

April 16, 1998

SUBJECT: BICYCLE HELMET LEGISLATION

RECOMMENDATION:

- A. THAT cyclists be required to wear a safety helmet when cycling in all areas under the jurisdiction of the Park Board.**
- B. THAT the General Manager of Parks and Recreation and the Director of Legal Services prepare the necessary amendments to the Parks Control By-Law and others.**

BACKGROUND

Cyclists in British Columbia are required to wear safety helmets when riding on a highway, according to Bill 50 - 1995, passed by the Provincial Legislature on June 27, 1995 and enacted on September 3, 1996. All City streets and lanes are included in the definition of highway, including park roads.

According to an amendment to Section 120 of the Act, Municipal Powers, municipalities are authorized to pass by-laws which designate paths where cyclists are required to wear a safety helmet.

On March 24, 1998, City Council passed an amendment (see appendix) to By-Law No. 2849, requiring cyclists to wear helmets on City of Vancouver Bicycle Routes that are not on highways and thereby not covered by the provincial legislation. Some sections of these bicycle routes are currently excluded from the City's By-Law because they are located in parks, and thereby under the jurisdiction of the Park Board. The park sections of City of Vancouver Bicycle Routes are shown in the map appendix in dashed lines.

DISCUSSION

This report seeks approval from the Board to amend the Parks Control By-Law such that cyclists are required to wear safety helmets in parks.

Two City of Vancouver Bicycle Routes pass through parks. The BC Parkway passes through John Hendry Park. The Seaside Route is located in part on City Streets, in part on off-street City right-of-ways, part in parks. It passes through Harbour Green Park, Stanley Park, English Bay Beach Park, Sunset Beach Park, David Lam Park, Cooper's Park, Creekside Park, Charleson Park, Vanier Park, Hadden Park, Kitsilano Beach Park, Jericho Beach Park, Locarno Beach Park, and Spanish Banks Beach Park. For cyclists or the police it is

currently impossible to determine the exact boundaries between City and Park Board jurisdiction on the bicycle route without consulting property maps.

The new English Bay Bike Route, a portion of the Seaside Route currently under construction, will have portions of bike path located partially on park property and partially on street right-of-way. Unless the Park Board mandates wearing bicycle helmets, situations will arise where cycling on the left side of the path requires wearing a helmet while cycling on the right side does not. Such conditions would confuse the public and limit the police in enforcing the City By-Law. It is therefore desirable to establish consistency across jurisdictions regarding bicycle helmets.

Generally, cyclists do not put on and take off their helmets as they cross the invisible lines of different jurisdictions. Most of the cyclists on rented bikes in Stanley Park who choose not to wear a helmet in the park also do not wear one when riding on City Streets back to the rental store. Since almost no cycling trips are fully contained within parks, the lack of helmet requirements in parks may contribute to violations against the provincial legislation outside parks.

The reason for bicycle helmet legislation is to reduce the risk of brain injuries and deaths caused by cycling accidents. By far the greatest risk to cyclists results from conflicts with motor vehicles. Cycling on bike paths in parks therefore poses a lesser risk of injury. Nonetheless, serious cycling accidents do happen in parks due to the large volume of and conflicts between cyclists, in-line skaters and pedestrians on the popular routes, the underestimation of the skill level required to safely negotiate some routes, and the preponderance of hard surfaces such as pavement, rocks and cliffs.

In addition, there is an educational aspect. Parents often take their children to parks in order to teach cycling in a motor vehicle-free environment. Wearing a safety helmet is a part of proper cycling behaviour, and should be a part of learning to cycle as well.

This report recommends that the Parks Control By-Law be amended to require that all cyclists and passengers on bicycles wear safety helmets in parks.

The Board could choose a different legal instrument by solely joining the City's By-Law. The Park Board would have to identify and designate each path where the By-Law applies. Cycling off these paths, or on non-designated paths, would not require wearing helmets. It is feared that such approach might encourage cyclists to stay off those paths intended for cycling, and potentially increase pressure on paths where cycling is not desired. Also, this approach might be interpreted as a message that cycling on designated paths is less safe than cycling on non-designated paths or off-path. Lastly, this approach would create similar enforcement problems to the current situation.

IMPACT

A large number of tourists renting bicycles for a ride around the Seawall come from countries which do not have bicycle helmet legislation. They often do not

want to wear bicycle helmets because they do not agree that it is advisable, or find helmets uncomfortable, silly or ugly. Potentially, some of them may choose to forego cycling and thereby reduce the overall number of cyclists. There is some evidence that introducing bicycle helmet legislation has had a negative impact on cycling in other jurisdictions. Given the singular attractiveness of Stanley Park, such potential reduction is estimated as minimal and short-lived.

There is no indication that people foregoing a bicycle ride around the Seawall would choose to drive their cars around the park instead. It is more likely that they would opt to walk or in-line skate, that is choose another form of non-polluting recreation. In addition, the introduction of the Stanley Park Shuttle this year offers new options, such as combining a walk around part of the Seawall with a shuttle ride to return to the point of origin. Therefore, even if the requirement to wear helmets reduces the number of cyclists, it is not expected that an increase in polluting transportation ensues.

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