



# *Recommendations on Bicycle Safety*

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Presented to the Minister of Justice  
and Public Safety

Bicycle Safety Strategy Working Group

July 2018

## Introduction

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The Bicycle Safety Strategy Working Group was established, effective Spring 2017, to provide advice to the Minister of Justice and Public Safety on design, development and delivery of bicycle safety policy in New Brunswick. Over a seven month period, six meetings were conducted. The working group was chaired by a senior official from the Department of Justice and Public Safety and had representation from the following groups and organizations:

|                           |  |                                      |  |
|---------------------------|--|--------------------------------------|--|
| <b>Folks on Spokes</b>    | <b>Department of Justice and Public Safety</b>         | <b>Royal Canadian Mounted Police</b> | <b>Association Francophone des Municipalities du Nouveau Brunswick</b> |
| <b>VeloNB</b>             | <b>Department of Tourism, Heritage and Culture</b>     | <b>Saint John Police Force</b>       |  |
| <b>Saint John Cycling</b> | <b>Department of Transportation and Infrastructure</b> |                                      |  |
| <b>Public Member</b>      | <b>Department of Environment and Local Government</b>  |                                      |  |

During the course of the meetings there were detailed discussions on cycling issues such as: cycling in municipalities, rules and responsibilities of drivers and cyclists, enforcement of laws pertaining to cycling, the educational and promotional campaign We're all Traffic, cyclist's handbook, and the driver's handbook. On several occasions members were given the opportunity to give presentations and answer questions on cycling related issues to provide awareness to the other working group members.

The Department of Justice and Public Safety committed to developing a regulation under the *Motor Vehicle Act* in relation to cycling. This regulation will incorporate the recommendations that have been collected from the discussions of the working group and the submissions put forward by its members.

When possible, the proposed changes (recommendations) will be part of a new proposed Regulation under the *Motor Vehicle Act*. However, there will be instances where the proposed changes will be required to remain in the *Motor Vehicle Act*. At such time when the proposed recommendations are ready to be presented to

Government, lawyers from Legislative Services at the Office of the Attorney General will be engaged to advise on the best way to make the proposed changes work.

The content of both the Bicycle Safety Handbook and any subsequent Bicycle Safety Campaigns will incorporate any of the proposed recommendations that ultimately result in changes to the *Motor Vehicle Act* or the supporting regulations.

## ***Recommendations***

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The following is list of recommendations put forward by the Bicycle Safety Strategy Working Group:

### **Definitions**

1. Update the definition of “bicycle” to reflect those vehicles that have more than 2 wheels.
2. Update the definition of “sidewalk” to allow for “designated portions” to be used for cycling, if permitted by a local authority.
3. Update the definition of “vehicle” to reflect bicycle activity on highways
4. Adding the definition of “bicycle lane”
5. Adding the definition of “sharrow”
6. Adding the definition of “bicycle pathway”
7. Adding the definition of “multi-use pathway”
8. Adding the definition of “cyclist”

### **Powers of Local Authorities**

1. Propose to create the authority for municipalities through by-law to:
  - a. designate portions of sidewalks deemed suitable for the operation of bicycles;
  - b. allow for bicycle lanes on designated highways or portions of highways and the rules associated with using such lanes;
  - c. establish terms and conditions associated with parking in bicycle lanes;
  - d. establish rules for operating a bicycle on a pathway.

### **Updated Helmet Standards / Fines**

A helmet must be designed for cycling and have a marking from one of the following organizations:

1. Snell Memorial Foundation: Snell B90, Snell B95, Snell B90S, or Snell N94
2. American National Standard Institute: ANSI Z90.4-1984

3. American Society For Testing and Materials: ASTM F1447-94
4. British Standards Institute: BS6863:1989
5. Standards Association of Australia: AS2063.2-1990
6. United States Consumer Product Safety Commission (CPSC) 16 CFR Part 1203

Propose that the fine level for not wearing a helmet be increased from the maximum of “twenty-one” dollars to a maximum of “fifty” dollars.

### **“Dooring”**

**189** No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open upon the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Propose to make a specific reference to both bicycles and bike lanes. There are instances where moving traffic from a bike lane could be coming from the passenger side of a stopped vehicle in addition to moving traffic from motor vehicles passing on the driver’s side.

### **Right-of-Way**

1. Motorists making turns which cross oncoming traffic and in particular making left turns can often misjudge the speed of an oncoming cyclist and turn in front of them. Proposing that a reference to “bicycle” be added to those sections of the MVA regarding right-of-way. This is commonly referred to as the “Left Cross”
2. Proposing the addition of a provision that would make it an offense for the operator of a vehicle making a right turn and thereby cutting off the pathway of a cyclist travelling straight ahead. This is commonly known as the “Right Hook”.

### **Sidewalks**

**191.1** Proposing that “bicycles” also be prohibited from being operated on a sidewalk unless it has been designated for bicycle use by a local authority.

### **Bicycle Pathways**

**179(3)** Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

Update by removing this reference.

## **Distracted Driving**

1. **265.02** No person shall operate a motor vehicle on a highway while using a hand-operated electronic device.  
Update by proposing a reference to the operation of a bicycle on a highway or a bicycle pathway.
2. Proposing that a person operating a bicycle is prohibited to use headphones or earphones unless it is a device used in conversational exchanges among its users to the extent that the device allows surrounding traffic noises to be heard.

## **Hand Signals**

**164** Propose that an additional authorized hand signal for use by cyclists be added. This would reflect that a cyclist could use their right arm extended horizontally as an alternative signal indicating a right turn.

## **Operation of a Bicycle at Night (Lights)**

Propose that a flashing red light that maintains the existing performance levels required for a non-flashing red light, be authorized for the use on the rear of a bicycle.

## **Signage**

Propose that the Department of Transportation and Infrastructure create signage depicting the 1 metre law and installing such signage on highways in the province.

## **Annual Meetings**

Proposed that the Department of Justice and Public Safety hold meetings with stakeholders from the cycling community on an annual basis to discuss safety related matters.

## Working Group Membership

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| Department / Organization  | WG Member                         | E-mail/phone   |
|--|-----------------------------------|--|
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