

October 9 2018

Presentation to Law Amendments Committee re Bill 80 Traffic Safety Act

Mr Chairman and members of the law Amendments Committee, thank you for allowing me the time to present my concern regarding one particular aspect of Bill 80.

First I would like to refer to section 60 of The Halifax Regional Municipality Charter. Section 60 was introduced and passed in 2008 and refers to the use of Dartmouth Common. My wife and I live within 100 yards of the entrance to the public cemetery on Dartmouth Common.

Section 60 was passed by the legislature as part of an agreement to allow the construction of the Metro Transit Terminal stretching from Nantucket Avenue to Thistle Street. In exchange for the approval of the construction the province established the boundaries of the common and restricted further encroachment on the Common.

Section 60 includes the following :

(6) The Municipality's activities, including planning, development and activities pursuant to this Section, on the Dartmouth Common and any activities permitted by the Municipality on the Dartmouth Common must be consistent with the following objectives:

- (a) public access: access for all;
- (b) connectivity: visual and physical continuity between open spaces and built elements;
- (c) pedestrian priority: safe and comfortable pedestrian circulation;
- (d) collaboration: the Municipality shall work collaboratively with the federal and Provincial governments and with the community;

Note the inclusion of ...'pedestrian priority : safe and comfortable pedestrian circulation'

Unfortunately HRM has never erected any signs setting out the use of the Common.

In Bill 80 I notice clause 45 :

45 (1) The council of a municipality may make by-laws

- (a) regulating and licensing persons transporting for hire persons or goods, within the boundaries of the municipality, by means of any vehicle or other conveyance except where such persons are public utilities as defined in the Public Utilities Act or motor carriers who are required to be licensed under the Motor Carrier Act;
- (b) regulating and licensing the vehicles and other conveyances referred to in clause (a);
- (c) regulating bicycles within the boundaries of the municipality;
- (d) licensing bicycles owned by residents of the municipality;
- (e) regulating the use of bicycles, personal transporters and other traffic in bicycle lanes established by the municipality;
- (f) regulating the use of bicycles, personal transporters, recreational apparatuses and other traffic on sidewalks or shared-use sidewalks owned or maintained by the municipality, on trails or in other public areas in the municipality that are not public highways;

Cyclists have been passing through the Common over the past 8 years and almost all never use a bell; give no warning to pedestrians and care little for pedestrians no matter their age or disabilities.

In the summer of 2017 I experienced problems with cyclists who had no bell or did not use a bell when approaching me and other pedestrians from behind. At that time I was required to exercise and walk as much as possible to ensure my rehabilitation from hip replacement surgery.

My hip replacement was required after falling when dismounting from a bicycle in Pemberton, British Columbia. The accident required 3 ambulance journeys and ended in Lions Gate Hospital, North Vancouver. Surgery was delayed for more than 40 hours due to complications and further post surgery complications resulted in a hospital stay of 12 days. Without the great care from specialists, nurses and support staff I would not be speaking to you today.

Upon our delayed return to Nova Scotia I ensured that I performed my exercises and walked the neighbourhood and the pathway in Dartmouth Common. Unfortunately on at least 6 occasions cyclists almost collided with me and I had no warning of their approach. I was left shaken, angry and my mind went back to my accident. Naturally my greatest fear was of a collision and further injury.

There are many other pedestrians of all ages and abilities who have had negative experiences with commuters on bicycles and one went so far as to produce a series of signs on the back of a recycled NDP election sign. Cyclists were not amused and a police officer called to ask if I had put the signs up.

I would like your assurance that Bill 80 will not take precedence over Section 60 of the HRM Charter.

The public is not allowed to appear before HRM council when a by-law is being discussed.

Thank you.

A handwritten signature in cursive script that reads "John May". The signature is written in dark ink and is positioned to the right of the typed text "Thank you."