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Halifax Regional Council  
February 19, 2002

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

A handwritten signature in black ink, appearing to be "George McLellan", written over a horizontal line.

George McLellan, Chief Administrative Officer

**DATE:** February 5, 2002

**SUBJECT:** Crosswalk Fines & Enforcement

### ORIGIN

At the meeting of Halifax Regional Council on September 25, 2001, Councillor Blumenthal requested a staff report and recommendation from Regional Police regarding initiation of random checks and enforcement of fines regarding, not only, cars but also jaywalkers. The discussion included the possibility of writing of a letter to the Province requesting and increase in fines associated with crosswalks and better enforcement. The Councillor had received a number of complaints from residents regarding safety when crossing the street at a crosswalk.

### RECOMMENDATION

It is recommended that Council not request any increase in fines for penalties against motorists or pedestrians under the terms of the Nova Scotia Motor Vehicle Act for these types of offences. It is further recommended that the Halifax Regional Council affirm their concern for public safety and support the public education and enforcement practices of the police service with regard to crosswalk safety and ask that it remain an ongoing high priority traffic enforcement initiative.

**BACKGROUND**

In each of the last three years the total number of motor vehicle accidents reported to the Halifax Regional Police (HRP) has climbed marginally. From 1999-2000 the increase was 1.8 % year over year. In the 2001 calendar year the total number of motor vehicle accidents reported only increased by 0.55% to a total of 6003 accidents of all types. Of the 6003 motor vehicle accidents reported to police, about 815 were hit and run property damage cases and 1155 (19.4%) involved some kind of injury to one or more persons. There were 78 road user fatality accidents in the Province of Nova Scotia in 2001 with 7 of those deaths being pedestrians. There were 10 fatalities in the HRP area none involved a vehicle pedestrian accident.

In the total of 6003 accidents 185, or about 3.1% , involved a motor vehicle and a pedestrian. Of the 185 motor vehicle pedestrian accidents 66 (1% of all accidents, 5.7% of injury accidents and 36% of vehicle pedestrian accidents) involved pedestrians in crosswalks.

Prior to amalgamation the three police services of Halifax, Dartmouth and Bedford issued approximately 5,200 summary offence tickets (SOT's). In 1999 and each year thereafter, the Halifax Regional Police, whom now police the same general area, have issued the following numbers of tickets: 1999/14,435 SOT's; 2000/15,533 SOT's; 2001 15,758 SOT's, thus almost tripling the number of tickets issued for enforcement of the Motor Vehicle Act.

Summary offence tickets, under the Motor Vehicle Act, generally have a fine structure that is set out as follows: the first \$100.00 goes to the Province for court costs, then a fee of approximately \$2.50 is charged to fund the Provincial victims assistance program, the balance goes to the municipality who does the prosecution and enforcement.

There are generally 5 key sections of the Motor Vehicle Act that pertain to the interaction of vehicles and pedestrians on the highway. Two of these, Section 125 subsections (1) and (2), deal with motorists failing to yield to a pedestrian or passing within a crosswalk and each section now carries a fine of \$387.50. There are three sections of the Motor Vehicle Act that are used in conjunction with pedestrians, Sec. 125(3) for pedestrians not in a crosswalk failing to yield to vehicles, for which the fine is also \$387.50, and Sections 126 and 127 (2) that deal with pedestrians failing to obey traffic signals or failing to use the sidewalk, each section carries a basic fine of \$117.50 for the first offence and escalates for repeat offences up to a maximum of \$157.50.

In 2001, the Halifax Regional Police issued 139 SOT's relating to all of the above sections of the Motor Vehicle Act. There were 129 SOT's issued to drivers and 10 issued to pedestrians.

DISCUSSION

Staff do not suggest that the decisions of priorities of public safety be driven solely by statistics and numbers. Staff note that for the purpose of this report we were not able to separate the pedestrian related injury accidents from the general injury accidents. The bulk of fatality accidents in the Halifax Regional Police area result from vehicle movement not related to pedestrians. Further, staff make the observation that with the thousands of motor vehicles on the move in the Halifax Regional Police area each day, along with the overall total number of intersections, the record of pedestrian safety is in fact fairly good.

Prosecutions under the Motor Vehicle Act do not require the police to prove the violator had a "specific intent" to commit the offence, only that it occurred. Often these cases involving motorists are clouded in court by the explanation of the parties of the incident, including things like did the motorist have time to stop given all the circumstances, could the parties see each other, and a variety of other issues.

In the case of the pedestrian there is general community support for ticketing when they dash against a red light thus obstructing traffic but an almost acceptance of the ability of people to cross the roadway at almost any point as long as they can do it safely. In fact, the community does not appear to be supportive of the police having to arrest or use force against an uncooperative pedestrian.

Clearly, with the number of intersections and vehicles present there will be incidents of injury and perhaps even death. Staff believe that along with targeted enforcement of these violations, not only by type but by location of offence, we also need a program of public education. In October 2001, staff participated in an enforcement and active education program in the community using location surveillance, roadside check points, pamphlets, radio commercials and education programs aimed at the schools to raise public awareness of this issue. October was chosen since information indicated that October and April are the months in past years where police noted the greatest ratio of reported accidents to pedestrians in crosswalks.

Police will continue to conduct enforcement in relation to this matter and are always open to following up any concerns expressed by individuals for a specific location in their area. At the present time the fine (\$387.50), for most of those sections of the Motor Vehicle Act related to pedestrians and motor vehicles discussed in this report, are, in staff's opinion, substantial. In fact, senior staff believe that if the fines were any higher there could be a tendency for a broader application of discretion by enforcement staff and ultimately less enforcement.

**BUDGET IMPLICATIONS**

If Council accepts staff's recommendation there would not be any budget impact. If Council decides to enhance service there would be an additional cost to future budget years, depending on the option chosen.

**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.

**ALTERNATIVES**

With regard to the question of increasing fines for these type of offences, the actual fine schedule for offences is set by the Province in conjunction with the Motor Vehicle Act and thus is outside of Council's direct ability to modify. It is staff's opinion that Council could make a submission to the Province to amend the regulations setting out the fine schedule and if this was Council's intent the support of the UNSM would be helpful, since the change would impact on the whole Province. It is unlikely that this could occur within the next 12 months. Staff are not recommending this approach at this time for reasons stated earlier.

Current enforcement practices allow for a limited number of alternatives for Council.

One alternative would be to require a specific business plan to deal with only this topic. Such a plan would include the need to re-assign, in a very directed and mandatory way, resources of the police service to this objective. If such a plan was to function within the existing envelope of funding, the plan would have to include the reduction of some existing service or program to meet the resource needs of this project.

A second alternative would be for Council to establish additional financial resources to provide enforcement on this topic and other related traffic issues. The resource approach could take place in one of two ways. First, use existing staff and equipment on an overtime basis to do selective enforcement on the times and locations felt appropriate in the business plan. The second would be to establish new resource equipment and staff (police officers or special constables) who would deal with these issues.

It should be noted that at program service review this year staff were asked about the potential of re-establishing the traffic division to deal with traffic issues and staff did not recommend that action at this time. It was felt that since the traffic division was disbanded and police have tripled enforcement levels, that staff would prefer to look at other methods of targeted enforcement over the next few months, particularly bearing in mind that there is also a policing study in progress within the region and that a number of parts of the region have traffic issues of various types.

**ATTACHMENTS**

There are no attachments.

Additional copies of this report, and information on its status, can be obtained by contacting the office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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490-6500