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UPGRADE THE LEGISLATION

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David Hay

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There has never been a more exciting time to be a cycling advocate in British Columbia, and specifically in downtown Vancouver. The present city council seems predisposed to do everything it can to move the City of Vancouver into a new era in which the bicycle is given paramount importance as a mode of transportation. Other local governments in the region will inevitably follow suit. The construction of segregated bike lanes along major arterial routes within the city was a development we could only dream about at small and revolutionary-style advocacy meetings I had the pleasure to attend almost 20 years ago.

Despite the tremendous infrastructure change at the local level, a significant lag at the Provincial regulatory level remains the elephant in the room.

Local governments such as the City of Vancouver obtain much of their legal power from the Province. From a constitutional perspective, local governments are mere creatures of the Province of British Columbia and occupy an inferior legal position. For example, while the City of Vancouver can undertake the construction of a bike route, and may pass by-laws in relation to the bike route (eg. speed limit), municipalities cannot define legal rights and obligations as they relate to the cycling infrastructure. That is the domain of the Provincial legislature which, since 1996, has been asleep at the handlebars.

Absent proper legislation, even the legal nature of a bike lane, whether segregated or not, is unknown. Everyone assumes cyclists enjoy enhanced legal protection while riding in a bike lane, but the reasons underlying that assumption are not codified and are poorly understood.

The definition of laws related to cyclists ought not to be left to those rare occasions on which judges review the circumstances of an accident between a cyclist and a motorist. This responsibility rests with the Province's elected representatives. The present [Motor Vehicle Act](#) is antiquated and ill equipped to deal with changes to cycling infrastructure throughout the Lower Mainland.

Users of the roadway expect to find an understanding of the rules of the road within the laws enacted by the



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government. The absence of contemporary and relevant legislation represents a significant legal impediment to our progress towards a better future for cyclists.

David Hay is a litigation lawyer and partner at Richards Buell Sutton, LLP. He has a special interest in bike injury and can be contacted directly at 604.661.9250 or by email.



700 - 401 W GEORGIA ST.
VANCOUVER, BC V6B 5A1
CANADA

TELEPHONE
604 682 3664

FAX
604 688 3830

RBS.CA