



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Info #1

**Harbour East Community Council**  
**April 1, 2010**

**TO:** Chair and Members of Harbour East Community Council

**SUBMITTED BY:** Original Signed  
M.E. Donovan, QC, Director, Legal Services & Risk Management

**SUBMITTED BY:** Original Signed  
Ken Reashor, P.Eng., Traffic Authority

**DATE:** March 11, 2010

**SUBJECT:** Crosswalk Flags & Pedestrian Safety

### INFORMATION REPORT

#### ORIGIN

12.1 Presentation - Crosswalk Flags & Pedestrian Safety raised at the February 4, 2010 meeting of Harbour East Community Council.

#### BACKGROUND

At the February 4, 2010 meeting of Harbour East Community Council, Mr. Norm Collins provided a presentation, Crosswalk Flags & Pedestrian Safety, to Council.

MOVED by Councillor Smith, seconded by Councillor Fisher that Harbour East Community Council forward the information, Crosswalk Flags & Pedestrian Safety, to the Traffic Authority and HRM Legal Services for response. MOTION PUT AND PASSED.

## DISCUSSION

Issues raised by the presentation:

1. *Who has jurisdiction over crosswalk signals, markings and/or devices?*
2. *What power does Community Council have with respect to crosswalk signals, markings, or devices?*
3. *What power does Council have with respect to crosswalk signals, markings, or devices?*

### Response

1. *Who has jurisdiction over municipal crosswalk signals, markings and/or devices?*

The governing legislation is the *Motor Vehicle Act* which deals with the appointment of traffic authorities. Section 86(6) of the *Act* provides for Council's appointment of a local traffic authority. With some minor exceptions, the local traffic authority once appointed, has all the powers conferred upon a traffic authority under the *Act* with respect to highways within the boundaries of the municipality.

Pursuant to section 90(1) of the *Act*, a traffic authority has the power to establish, designate, and maintain by appropriate devices, marks or lines upon the surface of highways, crosswalks at intersections where, in his opinion there is particular danger to pedestrians crossing the highway, and at such other places as he may deem necessary.

Choosing what markings or devices are utilized at any given crosswalk is within the jurisdiction of the traffic authority. However, any device used would have to comply with the specifications contained in the *Traffic Signs Regulations*, the *Manual of Uniform Traffic Control Devices for Canada* or be approved by order of the Minister. Currently, crosswalk flags are not prescribed or authorized.

2. *What power does a Community Council have with respect to crosswalk signals, markings or devices?*

Under the *Halifax Regional Municipality Charter*, a council may, by policy, establish a community council for an area. The powers and duties of a community council are set out in the *Charter*. A community council has no power to interfere with the discretion of a local traffic authority on any issue involving the exercise of his or her powers under the *Motor Vehicle Act*. A community council may however, make recommendations to council with respect to issues surrounding crosswalk safety.

**3. What power does a Council have with respect to crosswalk signals, markings or devices?**

A municipality is created to exercise only those powers which the legislature has seen fit to commit to them, and are therefore confined within the four corners of their *Charter*. Since Council is the agent and governing body of the municipality it has no original powers of its own. Council can only exercise powers on behalf of the municipality as given to it under the *Charter*.

A traffic authority is appointed by Council pursuant to Section 321(2) of the *Charter*. Once appointed, the local traffic authority has exclusive jurisdiction to carry out the mandate set forth in the *Motor Vehicle Act*. Section 321(8) of the *Charter* reaffirms the powers of the local traffic authority pursuant to the *Motor Vehicle Act*.

Council has not been granted any powers which would permit it to usurp the powers and duties of its traffic authority. Furthermore, there is no provision which allows for a review or an appeal to council of decisions made by a local traffic authority. Council may however, present any crosswalk safety concerns to its traffic authority for his or her consideration and/or review.

**CONCLUSION**

HRM's Traffic Authority, pursuant to the *Motor Vehicle Act* and the *Charter*, has the power and discretion to decide what markings or devices are used at any given crosswalk within the Municipality. However, any device selected for use by the Traffic Authority would need to be a device which complied with the legislation or a ministerial order. Community Council and Council, may present any crosswalk safety concerns to its Traffic Authority for consideration and/or review, but have no power to overrule the Traffic Authority on such issues.

**BUDGET IMPLICATIONS**

There are no budget implications associated with this report.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : E. Roxanne MacLaurin, Senior Solicitor,  
Taso Koutroulakis, P. Eng., Acting Manager, Traffic & Right of Way, 490-4816