

Coroner's office drives move to complete streets

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For Law Times

Following the release of the 2012 cycling death review and the 2012 pedestrian death review, the coroner's office has made a call for the adoption of what it calls complete streets. Such streets take into account every mode of transport and make towns and cities fully multimodal. The hope is that improved pedestrian and bicycle infrastructure will provide protection for the most vulnerable road users.

Lawyers Patrick Brown of McLeish Orlando LLP and Albert Koehl, an environmental lawyer and advocate, were instrumental in the coroner's focus. Brown notes the process started when he and Koehl got together and formed a coalition of groups seeking enhanced safety for cyclists and pedestrians. An opinion piece they published in the *Toronto Star* attracted the interest of Dr. Dan Cass, currently interim chief coroner, who invited them for a meeting. "The discussions addressed how to move forward with the reviews with the idea of coming up with recommendations," says Brown.

"The coroner indicated that his office was thinking of the same things, so it was timely."

The review process involved stakeholder meetings and written submissions before their release in June and September 2012. The cycling death review examined all of the 129 accidental cycling deaths that occurred in Ontario between Jan. 1, 2006, and Dec. 31, 2010. It also noted that in 2009 alone, more than 26,000 people in Ontario visited an emergency department for treatment of an injury sustained while cycling—and that there were likely countless more injured cyclists who didn't require medical treatment.

The pedestrian death review examined 95 cases of preventable pedestrian collisions in 2010, including the 23 deaths that occurred in January of that year. Both reports noted that all of these deaths were predictable and therefore preventable. "The coroner did an exceptional job taking a live look at the issues," says Brown.

The first recommendation in both reviews was the adoption by road authorities of the complete streets concept that focuses on the safety of all road users to guide the redevelopment of existing communities and the design of new areas throughout Ontario. They also recommended the development of an Ontario cycling plan and a walking strategy for Ontarians.

"The complete streets concept has been around for a while," says Brown.

"It has been adopted in various jurisdictions in the U.S. Put simply, it provides that anyone involved in the construction, building, maintenance or design of any type of roads provide equal access and equal consideration for all users, especially in urban centres. Complete streets are designed to give cyclists and pedestrians their own space so they can avoid contact."

Koehl was happy to see the Ministry of Transportation was the main focus of the reports. "Historically, it has always thought of itself as a ministry for four or more wheels. We and the coroner agree that the ministry needs to look at other forms of transport."

The City of Toronto would also need to get on board following its last review of the issue in 1998. "The demographics of Toronto have changed dramatically since then," says Brown. "You look out the window and there are condominiums going up everywhere. They have transformed the downtown area into a densely populated core. These people are not driving

cars. If you drive down Bloor Street, you see massive amounts of bikes locked up against trees and railings. We also have BIXI bikes, but there has been very little change in infrastructure."

Brown himself bikes from Oakville, Ont., to his Queen Street office in Toronto and so is well aware of the stresses of the morning ride. He believes bike use will increase and refers to studies that say the largest factor holding people back is the lack of safe access and better infrastructure.

The more specific recommendations in the reports include the creation of cycling networks and the designation of community safety zones in residential areas with reduced posted maximum speeds and increased fines for speeding. There would also be improved pedestrian infrastructure and sidewalk amenities for pedestrians, cyclists, and those waiting for public transit. Koehl gives the example of midblock crossings. "It is unreasonable to expect people to walk half a kilometre one way to a light and then half a kilometre back to get to where they want to go. They need a safe place to walk and a more hospitable environment"

"The concept needs to be developed that roads are for everyone," says Brown.

"Generally, all road users are equal."

Nevertheless, he notes cyclists and pedestrians need greater protection because of their vulnerability. "In any contact with a car, a pedestrian or cyclist is going to lose. From a protection standpoint, you get injuries that are significant and fatal at times."

When asked whether implementation of the policy would be expensive, Brown is adamant that it wouldn't. "It is more an attitude and a culture change at the road-building authorities. Take signage, for instance. In urban areas, you see a lot of signs and they're all for cars. It doesn't cost

a lot of money to put up signs or to paint bike lanes. It's not costly to take this into account when you are designing manuals."

Koehl believes the cost of continuing to ignore non-drivers is far greater than what it would cost to accommodate them. "Ultimately, this is really about saving money. Designing a city just for cars is an expensive way to do it."

He points out that bike lanes are inexpensive compared to building roads for cars. There would also be less investment needed in parking facilities and the transit system. "One statistic that has always struck me is that the average car does 2,000 trips a year that are three kilometres or less. That's a significant portion of driving and parking. There are lots of distances people could and would walk if they felt safe and secure on the roads."

Koehl also points to reduced health-care costs. "The more time people spend in cars, the more people suffer from obesity, weight problems, heart problems, and circulatory disease. There are massive direct and indirect costs."

The Ministry of Transportation is currently in the process of developing a cycling strategy and is moving forward with implementing the coroner's recommendations. "We are not going to allow the coroner's excellent report to sit on a shelf," says Koehl.

"It's really up to advocacy groups now. We need to make sure our politicians not only say all the right things but do all the right things, too."

"We are hoping for a complete streets policy statement directing the road authorities to adopt the concept," says Brown.

"There is no doubt in my mind that if they do, we will have the safest roads in North America and a substantial reduction in fatalities." **LT**