

Issue 35

Winter 2007-2008



Newsletter Survey

We want your opinion on our newsletter! Please see page 7 for details

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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

Burrard Bridge Improvements – 2007 Update by Maggie Wojtarowicz

The chronicle of the the Burrard Bridge Improvements saga continues in this third installment. The two previous installments were recounted in the Fall 2005 and Spring 2006 issues of The Urbane Cyclist.

This past November, the City of Vancouver held two Open Houses to inform the public and invite feedback on two proposed options currently on the table for widening the sidewalk on the Burrard Bridge. In December 2005, City Council at the time, directed staff to stop pursuing the trial closure of travel lanes, and to advance the final design of the outward widening of the bridge sidewalk without (Option 1) and with (Option 2) "pinch points" at the main towers. The objective of the prolonged search for solutions is to improve cycling and pedestrian facilities on the Burrard Bridge.

At the City's invitation, I attended one of its Open Houses, with some understanding of the issues involved and a few pre-conceived notions, such as: *Of course you need a railing on top of the low crash barrier along the entire span of the bridge for safety ...or ... don't put the concrete barrier in at all, since the sidewalk is raised anyway, and if there is a problem that forces the cyclist off the sidewalk, the cyclist will have a greater chance of staying on the bike and continuing on the road before the next car drives up from behind.* By attending the Open House, I learned that the low crash barrier is now a requirement of the current bridge building code. I also learned that City Staff was balancing three priorities: bridge user safety, cost and the bridge's heritage value. Staff was also limited by the December 2005 Council decision that required design solutions that widen the sidewalk on the exterior of the bridge deck (i.e., no impact on motor vehicle lanes), and that this all happens at a single grade (i.e., no pedestrian over- or under-passes).

Bridge users, on-lookers, designers and heritage preservationists have different and sometimes conflicting priorities when considering whether the sidewalk should be widened on the outside of the bridge at the four main towers, or whether the sidewalk shouldn't be widened at the towers but instead have "pinch points" created. As a cyclist and a pedestrian with a practical inclination, and perhaps being less informed on heritage preservation considerations, my initial thought was that *you can't create these bottlenecks at the towers.*

But after hearing a cyclist speak in favour of the "pinch point" option at the Open House—to preserve one of Vancouver's architectural icons—I reconsidered my own views. The "pinch points" do have an increased potential for conflict between cyclists and pedestrians, but they happen to be at the highest point on the bridge, so cyclists would naturally be moving more slowly in these areas. In the current design the "pinch points" are an undefined "no man's land" because the painted line separating the cyclists from the pedestrians

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The Urbane Cyclist

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

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MEET US

The VACC Board meetings are open to all interested in bicycling in Greater Vancouver. 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, Jan 18, 2008

stops just short of the "pinch points" and no yield instructions are currently proposed. If the painted line continued on the sidewalk surface through the tower, and the merging procedure was clearly marked, along with reduced speed signage in that area for cyclists, the "pinch points" might work better, and still preserve the towers' historical exterior. I still believe that the "pinch points" are going to be points of conflict on the bridge, and thus, should be eliminated at the design stage, but I am better able to appreciate the heritage preservationists' views.

The City staff and design consultants have done, in my view, a very good job of addressing the heritage concerns for the towers, by designing a pedestrian sidewalk structure that is suspended away from the "juliet balconies". This solution would allow pedestrians to look back at the bridge and enjoy the heritage view from slight perspective, keeping the "juliet balconies" intact. It also meets the City's requirement to preserve the heritage value of a historical structure by making any new additions distinctly separate and distinguishable from the original.

City staff point out that the width provided for cyclists and pedestrians in the proposed designs far exceed the current sidewalk width, and are wider than design guidelines dictate. The additional width is meant in part to justify the belief that a high railing is not needed to keep cyclists safe from motor vehicles. The width is said to be able to accommodate two-way bicycle traffic, while the proposed design will keep cycling lanes moving in one direction on each side of the bridge, and the pedestrian lane will remain two-directional. What seems to be missing from the design guidelines, which may keep people safe, is the perception of safety – this perception is especially important for new or inexperienced cyclists.

So why are we doing these sidewalk expansion improvements anyway? The improvements are by and large being done to encourage more cycling and walking. But to those who are not armored in tonnes of steel, it is the "whole experience" of crossing a bridge that often determines whether they will do so by foot or on a bicycle – or whether they will take transit or drive instead.

My experience of attending the Open House reinforced to me the need to balance various stakeholder objectives, needs and desires. While we, the public and the City of Vancouver staff and Council, ponder whether we are solving this problem the right way by going with Option 1 or Option 2 or some other version, the bigger question of whether the right problem is being solved remains debatable. Council should be encouraged to consider the answer to the first question in the context of the answer to the second question. Is widening the sidewalk to encourage more cycling and walking going to reduce the number of people who drive, if drivers are not similarly discouraged from driving by having their road space reduced? Any of these outcomes depend on people letting those in decision-making roles know what outcomes we, the public, want.

For more information and to give feedback to the design team, contact Jonas Moon, jonas.moon@vancouver.ca. To give feedback to Council, email mayorandcouncil@vancouver.ca.

Forget the Witness, Somebody Give Me a Buffer by David Hay

For years I have told anyone who would listen that a cyclist's legal rights provide little solace in an orthopaedic trauma unit. For me this has been another way of encouraging cyclists and cycling advocacy groups to remember that safety is more important than a determination of right and wrong. With this universal truth in mind, how does the Lower Mainland and the Province create a transportation infrastructure which truly makes safe room for cyclists and pedestrians?

Before going further, I should qualify my comments. I am not an engineer nor do I profess to have any expertise in urban planning or transportation design. I have, however, acted for cyclists for 20 years, some of whom have been catastrophically injured.

First, with the greatest respect to those who have toiled with these planning issues, I do wonder about the wisdom of designating downtown curb lanes for "buses and bikes only". In my experience, buses and bikes do not get along. Secondly, creating bike lanes which run immediately adjacent to the driver's side of parked vehicles is, from my rather narrow perspective, an invitation to disaster.

In both cases, the intent was inarguably pure. At the heart of these designs is a real and meaningful effort to increase awareness of cyclists and ultimately create an environment in which motorists will keep a better lookout. While this kind of thinking is certainly a step in a very positive direction, the flaw lies in proximity. Whenever a cyclist is required to ride in close proximity to parked vehicles on the right and moving vehicles on the left, or to buses, there will be accidents. A large number of my files are "door" cases which occur when the cyclist is in the designated bike lane, or cases involving cyclists who are struck by passing vehicles while attempting to maintain sufficient distance from parked cars. A third growth area relates to cyclists being struck by right-turning vehicles which have crossed the bike lane before executing a right turn.

I am sure that the municipal creation of bike lanes presupposed that the Provincial Government would eventually create laws relating to bike lanes so that cyclists and motorists could understand their nature and purpose. To date, this has not occurred. Hence we are no further along in gaining a true legal appreciation of what bike lanes actually mean, other than to believe that they give rise to a greater common-law duty of care on the part of the motorist. If the cyclist is struck in a bike lane, the motorist may be more likely "wrong", liable or at fault. However, when ruminating on questions of right and wrong and liability, I do find myself dreaming again about accident prevention.

That dream always involves a model found in several cities in Europe and apparently the future streets of New York. The New York Department of Transportation plans to reconfigure seven blocks of 9th Avenue by removing a vehicle lane and adding a bike lane. The difference is the bike lane will run between a sidewalk and a buffer zone. The buffer zone will run next to a parking lane which in turn will run next to vehicle lanes.

The aspect of the design which seems most appealing is that it uses a lane of parked cars to protect cyclists from other traffic. It does this by placing the bike lane directly next to the sidewalk on the western edge of 9th Avenue and on the other side a buffer lane with plastic bollards and large planters to keep cars from entering. The parking lane will be next to the buffer zone and beyond that will be the lanes for vehicular traffic.

According to Janette Sadik-Khan, the city's Transportation Commissioner, the transformation was possible because traffic volumes on 9th Avenue were low enough that cars could move as smoothly in three lanes as in four. It seems to achieve reduced volumes the City of New York is also proposing congestion pricing with charge levies against drivers using the streets of Manhattan below 86th Street. Drivers who do not want to pay to commute in their vehicles to work will then resort to their bicycles,

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Barriers for Bikes: The Tale of the Township and the Cyclist By Erika Eineigel

In a recent B.C. Supreme Court decision not to be overlooked by cycling advocates, *Aberdeen v. Langley (Township)*, the Township of Langley was found liable for injuries suffered by a cyclist who was rendered brain injured and paralyzed from the chest down.

The story begins with two cyclists who were on a lengthy ride throughout areas of the Lower Mainland. Their ride was part of ongoing Ironman training. The pair were experienced cyclists.

Towards the end of their ride, they were cycling in Langley on 272nd Street. They were aware that around the 6000 block of 272nd Street, the road wound steeply downward. Before descending the hill, the two cyclists had a conversation about the danger posed by the hill and the need for caution. It was agreed that one of them would take the lead.

As such, the cyclist in the lead began his ride down the winding hill. As he was cycling, a cube van going up the hill approached the sharp curve in the road and began to cross over the yellow centerline. The cyclist swerved away from the vehicle, which he anticipated rationally would be coming into his lane. In doing so, he swung wide around the corner and, before he could brake, encountered gravel and hit the metal guard rail, which propelled him along as it was designed to do. But there was a gap between where the metal barrier ended and a cement barrier began. The cyclist was propelled through the gap and down the cliff. The cyclist was catastrophically injured.

In its defence, Langley argued that the barriers were constructed to protect cars, not bicycles. It stated that to the extent that a hazard was present, it was adequately marked, and that there had been no complaints or accidents due to the barrier configuration before the accident.

The court, however, found Langley liable for not ensuring that the roadways were reasonably safe for the purposes of travel. In particular, the guard rail configuration was hazardous to cyclists. The judge stated: "I have concluded that Langley breached its duty of care to Aberdeen, a reasonably foreseeable user of the road operating a bicycle on a dedicated bicycle route. ... It is something that with a relatively modest cost, approximately \$1500 expended in July 1999, could have been avoided."

This is a useful decision in warning municipalities that hazards unique to cyclists must be considered. Cyclists are users of the road and a perspective unique to cyclists must be applied when assessing all road hazards.

Erika Eineigel is a lawyer with Campbell Burton & McMullan LLP. The above is not intended as legal advice.

MEET YOUR BOARD

MEMBERS



Erika Eineigel

Erika is a lawyer who practices primarily in the area of civil litigation. She received her law degree from the University of Toronto and interned with the United Nations International Criminal Tribunal of the former Yugoslavia at The Hague in the Netherlands.

Before relocating, Erika was fortunate to have enjoyed the benefits of relying on a bike as a principal mode of transportation. She is looking forward to once again becoming her own engine in the near future. She is passionate about livable and sustainable communities, and of course, about advocacy in its many forms. She has a keen interest in seeing expanded cycling infrastructure in the Fraser Valley.

Tailwinds

"May the wind be always at your back."

- To the City of Burnaby for conceptualizing the Parkrest Bikeway, a new East-West route from Boundary to Squit Lake, primarily along William and Kitchener.
- To the City of Vancouver's Cycling Hotline, which continues to provide quick response to requests for fixes on the city streets, such as dips, dirt and holes.
- To the Vancouver International Airport Authority for the barriers placed on Russ Baker Way to prevent backed up motorists from driving in the bike lane to make a right turn onto Cessna Drive.

Headwinds

- To the City of Vancouver for not replacing the "No Right Turns on a Red Light" sign next to the turning lane on the northbound turning lane on Victoria at Broadway. This sign was removed for that intersection's reconstruction last summer (and its entryway to the Central Valley Greenway). As a result, motorists on the southeast corner continuously attempt to make a dangerous red-light, right-hand turn on a ped/bike intersection that is both very busy at rush hour, and hindered by blindspots.
- To the City of Vancouver for slowness in cleaning leaves off bike routes.
- To drivers, (including transit operators) who think that honking their horn gives them permission to run red lights
- To Canada Line for failing to include accurate information for cyclists in their traffic alert notices.
- To TransLink and New Flyer for failing to resolve the issue with bike racks obscuring headlights on the new buses, in a timely manner.
- To Vancouver International Airport Authority for allowing drivers access to the new BCIT campus via Cessna Drive, so the problem of motorists driving in the bike lane is worse than it's ever been!

Continued from page 3

secure in the knowledge that they can ride in a bike lane virtually free of risk of interaction with vehicles.

In addition, at each intersection, a raised pedestrian island extends into the roadway so that pedestrians walk a shortened distance across the street.

Whether or not we embrace design concepts such as those changing 9th Avenue in New York City will hopefully one day soon become a question for politicians, social planners, and engineers. For now, I will continue to dream and necessarily return to my grim reality of litigating who was right and wrong, and to what degree.

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

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The Urbane Cyclist

Cycling Training for the School Community (CTSC) offers commuter cycling training and bike-ed activities for the classroom. Tell the teachers and school staff you know about CTSC, and have them request their Professional Development coordinator contact us to schedule a Professional Development workshop on cycling in your school community. ctsc@vacc.bc.ca

One great benefit I realized about biking to work is I know for sure how long it takes me to get to work, no matter what the traffic is like on the Oak St. Bridge. The worry-free getting to work on time makes me happy about biking to work!

Xuepei L, Secondary School Teacher, Vancouver



Churchill & Windermere secondary teachers



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VACC Newsletter Survey

The Communications Committee of the VACC has prepared a readership survey for you to complete. We are very happy with the overall quality of our newsletter but want to know if there are opportunities for us to address themes or topics that are important to you and deserve further consideration. Please take a few moments to complete the questions below and offer suggestions where applicable.

We will publish a summary of your responses in the next newsletter. Please note that an on-line version of the survey is available on-line on the VACC member's discussion Listserv.

1. The newsletter currently includes a variety of articles on issues related to local advocacy, cycling skills programs, safety concerns and legal matters. Please give a ranking to each (5 = very important; 1 = least important) and note other areas of interest that you would like to see covered.

<input type="checkbox"/> local advocacy	<input type="checkbox"/> safety
<input type="checkbox"/> cycling skills	<input type="checkbox"/> cycling and the law
<input type="checkbox"/> other? _____	

2. On average each issue of the newsletter is about ten pages in length. A number of factors determine the length of an issue, particularly the cost of production and number of articles submitted. Please note how long you think the newsletter should ideally be.

<input type="checkbox"/> 3 or fewer pages	<input type="checkbox"/> 6-10 pages
<input type="checkbox"/> > 10 pages	

Please indicate the frequency of publication that you would prefer:

<input type="checkbox"/> quarterly	<input type="checkbox"/> every two months
<input type="checkbox"/> monthly	

3. Would you like to see a "letters to the editor" section in the newsletter and if so, do you think you would contribute a letter of your own?

<input type="checkbox"/> yes	<input type="checkbox"/> no
comment _____	

4. Are there features from other society newsletters that you would like us to consider for the VACC newsletter, and if so, what would they be?

5. Please take a moment to offer us any additional feedback or suggestions with respect to the content of the newsletter and any changes or additions you would like to bring to our attention.

Responses can be mailed to: Rob Brownie
c/o City Square P.O. Box 47068
15-555 West 12th Ave.
Vancouver, BC V5Z 3X7

Thank you! VACC Communications/ Marketing Committee

VACC Rep required

The VACC has traditionally had a seat on the Maple Ridge/Pitt Meadows Bicycle Advisory Committee. Starting in January, we are looking for a VACC member from the area to fill the vacancy to be our representative on this Committee. If you have an interest in improving cycling facilities in the MR/PM area and feel you would like to be more directly involved, please contact John Seinen with the VACC in the Tri-Cities.

I'd like to thank Chuck Glover for his service in representing us on this Committee for the past few years.

Work with the VACC

To become involved, please contact:

- | | |
|--|---------------------|
| <input type="checkbox"/> Burnaby | Luis 604 431-6658 |
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| <input type="checkbox"/> Surrey/White Rock | Gordon 604 535-2513 |
| <input type="checkbox"/> Tri-Cities | John 604 469-0361 |

I want to contribute to the VACC by doing the following:

Please mail this form and a cheque to:

VACC Memberships: City Square, P.O. Box 47068, 15-555 West 12th Ave., Vancouver BC V5Z 4L6

Make cheques payable to: **Vancouver Area Cycling Coalition**

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I would like to get the <i>Urbane Cyclist</i> quarterly electronic newsletter	<input type="checkbox"/> by email (to save paper and postage) <input type="checkbox"/> I need or really prefer it by mail
I would like to volunteer with the VACC	<input type="checkbox"/> Yes
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Each additional membership at same address	\$5
Joint membership with BC Cycling Coalition (additional per person)	\$5
Corporate/Organization	\$80
Additional Donation (sorry we can't provide tax receipts)	\$ _____
	Total Enclosed
	\$ _____