south, which is slightly uphill, missed our stop because they were travelling on the opposite side of the busy King George Highway.*

*I'd like to tip my helmet to the organizers - paid and unpaid - who dedicated themselves to this massive project; who worked so diligently and determinedly to bring it all together and make it count!*

*Also to the volunteers who manned BtWW stations, encouraging and supporting the participants. Reading cyclists' comments in the final report, one can feel the excitement they brought to the streets and workplaces of the Vancouver area, which "in The Coalition", includes Surrey, Port Moody and Coquitlam.*

*Last but certainly not least, the cyclists who bought in and met the challenge to demonstrate the obvious alternative transportation.*

Photo by John Seinen



*Mary Eickhoff*

## **Cycling House Tours: Take a new Spin on Finding a Home**

Some of you might remember me from my time at BEST. For two years I had the pleasure of working at BEST on various events. After making the difficult decision to leave the organization I have found a new career in real estate. I have been so busy building my business, learning the ins and outs of the Vancouver market and putting all that I have learned into practice, that it took me a while to realize that something was off.

While sustainable transportation and green living have always been an integral part of me, I have been neglectful in incorporating those values to their fullest in my new professional life. Neglectful that is, until now! Recently a friend of mine mentioned to me that there was a real gap in the market for people who want to bike to find their home. It was genius! Picture it: you could be out on a weekend riding along a bike route, visiting potential new houses while getting a feel for the neighborhood and embracing all that the community has to offer. All the while having a licensed and professional realtor with you to make sure that your interests are protected and that you are find a home that is right for you.

I know that it is not for everybody, but for those who are interested I would be happy to be your guide to finding you a new home that is perfect for you, in a sustainable and enjoyable way!

Fionna Gossling  
604-261-6648  
fgossling@shaw.ca



## Recent Funding for Bike Routes in the Tri-Cities

by John Seinen

In early July, the province announced \$332K funding to help expand a couple of key bike routes in Coquitlam. Foster Street through central Coquitlam is being upgraded with bike lanes from North Road to Mundy Park. When the Tri-Cities committee of the VACC was restarted two years ago, the Foster route was our first advocacy project and we are very happy to see it under construction this year. The second project is continuation of the Coquitlam Guildford bike lanes to Pinetree. The first section of this route was constructed a few years ago and the new extension will improve cycling access to Douglas College, City Hall, and the Town Centre area. The next logical step for this route is for Port Moody to work on their section of Guildford since the bike lane now abruptly ends at the border.

Port Moody did receive their share of provincial bike route funding in April, with \$350K earmarked for the Westhill bike and pedestrian path linking Westhill Park to the Trans Canada Trail along the Barnet Highway. This new route linking the western portion of Port Moody to the Trail and to the Barnett Highway, will hopefully convince a few more cyclists to try bicycle commuting and get more families out on their bikes.

The success in getting Foster Street onto the city plan shows that advocacy does work, so I encourage all Tri-Cities cyclists to join us in our efforts to continue to get improvements in bike routes. There are many challenges and opportunities still to come, with Lougheed Highway and United Boulevard high on this list. There are many active and potential developments being discussed including Riverview Hospital lands, the Crane property on North Road, Burke Mountain subdivisions, Coast Meridian Overpass, and the Gateway project with the challenges of incorporating cycling into the twinning of Port Mann Bridge and the Pitt River Bridge. We must have cycling facilities incorporated into all of these projects so there will be many more applications for provincial funding. The VACC Tri-Cities Committee meets on the first Wednesday of the month at 7:00 pm in the library at Pinetree and Guildford.

*Continued from page 1*

At the time of writing of this article, the building process has started. The VACC and BCCC are requesting a meeting with senior project staff to see if this bridge, with a probable lifetime of 50 years, can be built to safely and *efficiently* accommodate cyclists.

Consultation is meaningless if the contractor overturns it. Our roads and bridges must be built to be efficient and safe for all road users.

It is interesting to note that when Denmark made the decision to encourage more cycling, they decided to build a network of facilities that were not only safe but also easy to access and use. In built up areas, bridges and roads have a cycle path on both sides of the roads and on both sides of bridges.

To see the Gateway plan: <http://www.th.gov.bc.ca/gateway/>

## Tailwinds

*"May the wind be always at your back."*

- To the Provincial Government for a \$1.7-million contribution – distributed through the Cycling Infrastructure Partnerships Program (CIPP). This will leverage over \$3.5 million for the construction of new cycling infrastructure. The CIPP is a province wide 50 : 50 cost-shared contribution program between the provincial government and local governments for the development of separated bicycle paths, shoulder bikeways, bicycle lanes, and shared roadways.
- To the City of North Vancouver for support in considering the bike lane option on the 3rd Street hill.

## Headwinds

- Vancouver NPA Parks Commissioners for voting down Commissioner Herbert's proposal requiring valet bike parking at all festivals.
- The NPA City Councilors for voting down bike lanes on Cambie, north of 29th. The repaving of this road would have provided a low cost opportunity to add cycling infrastructure to a corridor that will now be serviced by a new sky train line which is expected to take up to 100,000 travelers off the road.

# The Urbane Cyclist

## Winners of the Bike Fest/Bike Month 2007 Raffle

1<sup>st</sup> Prize Bonnie Fenton

2<sup>nd</sup> Prize Wilf LeBlanc

3<sup>rd</sup> Prize Frances Lew

The Vancouver Area Cycling Coalition wishes to thank its volunteers for assisting with raffle ticket sales, and the following businesses for their donations toward the raffle.

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## **Cycling Training for School Communities by Arthur Orsini and Cara Fisher**

*It's obvious that teachers cannot effectively promote cycling until they are cyclists themselves and have experience cycling around this city.*

*Mary Sherlock, Windermere Secondary School, Vancouver*

This past spring, the VACC launched a new project to offer personal cycling skills training and bicycle education activities for the classroom. The intention of this **Cycling Training for School Communities (CTSC)** project was to provide training and support for teachers and school staff who were willing and (almost) ready to commute by bike.

A specific focus on educators was made for two strategic reasons; teachers and school staff have a high degree of visibility in their school community as role models for children and youths, and future efforts to promote cycling at schools will benefit from an increased number of staff cyclists, commuters and bike advocates.

The CTSC pilot project was open to teachers, educators and administrators across the Vancouver Region and took place over two days in May. There was space for 24 participants, and those spots filled within one week of the initial email broadcast. Day One consisted of the VACC's existing Commuter Cycling Skills Course, and Day Two covered a series of cycling resources and hands-on bike education activities. Feedback from participants described the training and resources as an inspiration to *make changes in our personal life and incorporate the experience into classroom discussions and activities on environmental stewardship, social responsibility and active living.*

The development of this pilot project was funded by TransLink. The CTSC Project Co-ordinators hope to build on the success of the pilot with resource booklets for elementary and secondary schools and more workshops next year. Educators interested in participating in future CTSC workshops should send a note of support to their school district (Pro-D department) and municipality (Transportation department). Over the next school year, the VACC will work with school districts and municipalities to generate a calendar of workshops across the region based on interest from educators.

For more information on the Cycling Training for School Communities project, check the VACC website or contact the CTSC co-ordinators (Arthur & Cara) at [ctsc@vacc.bc.ca](mailto:ctsc@vacc.bc.ca).



*Discussing Maps*

## Care for Curbs by David Hay

One of the first things a kid faces on the learning curve of cycling is the challenge of mounting a curb. Let's face it, despite sidewalk laws, kids will be kids and they will mount curbs and ride on sidewalks. Bylaw adherence aside, parents will be parents, and would likely prefer that. Since 1978, the standard drop curb height creating access to a sidewalk has been one inch. However, many curbs on the way to any given school were built long before 1978. As such, they may pose a hazard to infant cyclists.

Many people wonder who is responsible for such a hazard. The usual target is government, either municipal or provincial, depending on the road. However, it is not easy to succeed in a legal action against the government. Judges are policy minded. If they lowered the threshold for success in this regard, they would face an indeterminate number of actions from an indeterminate number of people.

This reasoning is called "flood gates". Issues surrounding "flood gates" result in a legal distinction between operational duties and matters of policy. In plain language, if the government did something and did it badly they are liable. However, if they did not do something, they are liable only in limited circumstances.

Naturally, the government can't be in all places at all times. Their inspection systems tend to consist of some daily patrols by government personnel, complaints received by the public and police accident reports. As stated by our Court of Appeal in 1992 in a case involving a cyclist who was injured on a higher than normal curb, "there is no system of specific inspection of individual curb or curb heights and no system of knowing hazardous curbs so that they could be fixed or warning signs posted for cyclists or other people who may be endangered by them".

The foregoing quote was made in the context of a full consideration by our highest Court of the duty of the government to instruct its employees to inspect curb hazards peculiar to cyclists even at places where the cyclist is invited to make use of a dropped curb as an access ramp to the sidewalk. In that case, the curb at issue was just east of Taylor Way on the Upper Levels Highway. The cyclist became spooked by the volume of traffic

*Continued on back page*



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## Cycling Skills Corner by Bruce Mol

### Predictability

In CAN-BIKE cycling safety courses there are four foundational ideas that instructors continuously refer back to: Manoeuvrability, Visibility, Predictability and Communication. In this article I examine Predictability.

By far the most culturally endowed foundation of cycling safety is Predictability. Our society has many rules (laws) directed at producing harmonious roadway interactions. But there are many rules to recall, and most people do not 'recall' traffic law because they have never read them. Most people learn how to drive in traffic by being in traffic, and in areas where running stop signs is prevalent, people run stop signs.

That puts cyclists in an awkward position because they must be aware of what is locally a predictable act and they must also develop the culture. In 'cycling cities' such as Vancouver and Victoria, motorists have learned how to interact with cyclists because, for many years, cyclists in those cities have demonstrated they can follow the rules of the road. To learn how you can be more predictable and develop your local road culture, take a cycling course.

Cycling safety education is just as important as advocating for safer cycling facilities.

Check out what the VACC is offering for educational opportunities.

### Work with the VACC

To become involved, please contact:

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### Did you know...?

The more letters written and the more phone calls made, the more likely cycling conditions will improve.

Who to write about issues in The Urbane Cyclist:

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Phone: 250 387-1715  
Fax: 250 387-0087  
[premier@gov.bc.ca](mailto:premier@gov.bc.ca)

Honourable Kevin Falcon  
Minister of Transportation  
PO Box 9055  
STN PROV GOVT  
Victoria BC V8W 9E2  
Phone: 250 387-1978  
Fax: 250 356-2290  
[Minister.Transportation@gov.bc.ca](mailto:Minister.Transportation@gov.bc.ca)

City of Burnaby  
Mayor Derek Corrigan and Council  
4949 Canada Way  
Burnaby BC V5G 1M2  
Phone: 604 294-7944  
Fax: 604 294-7724  
[postmaster@city.burnaby.bc.ca](mailto:postmaster@city.burnaby.bc.ca)

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Mayor Wayne Wright  
511 Royal Avenue  
New Westminster BC V3L 1H9  
Phone: 604 527-4522  
Fax: 604 527-4594

City of Vancouver  
Mayor Sam Sullivan and Council  
453 West 12<sup>th</sup> Avenue  
Vancouver, BC V5Y 1V4  
Phone: 604 873-7273  
Fax: 604 873-7750  
[mayorandcouncil@vancouver.ca](mailto:mayorandcouncil@vancouver.ca)

TransLink  
Chair Malcolm Brodie and Board of Directors  
1600-4720 Kingsway  
Burnaby, BC V5H 4N2  
Phone: 604 453-4500  
Fax: 604 453-4626  
[www.translink.bc.ca/](http://www.translink.bc.ca/)

Refer to our website for more contact information.

# The Urbane Cyclist

Continued from page 12

as she rode on the south side of the highway and decided it would be safer if she left the highway and got onto the side so she could walk her bike. She mounted a higher than normal curb (2¼" high) and the impact caused her to crash.

At the trial and on appeal, counsel for the government argued there could be no liability on its client, The Ministry of Highways. The Ministry introduced evidence of the measures it takes to inspect the roadway and argued that those measures were sufficient to meet any reasonable onus on a public entity. Indeed, the Crown contended that the requisite standard of care to be applied must be assessed "in light of all the surrounding circumstances including, for example, budgetary restraints on the availability of qualified personnel and equipment".

In an inspired set of reasons, the Court of Appeal stated "it may well be that is an adequate means of inspection for hazards that would affect a motorist because the foremen are motorists themselves when they inspect, but it pays no attention to the particular needs of cyclists wanting to leave the roadway and proceed along the sidewalk. Yet the drop curb invites them to do that and it is lawful for them to be on the sidewalk under some circumstances". The Court of Appeal was struck by the fact that the foremen who made the patrols were not educated in and do not inspect for curb hazards that are peculiar to cyclists (my emphasis), even at places where it is lawful to ride on the sidewalk and where cyclists are invited to do so.

Counsel for the government also argued that the Court would be setting a dangerously broad precedent if it insisted on higher standard with respect to inspection of hazards throughout the province. The Court of Appeal again disagreed and indicated that this case concerned cyclists only and concerned an area involving high volumes of traffic where cyclists would likely want to get off the road. The case was, so the Judges said, limited to its facts.

One could interpret this decision, which has not been overruled, as authority for the proposition that the government owes a duty of care to cyclists to ensure that many curbs in our communities and on our cycling routes to school are safe. This is not simply a question of politics. In its operation, a municipality or a province must adhere to a specific legal standard of care in this area of cycling safety.

It seems to me that if kids are making a greener choice in cycling to school they should be afforded the full protection of our present infrastructure, quite aside from considerations of a better infrastructure in the future.

*David W. Hay is a litigation lawyer and partner at Richards Buell Sutton, LLP. Richards Buell Sutton, LLP is a full service downtown Vancouver law firm delivering legal advice and solutions in all areas of practice. The information above is not legal advice. Anyone seeking legal advice should call David Hay directly at 604-661-9250 or send an email to [dhay@rbs.ca](mailto:dhay@rbs.ca)*

<p>Please mail this form and a cheque to:  <b>VACC Memberships: City Square, P.O. Box 47068, 15-555 West 12th Ave., Vancouver BC V5Z 3X7</b>                  Make cheques payable to: <b>Vancouver Area Cycling Coalition</b></p>		
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