August 22, 2005

To: MUNICIPAL CLERK
ALL ONTARIO MUNICIPALITIES OVER 50,000 POPULATION

Re: Bill 169, the Transportation Statute Law Amendment Act, 2005
Reference: TSC-0132-2005
File: LA.17.HTA

City Council on August 10, 2005, adopted Traffic Safety Council Recommendation TSC-0132-2005 regarding Bill 169, the Transportation Statute Law Amendment Act, 2005, Section 27(3) which amends Section 176(3) of the Highway Traffic Act, RSO 1990 to state that “Where a school crossing guard displays a school crossing stop sign as provided in subsection (2), the driver of any vehicle or street car approaching the school crossing guard shall stop before reaching the crossing and shall remain stopped until all the children and the school crossing guard have cleared ‘the half’ of the roadway upon which the vehicle or street car is traveling and it is safe to proceed.”

Concern has been expressed by the City of Mississauga to the Minister of Transportation regarding the wording in this section, in that it is felt that crossing guards are at risk of being struck down by motorists after crossing school children and returning to his/her place of origin at the curb. This could also apply to a child who may change his/her mind and either cross the road too late or decide to return to the curb.

As you can see from the attached correspondence from the Assistant Deputy Minister, Road User Safety Division, Ministry of Ontario, the Minister of Transportation feels that the wording addresses the safety issue and is consistent with other locations where pedestrians cross the roadway, citing pedestrian crossovers and signalized intersections.

It would be greatly appreciated if you could forward this letter and attachments to the appropriate individual(s) within your municipality with a request that the position of Traffic Safety Council be endorsed. It would also be appreciated if the response, with your comments and concerns, could be sent directly to the Minister of Transportation. The safety of our crossing guards and school children is of utmost importance.

Yours truly,

David A. Brown, Chair
Mississauga Traffic Safety Council

cc: The Honourable J. Tory, Leader of the Official Opposition
Mr. J. Wilson, Transportation Critic, Ontario Conservative Party
June 28, 2005

The Honourable Harinder Takhar, MPP
Mississauga Centre
& Minister of Transportation
77 Wellesley Street West
Ferguson Block, 3rd Floor
Toronto, Ontario
M7A 1Z8

Dear Mr. Minister:

I am in receipt of a reply dated May 25, 2005 from Frank D’Onofrio, Assistant Deputy Minister to our letter of April 14, 2005 and resolution regarding Bill 169, the *Transportation Statute Law Amendment Act*, 2005.

We commend the Ministry of Transportation for their efforts to improve the safety of school children by introducing Bill 169. However, while Bill 169 does clarify when traffic may proceed after stopping, we have a concern with the requirement that traffic must remain stopped only until the children and guard have cleared their half of the roadway. While we recognize that “half of the roadway” is consistent with the present requirements of the Highway Traffic Act at other locations where pedestrians cross, such as pedestrian crossovers and signalized intersections, there are some circumstances that are unique to school crossings that are not addressed by Bill 169.

School crossings are unique in that, at a number of designated school crossings, the crossing guard, after proceeding to the centre of the roadway to cross children and once the children have reached the opposite sidewalk, must retrace his/her steps to the corner of origin to cross the next group of children. Under the proposed legislation, drivers, in their judgement could decide that the guard and the students have cleared the half of the roadway and it is safe to proceed, thus providing a hazard to the crossing guard who must then cross their path or be left stranded in the roadway. In addition, to children, the presence of a crossing guard in the crosswalk means that it is safe to enter the roadway. Children cannot always be relied upon to be alert to traffic and may have made the judgement that it is safe to proceed since the crossing guard and children already in the crosswalk have cleared their half of the roadway. Children are also prone to single-mindedly changing their minds, turning back to the corner of origin to return home to pick up a forgotten item or missing companion.
At the present time, although it is not legislated under the HTA, public perception is that traffic must remain stopped until the children and the crossing guard have left the roadway. A significant number of motorists behave in this manner. To advise traffic that they must only wait until the children and the guard have cleared the “half of the roadway” is a reduction in what the public generally perceives to be the current requirement.

Although we can agree that, in principle, consistency in legislation is desirable, there are fundamental differences between school crossings and pedestrian crossovers and signalized intersections that we feel warrant consideration, namely the limited hours of operation and the target population. School crossings are in operation for a limited period of time each school day, at school entry and dismissal times, Monday to Friday, exclusive of school vacation periods, and not twenty-four hours a day, seven days a week as are pedestrian crossovers and signalized intersections. More importantly, the users of the school crossing are children. School crossings are implemented solely to ensure the safety of children on their way to school. Therefore, if the proposed Bill 169 legislation were amended to allow that traffic remain stopped until the children and the guard have left the roadway, the impact on the overall movement of traffic would be minimal but protection for both the children and the crossing guard would be maximized.

Studies show that elementary age school children have not yet developed the ability to make good judgements related to traffic and traffic signals. Therefore the onus is on us as legislators to provide them with maximum protection until they are of an age to have developed that ability themselves. Bill 169 does not provide that protection in its current form. Experience has shown that relying on the judgement of motorists and children, as well as on irregular enforcement to ensure safety is not compromised is naive at best. The potential for conflict is too great.

We strongly urge you Mr. Minister to consider the proposed amendment to Bill 169 for our children’s sake.

Thank you for your consideration of our request.

Sincerely,

HAZEL McCALLION
MAYOR

cc: Members of Council
    Mr. Fred D’Onofrio, Assistant Deputy Minister, Ministry of Transportation
    Ontario Traffic Conference
    Mr. Martin Powell, Commissioner, Transportation and Works
    Ms. Denise Peternell, Committee Co-Ordinator, Traffic Safety Council
Ms. Patricia Saito, Acting Mayor
Office of the Mayor
The Corporation of the City of Mississauga
300 City Centre Drive
Mississauga, Ont. L5B 3C1

Dear Ms. Saito:

Thank you for your letter of April 14, 2005, and the enclosed resolution regarding Bill 169, The Transportation Statute Law Amendment Act, 2005. The Honourable Harinder S. Takhar, Minister of Transportation, has asked me to respond on his behalf.

The Ministry of Transportation (MTO) places significant importance on improvements to the safety of school children. Introducing Bill 169 is further proof of this commitment.

Bill 169, if passed, would address comments from school crossing guard administrators to clarify when traffic may proceed after stopping. The proposed legislation would require all traffic to stop when a school crossing guard enters the roadway and to remain stopped until the children and guard have cleared their half of the roadway and it is safe to proceed. This is consistent with the present requirements of the Highway Traffic Act at other locations where pedestrians cross, such as pedestrian crossovers and signalised intersections.

This proposed legislation allows students to cross safely without unnecessarily detaining the movement of traffic. The wording “half of the roadway” is also used in the American Uniform Vehicle Code and is contained in most traffic legislation in US jurisdictions. MTO is confident that this wording, coupled with public education and appropriate enforcement, will enhance the safety of both school children and crossing guards.

Once again, thank you for bringing your council’s resolution to our attention.

Sincerely,

Ennie Bartucci
Assistant Deputy Minister
Road User Safety Division

For: Hon. Harinder S. Takhar, Minister of Transportation

http://www.mto.gov.on.ca
The Honourable Harinder S. Takhar  
Minister of Transportation  
3rd Floor  
77 Wellesley Street West  
Toronto, Ontario  
M7A 1Z8

Dear Mr. Minister:

Re: Bill 169 – Transportation Statute Law Amendment Act, 2005

On behalf of the Council of The Corporation of the City of Mississauga, I wish to thank you for introducing the new legislation at Queen's Park known as the Transit and Safety Bill or Bill 169 – Transportation Statute Law Amendment Act, 2005.

The City of Mississauga Traffic Safety Council has reviewed Section 27. (3) of Bill 169 that amends Section 176 (3) of the Highway Traffic Act, RSO 1990 as it relates to School Crossing Guards and Vehicles Approaching Crossing Guards Displaying Signs. City Council, in the past, has requested amendments to the Highway Traffic Act specifically with respect to Section 176 (3) as it relates to the safety of the Crossing Guard and the children crossing a roadway. The provision for a vehicle to proceed through the “half” of the roadway prior to the Crossing Guards returning to their original side of the road creates a substantial hazard to the school Crossing Guard and children both in the crossing or about to cross.

Accordingly, the enclosed Resolution 0083-2005 was adopted by the Council of The Corporation of the City of Mississauga at its meeting on April 13, 2005, reiterating our request for the necessary legislative changes to address our concerns.

Sincerely,

PATRICIA (PAT) SAITO  
ACTING MAYOR  
COUNCILLOR, WARD 9

cc: All Region of Peel MPPs  
Association of Municipalities of Ontario  
Ontario Traffic Conference

Enc. Resolution 0083-2005
RESOLUTION 0083-2005
passed by the Council of
The Corporation of the City of Mississauga
at its meeting on April 13, 2005

Moved by: P. Saito          Seconded by: K. Mahoney

Whereas Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters received first reading on February 21, 2005,

And Whereas Bill 169, Section 27(3) amends Section 176(3) of the Highway Traffic Act, RSO 1990 to state that “Where a school crossing guard displays a school crossing stop sign as provided in subsection (2), the driver of any vehicle or street car approaching the school crossing guard shall stop before reaching the crossing and shall remain stopped until all the children and the school crossing guard have cleared ‘the half’ of the roadway upon which the vehicle or street car is travelling and it is safe to proceed,”

And Whereas a vehicle proceeding through ‘the half’ of the roadway prior to crossing guards returning to their original side of the road creates a substantial hazard to the school crossing guard and children both in the crossing or about to cross,

Now Therefore be it resolved that Bill 169, Section 27(3) to amend Section 176 (3) of the Highway Traffic Act, RSO 1990 be further amended to require the driver of a vehicle to remain stopped until all the children and the school crossing guard in the crossing have cleared the roadway,

And Further be it resolved that the Ministry of Transportation (Ontario) be requested to undertake a Province-wide publicity campaign to inform Ontario drivers of their obligations with regard to this amendment,

And that this resolution be forwarded to Mississauga MPPs, all Ontario municipalities and to the Ontario Traffic Conference.