

June 23, 2021

File: 11-5460-06-0001/2021

Jamee Justason
Information and Resolutions Coordinator
Union of British Columbia Municipalities

By email: jjustason@ubcm.ca

Dear Ms. Justason:

Re: REVISED UBCM Resolution on Safe Passing Distance for All Road Users

This is to advise that the City of North Vancouver Council, at its Regular meeting of Monday, June 21, 2021, unanimously endorsed the following revised resolution:

“WHEREAS the Province of British Columbia encourages cycling and walking for transportation, yet relatively few roads in BC have bike lanes or shoulders, and many do not have sidewalks, directing cyclists and pedestrians to share roads with high-speed motor vehicle traffic, which can result in close passes, poses potentially fatal crash risks, and discourages active transportation;

WHEREAS over 40 jurisdictions across North America, including the provinces of Ontario, Quebec, Nova Scotia, New Brunswick, and Newfoundland and Labrador, have all enacted “safe passing distance” legislation designed to protect vulnerable road users by requiring motor vehicle operators to maintain a minimum distance when passing vulnerable road users, thus creating a better understanding of and expectation for road safety;

THEREFORE BE IT RESOLVED THAT the UBCM request the Province of British Columbia to amend the *Motor Vehicle Act* to better support safe active transportation by requiring drivers to provide 1 metre of space at speeds 50 km/h or less, and 1.5 metres of space at speeds in excess of 50 km/h, when passing people cycling or walking.”

Please find enclosed a certified copy of the Council resolution for your reference. We would ask that the resolution be included in the *Resolutions Book* for consideration at the UBCM convention.

If you require any further information, please feel free to contact me at kgraham@cnv.org or 604-990-4234.

Yours truly,



Karla Graham, MMC
Corporate Officer

Encl.

cc UBCM Member municipalities

CERTIFIED RESOLUTION OF COUNCIL:

I hereby certify that this is a true copy of a resolution passed by the Council of the City of North Vancouver at its Regular meeting of June 21, 2021:

“Moved by Councillor Bell, seconded by Councillor Back

WHEREAS the Province of British Columbia encourages cycling and walking for transportation, yet relatively few roads in BC have bike lanes or shoulders, and many do not have sidewalks, directing cyclists and pedestrians to share roads with high-speed motor vehicle traffic, which can result in close passes, poses potentially fatal crash risks, and discourages active transportation:

WHEREAS over 40 jurisdictions across North America, including the provinces of Ontario, Quebec, Nova Scotia, New Brunswick, and Newfoundland and Labrador, have all enacted “safe passing distance” legislation designed to protect vulnerable road users by requiring motor vehicle operators to maintain a minimum distance when passing vulnerable road users, thus creating a better understanding of and expectation for road safety;

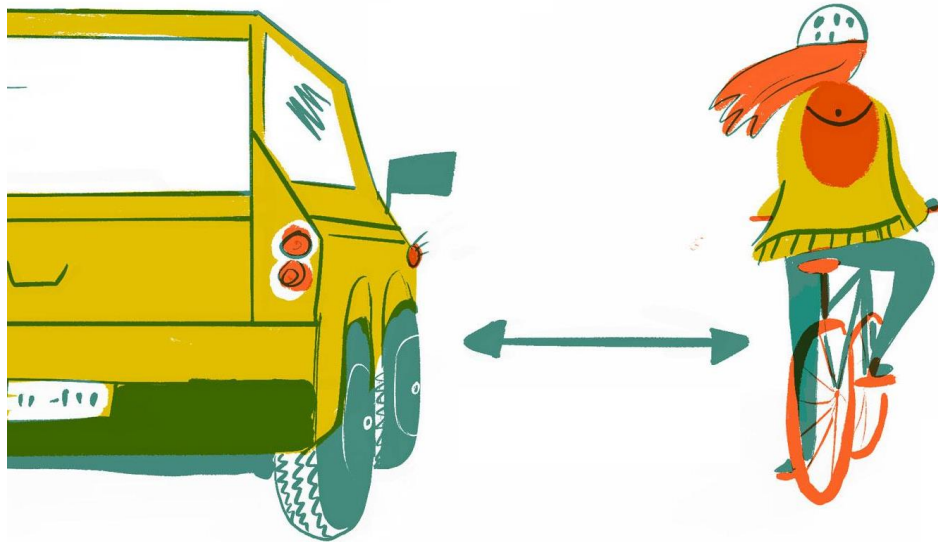
THEREFORE BE IT RESOLVED THAT the UBCM request the Province of British Columbia to amend the *Motor Vehicle Act* to better support safe active transportation by requiring drivers to provide 1 metre of space at speeds 50 km/h or less, and 1.5 metres of space at speeds in excess of 50 km/h, when passing people cycling or walking.

CARRIED UNANIMOUSLY”

Dated at North Vancouver, BC, this
23rd day of June, 2021.



Karla D. Graham, MMC
Corporate Officer



Make Space

A Minimum Passing Distance Law for B.C.

Why Minimum Passing Distance is Important

Minimum passing distance is a road safety law prohibiting ‘close passing’, which occurs when a motor vehicle overtakes a person on a bicycle without providing 1 metre of space.

Evidence from research conducted in the UK shows that new cyclists tend to cycle slower, and that the slower people cycle, the more likely they are to be close passed. Cyclists surveyed also felt that, based on the behaviour of other road users, most close passing incidents were preventable.

As such, close passing is a problem on a few important fronts:

- **Gender equity**—close passes affect more women than men.
- **Active transportation policy**—new cyclists are close passed more than experienced cyclists.
- **Social justice**—cyclists say they feel powerless to do much to prevent close passing, which is largely due to driver behaviour.

Research by Westminster University found that:

- Cycling 12 kph or less on average results in three times more near misses per km, compared to cycling 20 kph or faster.
- Women, who on average cycle more slowly, have higher near miss rates than men.

SOURCE: [Near Miss Project](#)

What Can Be Done About Close Passing

Protected infrastructure can reduce the discomfort, discouragement, and fear experienced by those who cycle and walk for transportation in close proximity to motor vehicle traffic.

However, sufficient infrastructure cannot be built fast enough to mitigate the actual risks and impacts of close passing. By defining and quantifying the minimum distance required to safely pass vulnerable road users via the Motor Vehicle Act (MVA), a Minimum Passing Distance law could meaningfully reduce current crash and injury rates in communities across B.C.

- **Minimum Passing Distance laws** provide an objective standard for safe passing
- **Many North American jurisdictions have enacted Minimum Passing Distance laws**, and promoted the new legislation to establish public information, education, and enforcement programs supporting broader road safety goals and objectives.

Because close passing in B.C. currently counteracts policies and strategies designed to support environmentally sustainable transportation modes like cycling and walking, it is important for the provincial government to move quickly to address this issue via legislation.

Active Transportation in B.C.

Cycling & Walking Growth

The repurposing of road space to facilitate walking and cycling in many communities across British Columbia during COVID-19 is an extension of active transportation policies and strategies that have influenced transportation-oriented development in larger urban centres since the 1980s.

Evidence suggests that these policies and strategies have largely worked¹:

- **Almost one-quarter of British Columbians reported commuting by foot, bike or public transit**; 93% said they expected to spend more time walking or cycling in the future.
- **2.5% of British Columbians commute by bike**; top cycle commuting cities in B.C. include Revelstoke (14%), Victoria (11%), Whistler (10%), Vancouver (6%), and Kelowna (4%).
- British Columbians spend about **one-sixth of their travel time walking or cycling** to typical destinations
- **One-third of B.C. households** have at least one school-aged child walking or cycling to school.

Crashes & Injuries

Recent ICBC data suggests that police under-reporting of crashes over the past 10 years, particularly those involving bicycles, shows that crashes involving motor vehicles are causing more injuries and that cyclists are increasingly and disproportionately at risk,:

- On average, **police attend less than one-quarter of the 2,000 crashes involving a cyclist** each year, yet three-quarters of these crashes result in injury or death.
- The **injury rate from ICBC-reported crashes has increased**, from 29% in 2010 to 31% in 2020.

Evidence suggests that many of the factors contributing to crashes involving cyclists could be mitigated through education and enforcement; 85% of all contributing factors assigned to drivers are the result of driving behaviour, such as distraction, failure to yield, and improper passing and turning.²

¹ B.C. Ministry of Transportation & Infrastructure 2019 Active Transportation Population Survey Report; Statistics Canada, 2016 Census.

² ICBC data.

Advocating for Safe Passing

Advocacy organizations, including the British Columbia Cycling Coalition (BCCC), the Cross Canada Cycle Tour Society, Cycling BC, and GoByBike BC Society, are asking the Government of BC to amend the MVA to include a minimum passing distance.

This recommendation also reflects the work of the Road Safety Law Reform Group of BC, a coalition of member organizations including the BCCC, Capital Bike, HUB Cycling, Mobi Bike Share, Health Officers Council of BC, Fraser Health, Interior Health, Vancouver Coastal Health, BC Injury Research and Prevention Unit, City of New Westminster, City of Victoria, City of Vancouver Active Transportation Policy Council, Modo the Car Co-op, Hastings Crossing Business Improvement Association, and the Trial Lawyers Association of B.C.

In 2016, the Road Safety Law Reform Group of British Columbia issued a position paper entitled [Modernizing the BC Motor Vehicle Act](#), which included the following recommendation:

“[That] the MVA be amended to specify that a motor vehicle must leave at least 1 m between all parts of the vehicle (and any projecting objects) when passing a cyclist or other vulnerable road user at speeds of 50 km/h or less and at least 1.5 m at speeds in excess of 50 km/h.

Section 157 of the MVA states that an overtaking vehicle “must cause the vehicle to pass to the left of the other vehicle at a safe distance.” Bicycles, however, are not “vehicles” by definition under the Act, hence there is some confusion as to whether the language of the MVA even applies to passing cyclists.

At best, it can be argued that because a cyclist has the same rights as the operator of a vehicle (Sec. 183.1), a cyclist has the right to be passed “at a safe distance.” In any event, even where courts have accepted that motorists have an obligation to pass cyclists safely, what constitutes as a safe passing distance remains unclear.³

The proposed amendment would provide clarification that a motorist has a duty to leave a safe passing distance when passing a cyclist as well as definitive guidance on the minimum such distance. This avoids subjective assessments by motorist as to what constitutes a safe distance, and provide an objective standard for enforcement.

Minimum Passing Distances in North America

Establishing safe passing legislation would help B.C. catch up to other jurisdictions with progressive road safety laws. Currently, 39 provinces and states have legislated minimum passing distances, as do a number of Canadian cities.

Many of these jurisdictions have instituted minimum distances for passing depending on facility type and/or posted speed limits:

- 3 ft / 1m for most roads.
- 5-6 ft / 1.5 m on roads with motor vehicle traffic travelling at speeds of 30 mph / 50 kph or more.

³ See Dupre v. Patterson, 2013 BCSC 1561. The Court did not consider the argument that a vehicle does not include a bicycle.

New Brunswick

Motor Vehicle Act—[Section 149 Part 3 \(c\)](#), which was [passed into legislation](#) in 2017 as Bill 48, “[An Act Respecting Ellen’s Law](#)”:

“...the driver of a vehicle overtaking and passing a bicycle proceeding in the same direction...shall pass to the left at a distance of at least one metre from the bicycle...”

Newfoundland and Labrador

Highway Traffic Act—[Subsection 96\(1\) c.1](#), which was [passed into legislation](#) in 2018:

“...shall, where the vehicle which is being overtaken is a bicycle, pass the bicycle at a distance of at least (i) one metre from the bicycle where the speed limit is 60 kilometres an hour or less, or (ii) one and a half metres from the bicycle where the speed limit is greater than 60 kilometres an hour...”

Nova Scotia

Motor Vehicle Act—[Chapter 293, Section 171B\(1\)](#), which was [passed into legislation](#) in 2010 as Bill 93:

“A driver of a vehicle shall not pass a bicycle travelling in the same direction as the vehicle that is being ridden to the far right of the driver of the vehicle on the roadway, on the shoulder or in an adjacent bicycle lane unless...the driver leaves at least one metre open space between the vehicle and the cyclist.

Notwithstanding subsection 115(2), a driver of a motor vehicle may cross a line to pass a bicycle in accordance with subsection (1) if the driver can do so safely as required by Section 100.”

Ontario

Highway Traffic Act—[Part X, Section 148 \(6.1\)](#), which was [passed into legislation](#) in 2015 as Bill 31, “[Making Ontario’s Roads Safer Act](#)”.

“Every person in charge of a motor vehicle on a highway who is overtaking a person travelling on a bicycle shall, as nearly as may be practicable, leave a distance of not less than one metre between the bicycle and the motor vehicle and shall maintain that distance until safely past the bicycle.

(6.2) The one metre distance required by subsection (6.1) refers to the distance between the extreme right side of the motor vehicle and the extreme left side of the bicycle, including all projections and attachments.”

Quebec

Highway Safety Code—[Chapter 91, Section 341 \(6.1\)](#), which was [passed into legislation](#) in 2018 as Bill 165, “[An Act to amend the Highway Safety Code and other provisions](#)”.

“The driver of a road vehicle may not pass a cyclist within the same traffic lane unless it can be done safely, after reducing the vehicle’s speed and ensuring that a reasonable distance can be kept between the vehicle and the cyclist during the manoeuvre.

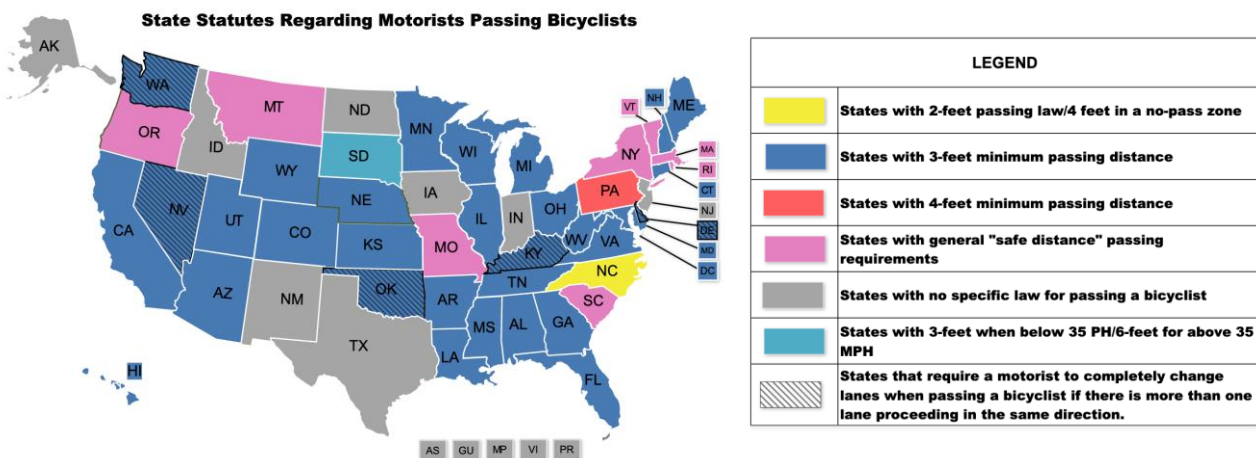
In no case may the driver of a road vehicle perform this manoeuvre if the part of the roadway on which the driver must encroach is not clear of traffic for a sufficient distance, in particular if another vehicle is oncoming or is coming up alongside the vehicle. In such a case, the driver must remain in the lane and reduce the vehicle’s speed, in particular by staying behind the cyclist. ...

A reasonable distance is 1.5 m on a road where the maximum authorized speed limit is more than 50 km/h or 1 m on a road where the maximum authorized speed limit is 50 km/h or less.

This section applies to the driver of a road vehicle when meeting or passing a pedestrian, with the necessary modifications. It also applies to such a driver if the cyclist or pedestrian is travelling on the shoulder or on a cycle lane that is not separated from the roadway by a median strip or any other raised physical device.”

Minimum Passing Distance Laws in the U.S.

According to the [National Conference of State Legislators](#), as of February 2021, 33 states (and the District of Columbia) have enacted minimum passing distance laws that require motor vehicle operators to leave at least 3 feet when passing a bicycle operator:



A Safe Passing Law for B.C.

With strong evidence that close passing contribute to crash risks and injury rates, is a gender equity and social justice issue that works against contemporary transportation policies, and that similar laws have been successfully passed into law and adopted in jurisdictions across North America, it’s appears to be time for B.C. to enact minimum passing distance legislation.

With the province's Active Transportation Strategy calling for walking and cycling rates to double by 2030, and RoadSafetyBC aiming for 'Vision Zero', something must be done. Across North America and in Canada new laws have been successfully passed and adopted.

The time for a Minimum Passing Distance to protect vulnerable road users in B.C. is now.

For more information:

Colin Stein
Executive Director
colin.stein@bccycling.ca

Motor Vehicle Act & Regulatory Reform Subcommittee
admin@bccycling.ca

About The BC Cycling Coalition

The BC Cycling Coalition (BCCC) is a non-profit, member-driven society focused on active transportation and mobility in British Columbia. The BCCC works on transportation policy, engages with government, and delivers provincial cycling programs like Bike Sense and Kids on Wheels, in order to help make active transportation safe, practical and enjoyable for all British Columbians. www.bccc.bc.ca