

City Clerk's Division

COUNCIL FOLLOW-UP NOTICE

TO: Kirsten Stevenson
Administrator
Hamilton Police Services Board
155 King William Street
Hamilton, ON L8R 1A7

DATE: April 20, 2021

FROM: Alicia Davenport
Legislative Coordinator, Office of the City Clerk

SUBJECT: **Bill 148, *Doored But Not Ignored Act, 2019***

Please be advised that, at its meeting of March 31, 2021, Council approved Item 1 of Public Works Committee Report 21-004, which reads as follows:

1. **Bill 148, *Doored But Not Ignored Act, 2019* (Hamilton Cycling Committee - Citizen Committee Report) (Item 7.2)**
 - (a) That Council formally endorse Bill 148, *Doored But Not Ignored Act, 2019*; and,
 - (b) That the Public Works Committee forward to the Police Services Board the Hamilton Cycling Committee's recommendation (attached hereto) that Hamilton Police Services bring their practices of data collection and reporting in line with the regulations outlined in Bill 148 in relation to clause 165(1) of the Highway Traffic Act, notwithstanding the outcome of Bill 148, *Doored But Not Ignored Act, 2019*.

Please put this on the next appropriate Hamilton Police Services Board agenda for their consideration.

Thank you, we look forward to your response!

Copied: Trevor Jenkins, Project Manager, Sustainable Mobility
(Staff Liaison to the Hamilton Cycling Committee)



CITIZEN COMMITTEE REPORT

To:	Chair and Members Public Works Committee
From:	Hamilton Cycling Committee – Chair
Date:	March 22, 2021
Re:	Bill 148, Doored But Not Ignored Act, 2019

Recommendations:

That the Hamilton Cycling Committee presents the following to the Public Works Committee for consideration.

THEREFORE, BE IT RESOLVED:

- (a) That, Council formally endorse Bill 148, Doored But Not Ignored Act, 2019; and,
- (b) That, Public Works Committee forward to the Police Services Board the Hamilton Cycling Committee's recommendation that Hamilton Police Services bring their practices of data collection and reporting in line with the regulations outlined in Bill 148 in relation to clause 165(1) of the Highway Traffic Act, notwithstanding the outcome of Bill 148, Doored by Not Ignored Act, 2019.

Background:

At the December 2, 2020 meeting of the Hamilton Cycling Committee, the following motion was discussed:

WHEREAS, Bill 148 is a bill to amend the Highway Traffic Act. The bill requires that police officers collect the necessary information to create a report on violations of clause 165(1) of the Act that involved a motor vehicle and cyclists, commonly referred to as dooring;

THEREFORE, BE IT RESOLVED:

- (a) That the following feedback from Hamilton Cycling Committee be forwarded to Public Works Committee for consideration:
 - (i) That, Public Works Committee formally endorse Bill 148, Doored But Not Ignored Act, 2019; and,
 - (ii) That, Public Works Committee forward to the Police Services Board the Hamilton Cycling Committee's recommendation that Hamilton Police Services bring their practices of data collection and reporting in line with the regulations outlined in Bill 148 in relation to clause 165(1) of the Highway Traffic Act, notwithstanding the outcome of Bill 148, Doored by Not Ignored Act, 2019.

Bill 148 is a bill to amend the Highway Traffic Act. The bill requires that police officers collect the necessary information to create a report on violations of clause 165(1) of the Act that involved a motor vehicle and cyclists, commonly referred to as dooring.

Clause 165 (1) states:

No person shall,

- (a) open the door of a motor vehicle on a highway without first taking due precautions to ensure that his or her act will not interfere with the movement of or endanger any other person or vehicle; or
- (b) leave a door of a motor vehicle on a highway open on the side of the vehicle available to moving traffic for a period of time longer than is necessary to load or unload passengers. R.S.O. 1990, c. H.8, s. 165.

In 2015, the Highway Traffic Act was amended to increase the fine for violation of 165 (1) from \$110 to \$365. However, violations of 165(1) that involve a motor vehicle and cyclists are currently not considered reportable offences because the motor vehicle is not in motion.

Until 2011 data on dooring could be collected through Motor Vehicle Accident Report (MVAR). The form was amended to exclude dooring because a parked car did not constitute a vehicle in motion.

Bill 148 is an amendment to add the following to Section 202 of the Highway Traffic Act:

- (1.1) Every police officer and every prescribed person having knowledge of a possible contravention of clause 165 (1) (a) that resulted in injury to a person or damage to property shall secure the particulars of the incident, the persons involved, and other information as may be necessary to complete a written report to the Registrar on the forms prescribed for that purpose, and shall transmit the report forthwith to the Registrar.

In the 2018 Cycling Master Plan and Review, the city reported that between 2011-2015 there was an average of 3.4 reported incidents of dooring. The collection and reporting of this data is not legally mandated.

In the City of Toronto the Police Services use incident reports to track dooring incidents. In 2016 they identified 209 incidents through these reports.

Analysis/Rationale:

The role of the Hamilton Cycling Committee is to “Encourage legislation and policy changes that are supportive of cycling” and to “Foster a mutual respect between cyclists and other road users.” The goal of Bill 148 is to encourage this mutual respect by treating any collision between a motor vehicle and cyclist as a reportable incident. As such, it is fully within the mandate of the committee to comment on and act in support of the legislation before the provincial parliament.

The role of the Hamilton Cycling Committee is also to “Ensure community input on specific details associated with implementing the Master Plan.” The data that will be available through the changes laid out in Bill 148, and by the Police Services Board if they accept the recommendations will enable the committee members and members of the public to provide more informed feedback on the design details of the Cycling Master Plan. The data can be used to identify areas of high rates of incidence and be used by city staff to develop design features to mitigate or reduce the risk of dooring.

A commitment to collecting this data will likely increase the likelihood that an incident will be reported to police, as there is evidence that the numbers included in the Hamilton 2018 Cycling Master Plan and Review are lower than would be expected when compared to the data collected by Toronto Police Services.

Census data from 2016 includes information on how many people use cycling as their main mode of transportation to work. In Hamilton 0.9% of work commuters use cycling as their main mode of transportation versus 2.7% in Toronto. Adjusting for this difference, we would expect an average of about 14 reports of dooring in Hamilton per year, or 4 times higher than the rate currently reported (3.4 incidents). The City of Hamilton should not wait for Bill 148 to receive Royal Assent, rather it should join the City of Toronto as a leader on this front. It is within the power of the Police Services Board to instruct the Police Services to collect this data.