CITY WIDE IMPLICATIONS

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Downtown Renewal Division

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<th>Report to:</th>
<th>Chair and Members Planning &amp; Economic Development Committee</th>
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<tr>
<td>Date:</td>
<td>October 28, 2005</td>
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SUBJECT: Correspondence from the City of Mississauga Respecting Bill 169, the Transportation Statute Law Amendment Act, 2005 (PED05157) (City Wide)

RECOMMENDATION:

(a) That the City of Mississauga Resolution 0083-2005 respecting Bill 169 amending Section 176(3) of the Highway Traffic Act, RSO 1990 as it relates to School Crossing Guards and vehicles approaching School Crossing Guards displaying signs, be endorsed, and that the Ministry of Transportation and the Ontario Traffic Conference be so advised.

(b) That outstanding item number “GG”, entitled “Safety of Crossing Guards due to changes in Bill 169, Transportation Statute Law Amendment Act”, be identified as completed and removed from the Outstanding Business List of the Planning and Economic Development Committee.

EXECUTIVE SUMMARY:

Bill 169, being the Transportation Statute Law Amendment Act, 2005, proposes, among other things, to amend Section 176(3) of the Highway Traffic Act, RSO 1990, c.H.8, as amended, as it relates to School Crossing Guards and vehicles approaching Crossing Guards displaying signs. The amendment would require 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 the streetcar is travelling and it is safe to proceed.”

The Highway Traffic Act currently requires that motorists stop for a School Crossing Guard displaying a school crossing stop sign, and permits the motorist to proceed when it is “safe to do so”, notwithstanding the position of the Crossing Guard or the children on the roadway.

While acknowledging that the proposed amendment to the Highway Traffic Act is a positive effort to improve the safety of school children at school crossing locations, the City of Mississauga, by way of Resolution 0083-2005, has requested that the Ministry of Transportation further amend the Act to require that motorists remain stopped until the school children and the Crossing Guard have cleared the roadway completely.

The Ontario Traffic Conference has indicated that, in coordination with such endorsements as other municipalities may provide, it will lobby the Minister of Transportation to implement an amendment to the Highway Traffic Act which is consistent with the City of Mississauga resolution.

**BACKGROUND:**

City Council, at its September 14, 2005, meeting, received correspondence from David Brown, Chair, Mississauga Traffic Safety Council, respecting Bill 169, the Transportation Statute Law Amendment Act, 2005. A copy of Mr. Brown’s correspondence is attached hereto as Appendix “A” to Report No. PED05157.

The City of Mississauga has expressed concerns that the proposed amendment to the Highway Traffic Act requiring motorists to remain stopped at a school crossing only until the motorist’s half of the roadway is clear of children and the Crossing Guard, does not provide the maximum protection appropriate to school crossing locations. Accordingly, the City of Mississauga, by Resolution 0083-2005, dated April 13, 2005, requested that the Highway Traffic Act be further amended to require the driver of a vehicle to remain stopped until all of the children and the School Crossing Guard have entirely cleared the roadway.

The City of Hamilton has approximately 200 school crossing guard locations, where several thousand elementary school aged children cross public highways daily. Motorists in Hamilton are, for the most part, respectful of the Crossing Guards, and usually remain stopped until the roadway is entirely clear of both the school children and the Crossing Guard. Staff, however, share the concerns expressed by the Mississauga City Council and its Traffic Safety Council that, while Bill 169 purports to be motivated by good intentions, the soon to be implemented amendment to the Highway Traffic Act requiring motorists to remain stopped only until their half of the roadway is clear may, in reality, reduce safety at school crossing locations by emphasising the fact that motorists

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1 Section 27(3) of Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters. 1st Reading February 21st, 2005.
are not required to remain stopped until the roadway is entirely clear of all the children and the Crossing Guard.

**ANALYSIS/RATIONALE:**

Essentially, staff’s concern is that a motorist who intends to proceed through a crossing location once the children have left the half of the highway occupied by his or her vehicle may be overly focused on the children crossing as a group. Consequently, said motorist may not react in time to avoid a child who, at the last minute, changes his or her mind and darts back across the road, or a child who attempts to cross the roadway later than the group of children originally ushered across by the Guard.

Notwithstanding the position presented by the Assistant Deputy Minister, Frank D’Onofrio, staff holds that School Crossing locations should be treated in the same manner as School Bus Stop locations such that traffic may not move in either direction on the highway until such time as the Stop Sign, whether attached to a Bus, or held by a School Crossing Guard, is no longer displayed.

**ALTERNATIVES FOR CONSIDERATION:**

At present, one of the primary goals of the Public Transportation and Highway Improvement Act is to “ease congestion on Ontario highways”\(^2\). Staff is concerned that pedestrian safety might be inadvertently sacrificed in the effort to achieve that goal. Electing not to endorse the subject resolution will, in staff’s view, undermine efforts to bring about a more “pedestrian safety” oriented amendment to the Highway Traffic Act.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial**

None

**Staffing**

None

**Legal**

The operation of vehicular traffic at school crossing locations is regulated by the Highway Traffic Act. The City of Mississauga’s resolution and this report were prompted by Bill 169, the Transportation Statute Law Amendment Act, 2005. No legal implications apply save and except the possible improvement to the proposed Highway Traffic Act amendment.

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http://ontia.on.ca/library/bills/381/169381.htm
POLICIES AFFECTING PROPOSAL:
N/A

RELEVANT CONSULTATION:
The Traffic Engineering Section of Public Works has been consulted as this relates to the movement of vehicular traffic and concurs with the recommendation.

The Ontario Traffic Conference (OTC)\(^3\) was also consulted as an independent agency. Contingent upon the endorsement of other municipalities, the OTC Board of Directors, in keeping with their mandate, intends to submit a report to the Ministry of Transportation Ontario in support of the City of Mississauga resolution.

CITY STRATEGIC COMMITMENT:
By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The recommendation is consistent with the City’s goal to maintain a “Healthy, Safe and Green City” with reference to “Public Safety for the Community, with the Community” whereby “Council will work with the community to improve the safety of all residents”.

Environmental Well-Being is enhanced. ☐ Yes ☑ No
N/A

Economic Well-Being is enhanced. ☐ Yes ☑ No
N/A

Does the option you are recommending create value across all three bottom lines? N/A ☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? N/A ☐ Yes ☑ No

MBH/kag
Attach.

\(^3\) The OTC is a self-funded not-for-profit agency comprised of elected municipal officials, police services personnel and private and public sector traffic, transportation and parking professionals (i.e. Engineers, Engineering Technologists, Certified Municipal Law Enforcement Officers, Equipment Suppliers, etc.) The OTC was incorporated on June 6, 1956, to “Develop and Promote Expertise Regarding Traffic Matters Affecting Ontario in Keeping with Current and Future Transportation, Social and Environmental Goals through Engineering, Enforcement and Education”. 
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 travelling 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, Canadian Alliance Conservative Party
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. Salto
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.