

# Submission to the Law Amendments Committee re Bill No. 133 – Motor Vehicle Act (amended)

Norm Collins – November 30, 2015

I first want to express my appreciation to the Minister, Transportation and Infrastructure Renewal and the Department for their positive response to my input re the inconsistency of fines for drivers failing to yield to a pedestrian at a signalized intersection (Section 93 of the Motor Vehicle Act (MVA)) as compared to other locations (Section 125). The tabled changes are very welcome.

I also believe some of the other changes made to Section 93 and Category F Section 125 offences are very sensible and logical. At the same time I believe some of the changes are problematic.

My comments are based on two principles and one concern:

## Principles

1. regardless of where a driver fails to yield – signalized intersection or elsewhere – the consequence (fine and points) should be the same.
2. regardless of whether the driver or pedestrian was at fault (violated the MVA) the consequence (fine) should be the same.

## Concern

1. police will be reluctant to issue Summary Offence Tickets (SOTs) for a number of the offences in Sections 93 and 125 now that the fine will be at the Category G level of \$697.50.

The first two principles have been addressed by this legislation. Thank you.

I have heard police express frustration with the resources and time necessary to attend court when a SOT is challenged. Doing so takes away from on-street policing. With minimum fines of \$697.50 I am fearful there will be a considerable increase in the number of court challenges of SOTs. The unintended consequence may be less enforcement, with more warnings. If so this may not only minimize the effectiveness of some of the amendments but actually make them counter-productive.

The following Appendix demonstrates comparison where Halifax police issue far fewer SOTs, in one case (Montreal) to pedestrians and in another (New York City) to drivers for failing to yield the right of way to pedestrians.

Furthermore I believe most, if not all Nova Scotians would conclude the proposed fine is out of proportion to other MVA violations

First offence fine amounts	Violation
\$237.50	speeding between 1 – 15 km/hr. over the limit.
\$237.50	using a cell phone or text messaging while driving
\$295.00	speeding between 16 – 30 km/hr. over the limit.
\$410.00	speeding between > 30 km/hr. over the limit.
\$697.50 (proposed)	entering a crosswalk on a Don't Walk sign failing to activate an RA5 light. causing a vehicle to yield when outside a crosswalk

To address this I recommend a distinction be made between incidents where there is a collision (whether or not there is an injury as that is subjective) and those where there is no collision.

<b>Collision?</b>	<b>Consequence</b>
<b>Yes</b>	First offence fine of \$697.50 (Category G) for all Section 93 or Section 125 violations, regardless of whether the driver or pedestrian violated the MVA. Additionally six points if the driver is at fault.
<b>No</b>	First offence fine of \$180.00 (Category B) for all Section 93 or Section 125 violations, again regardless of whether the driver or pedestrian violated the MVA. Additionally two points if the driver is at fault.

I strongly support stronger, more proactive enforcement. Not only do I believe that first offence fines in circumstances where no collision occurs of \$180.00 rather than \$697.50 are more appropriate to the offence but I also believe that at this lower level police will be more inclined to be proactive in their enforcement initiatives.

I believe this recommendation strikes the right balance as to fine levels, reflecting the seriousness of the violation/circumstances, i.e. whether there was a collision as opposed to a non-collision.

I ask the Committee to consider these comments and recommendations

Sincerely

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**Crosswalk safety is everyone's responsibility ... be Cautious ... be Seen ... be Safe**

# Appendix 1

## Summary Offence Ticket Data

Data indicates Halifax police already issue considerably fewer SOTs than some other jurisdictions.

I believe the increased fines in non-collision situations will further reduce the number of SOTs for reasons indicated about.

Using 2014 data, adjusting for population we have:

Summary Offence Tickets issued to pedestrians per 100,000 population	
Halifax	Montreal
0.43	5.94

Note Montreal issued **nearly 14 times** as many SOTs to pedestrians as did Halifax.

Summary Offence Tickets issued to drivers not yielding to pedestrians where no collision occurs per 100 SOTs issued where a collision occurs	
Halifax	New York
76	396

Note New York City issued **over five times** as many SOTs to drivers not yielding to pedestrians but not involved in a collision.

Based on this data the proactive enforcement activity in Halifax lags well behind that of these comparative cities.

I believe the proposed legislation will result in less rather than more enforcement. I believe that in order to address vehicle-pedestrian collision experience the exact opposite is required, i.e. more rather than less enforcement.

I believe implementations of my recommendation will positively impact the achievement of such an objective.