



## 4.0 CYCLING IN NIAGARA REGION

Cycling is an important component of Niagara Region's transportation system and economy. The following provides the context for the recommendations of this plan and summarizes the process in its development.

### 4.1 PUBLIC ATTITUDE SURVEY

Decima Research conducted a statistically valid public attitude survey over the phone to a random sample of Niagara Region households.

The objectives of the survey were to:

- estimate the incidence of bicycle ownership among households and the number of utilitarian and recreational cyclists;
- establish a profile of Niagara Region residents with regard to their use of the bicycle as both a mode of transportation and a recreational vehicle;
- determine barriers to utilitarian cycling, current transportation modes used and opportunities to encourage cycling;
- estimate the percentage of cyclists who potentially would use their bicycle in conjunction with public transit;
- identify any concerns the public may have about cycling or cyclists in Niagara Region; and
- gauge the public's perception of the overall quality of cycling facilities available and opinions on possible mechanisms for improvement.

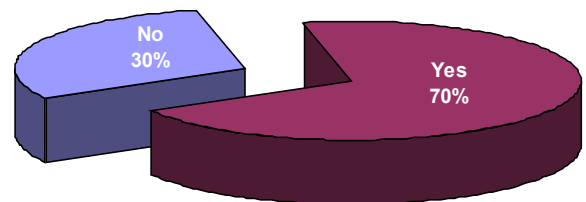
A total of 202 interviews of residents aged 15 years or older were completed for the survey and the results have an overall margin of error of 6.9 percent.

The survey results provide a benchmark for cycling behaviour and attitudes in the Region. The complete survey results are provided under separate cover as a technical appendix. The following summarizes the key findings.

1. *Cycling is a critical mode of transportation and form of recreation for Niagara Region residents.*

Approximately 52 percent or 168,000 residents over the age of 15 are cyclists, and approximately 70 percent of households own a bicycle (see **Figure 4-1**).

**Figure 4-1**  
**Households with Bicycles**



Question: Do you or does anyone in your household own a bicycle?



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### Types of Cyclists

*Utilitarian* – they cycle for transportation purposes, such as travelling to work or school, running errands, going shopping or visiting friends. They may also cycle for recreation.

*Recreational* – they cycle solely for fitness and leisure, and occasionally use their bikes for transportation.

Cyclists in Niagara make more than 475,000 trips per week, including over 300,000 recreational trips. Approximately 19 percent of the population or 62,000 persons are utilitarian cyclists, and these utilitarian trips can be broken down as follows:

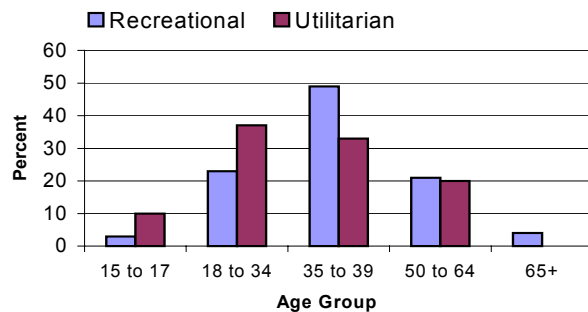
- Work – 5 percent or 17,000 cyclists making 52,000 trips per week, with the average ride taking 37.7 minutes and just over one-third (34 percent) have a commute of less than 20 minutes;
- School – 2 percent or 6,000 cyclists making 3,000 trips, with all trips taking less than 20 minutes and the average ride taking 7.5 minutes (note this does not include school children under 15); and
- Shopping, Errands and Visiting – 18 percent or 57,000 cyclists making 119,000 such trips per week.

The survey found that 162,000 cyclists ride for leisure or fitness, representing 50 percent of the population. Recreational cyclists make more than 300,000 such trips per week.

### 1. Cyclists are “everybody”.

A profile of cyclists emerged from the survey, which clearly indicates that anyone can be a cyclist. The survey found that 48% percent of males are cyclists, compared to 52% of females. The analysis also revealed that age is the primary factor in contrasting different types of cycling groups. As shown in **Figure 4-2**, the percentage of people who cycle in Niagara Region increases from youth to middle age. After middle age the prevalence of recreational and utilitarian cycling decreases.

**Figure 4-2**  
**Cyclist Profile by Age and Type**



A more detailed breakdown indicates that those who are younger are more likely to be utilitarian cyclists than those who are older, and that women (51%) are just as likely to be utilitarian cyclists as men (49%). Further, nine-in-ten (90%) utilitarian cyclists also cycle for recreation or fitness.

The analysis also reveals that age is a primary factor in contrasting the different types of cycling groups. That is, as age increases, cycling behaviour tends to shift from utilitarian to recreational to non-cycling.



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As with utilitarian cyclists, age plays a role in defining recreational cyclists. Recreational cyclists tend to be middle-aged (median age 44.0) and are older than utilitarian cyclists (median age 35.5). The Regional population distribution of men and women is also mirrored within the sub-set of recreational cyclists. It is also evident that recreational cyclists earn higher incomes than others.

Almost seven-in-ten (67%) recreational cyclists cite distance as the number one reason they do not cycle for utilitarian purposes.

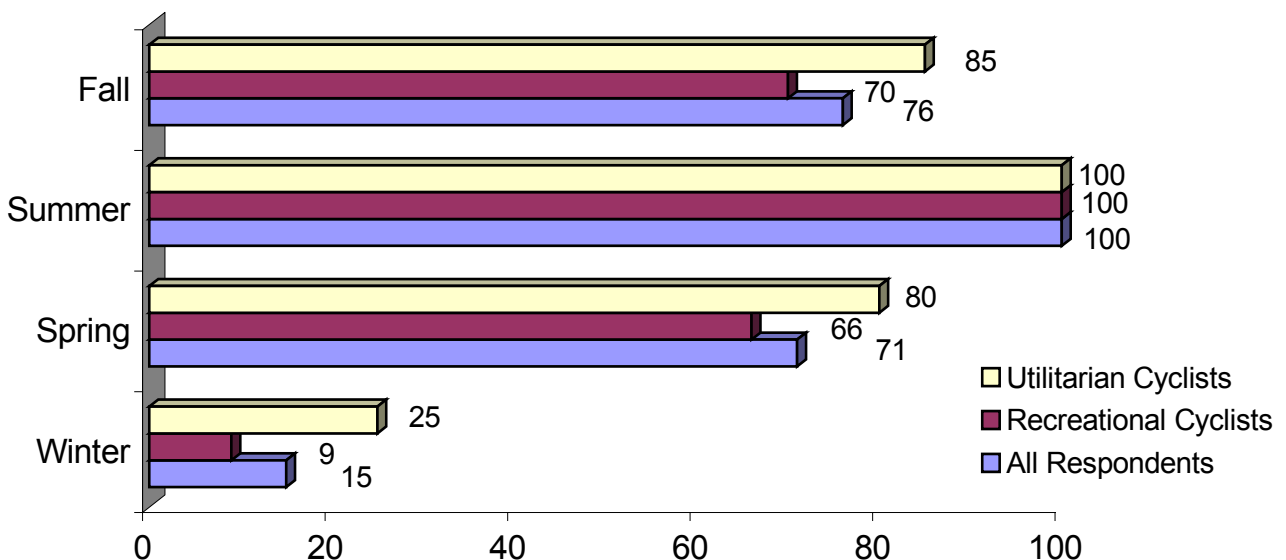
It is also apparent some feel cycling to work is simply not feasible - "can't carry things on bike" (13%) is seen as a common barrier to utilitarian cycling. In addition, one-in-ten (11%) indicate unsafe traffic conditions are also a major concern.

When those mentioning distance (67%) as a cycling barrier were asked what steps could be taken to encourage them to begin cycling to work or school, 78% said "nothing". However, when prompted, 25% said they would "bike-n-ride" if there were bike racks attached to local buses.

The non-cyclist profile is somewhat similar to the recreational cyclist profile. For example, both men and women are equally represented in this sub-set. However there is a somewhat notable difference in age. Non-cyclists are more likely to be older (median age 54.0).

In the context of a population where the median age is increasing, this finding could have important implications for Niagara. Assuming Niagara Region continues as a popular destination for retirees, the demand for recreational cycling facilities may increase at a

**Figure 4-3**  
**Seasonal Cycling Incidence**





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greater rate than that of utilitarian facilities. On the other hand, as seniors become more cognizant of the importance of being active to reduce health risks, we may also see a rise in the number of older people who choose to cycle or walk for short utilitarian trips to the store or to visit friends. Future surveys should track this trend since it will impact bikeway investment priorities by the Region.

**2. Cyclists are active year-round.**

As expected, most cyclists ride their bikes during the spring, summer and fall (**Figure 4-3**). Of note is the fact that 25 percent of utilitarian cyclists and 9 percent of recreational cyclists say they also ride in the winter. These figures are the highest the consulting team has found for a municipality in Ontario.

**3. There is considerable opportunity to improve the quality of cycling facilities and routes.**

Despite the fact that 59 percent of Niagara Region residents evaluated cycling routes and

facilities as at least “good”, fewer than one-in-five feel the quality of cycling facilities is “excellent” (8 %) or “very good” (12 %).

Based on residents’ evaluations, there are considerable opportunities to improve the overall quality of cycling facilities and routes (**Figure 4.4**). Residents stated three key areas of improvement would have the greatest impact on the overall quality of cycling facilities and routes in Niagara Region. These factors relate primarily to the need for expanding or improving cycling infrastructure as follows:

- more on-street bike lanes;
- more off-street bike paths or trails; and
- repair potholes and bad pavement.

Almost one-in-five (17%) respondents volunteered that adding more on-street bike lanes is the ONE thing the Region could do to improve cycling. An additional 16% feel adding more off-street bike paths or trails would improve cycling in Niagara.

**Figure 4-4  
Changes That Would Improve Niagara Region Cycling**

Suggested Improvements*	Percent			
	Total	Non-cyclists	Recreational	Utilitarian
More bike lanes (on-street)	92	91	92	93
More bike paths and trails (off street)	89	89	90	90
Repairing potholes and bad pavement	91	94	82	100
Better education for cyclists	92	92	89	93

\*only reasons named 3 percent or more of the time in total are shown



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When asked outright about improvements that could be made, Niagara residents stated that more on-street bike lanes and repairing potholes or bad pavement would improve cycling somewhat or a great deal (92% and 91% respectively). However, there are some notable differences between groups. All utilitarian cyclists' report that repairing potholes or bad pavement would improve cycling somewhat or a great deal compared to 94% of non-cyclists and only 81% of recreational cyclists.

Similarly, utilitarian and non-cyclists are somewhat more likely than recreational cyclists to believe that improved signage on bike routes would also improve cycling (93%, 84% and 75% respectively).

#### *4. There is some opportunity to increase "bike'n'ride" behaviour by introducing innovative public transit measures.*

Public transit measures, such as bike racks on buses, could stimulate new "bike'n'ride" behaviour among approximately two-in-five cyclists. More specifically, slightly over half (52%) of utilitarian cyclists and almost one third (32%) of recreational cyclists said they would consider "bike'n'ride" if convenient and secure bike racks were attached to buses.

#### *5. Public education of cyclists and motorists is required.*

Public education and communication are required to address concerns about cycling in the Region of Niagara. The principle issue is one of perceived carelessness, and the public seems to be engaged in a "he said, she said" debate. For example, one-in-five respondents

(17%) say their number one concern about cycling in the Region is cyclists who don't obey the rules and laws. Non-cyclists (21%) hold this as their highest concern as do recreational cyclists (18%). Utilitarian cyclists indicate their major concern is careless drivers (20%).

These views are reflected in the public's views towards cycling both on and off the road. Almost all utilitarian and recreational cyclists are comfortable cycling on residential streets (92% versus 90%) and bike trails or paths (91% and 82% respectively). Only one-quarter (25%) of all cyclists are comfortable cycling on roads without bike lanes with no notable difference between utilitarian and recreational cyclists. When looking specifically at comfort levels when cycling on major roads with bike lanes, utilitarian cyclists are significantly more likely to indicate they feel comfortable than recreational cyclists (73% versus 51%).

These findings will provide a foundation for a public education campaign where respective concerns can be addressed effectively.

### **Implications**

The results of the public attitude survey are generally consistent with those from the other public and stakeholder events held in Niagara Region as part of this study. The results emphasize the importance of a well-connected and maintained cycling network for a variety of purposes. Better education for cyclists and enforcement of roadway rules and practices are also identified with improvements to cycling. The findings also suggest that cycling participation rates during the winter months in Niagara Region are higher than what the



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consulting team has found for other municipalities they have surveyed. More information is required to confirm these results, therefore, future surveys in Niagara Region should collect information on seasonal cycling habits, particularly with regard to winter cycling.

### *Recommendation:*

*Meanwhile, Regional Public Works should review its winter snow removal and maintenance program, particularly for roads where cycling is known to occur, in order to ensure paved and gravel shoulders are also adequately cleared during winter months.*

## 4.2 TORONTO BIKE SHOW SURVEY

The Regional Niagara Bicycling Committee (RNBC) as well as the Niagara Economic and Tourism Corporation typically staff a booth at the annual Toronto International Bike Show. This event attracts thousands of cycling enthusiasts from across Ontario and is an excellent opportunity to promote cycling in Niagara Region.

The RNBC decided that the March 2002 Bike Show would present an excellent opportunity to conduct a formal survey to gather information from attendees regarding cycling in Niagara Region. The information collected could also be used as input to the Regional Niagara Bikeways Master Plan Study, particularly with regard to identifying bicycle tourism demand.

Some of the key findings from the Bike Show survey are presented here and were used as input

by the Consulting Team. The complete results of the surveys are available directly from the RNBC.

- 25 of 86 respondents or 29% of those surveyed indicated they had taken a cycling vacation or holiday in Niagara Region in the last year.
- When asked how much money they spent on a cycling related holiday in the last year, 87% indicated they spent \$150 or more, including meals, accommodation and other purchases.
- 48% of individuals surveyed indicated they planned on taking a cycling vacation or holiday in Niagara Region in the following year, while 30% were unsure and the remaining 22% had no plans to visit Niagara Region.
- Respondents were also asked what the five most important features are in planning a bicycle tour in a new area. The most frequent responses for the top five choices in order of preference were:
  1. Safe touring routes and bicycle friendly roads / landscape;
  2. Accommodations and safety;
  3. Water & snack stops / rest areas;
  4. Attractions / points of interest; and
  5. Good overnight accommodations, food and scenery.

The responses from the Bike Show Survey are consistent with the findings of the Tourism and Market Assessment, as summarized in **Section 4.4**. The data collected suggests that Niagara Region is an important destination for bicycle



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tourists from elsewhere in Southern Ontario. In addition, touring cyclists are seeking destinations that offer safe routes, bicycle friendly roads and support facilities, including rest areas, overnight accommodations and attractions.

The recommendations of the Regional Niagara Bikeways Master Plan, including a Region-wide bikeway network and increased focus on promoting cycling in Niagara Region is consistent with what the Bike Show survey suggests bicycle tourist want.

### ***Recommendation:***

*The RNBC should continue to promote cycling in Niagara Region by having a booth at the Toronto Bike Show and that a bicycle tourism survey be conducted every two years.*

### **4.3 USER SURVEY**

The study team completed a user survey to understand residents' and tourists' opinions on cycling related issues specific to Niagara Region.

The specific purposes of the user survey were to:

- determine user characteristics of both residents and tourists cycling on weekdays and weekends;
- estimate the frequency and purpose of cycling trips;
- identify popular cycling destinations within Niagara Region; and

- determine the types of facilities and improvements desired for cycling.

A total of 71 interviews were conducted of individuals 15 years or older at three locations in July 2002: in Jordan in the Town of Lincoln, Port Dalhousie (St. Catharines) and Niagara-on-the-Lake.

Only cyclists were asked to complete the survey in the field. People who were using the trail for other purposes, such as walking or in-line skating, were not interviewed.

The survey results provide a benchmark for cycling attitudes and destinations within Niagara Region. The complete survey results are provided under separate cover as a technical appendix. The following summarizes the three key findings:

#### ***1. Tourists make up a significant proportion of cyclists within Niagara Region.***

Based on all the respondents interviewed, the number of tourists cycling (49%) almost equalled the number of residents cycling (51%).

Almost half of the tourists interviewed were from the GTA and Hamilton areas (48%), while the remainder were from the United States (28%), other communities in Ontario (21%) and other provinces (3%).

#### ***2 Niagara Region has plenty of cycling destinations.***

When respondents were asked to identify their most popular cycling destinations within Niagara Region, a wide a variety of areas were mentioned. The top five most frequently



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mentioned cycling destinations are shown in **Figure 4-5** and include Niagara-on-the-Lake, Niagara Falls, Niagara Parkway, Port Dalhousie, and the Welland Canal.

### 3 *Cycling can be increased.*

To encourage more cycling in Niagara Region, both residents and tourists suggested two key improvements:

- more bike lanes on major streets (28%); and
- better signage and information available along cycling routes (26%).

Other notable suggestions include: safer routes (12%), more interesting routes (10%), more off-road routes (10%) and more bicycle parking (14%).

The complete results of the 2002 Cycling User Survey are attached in an Appendix to this Plan.

## 4.4 TOURISM AND MARKET ASSESSMENT

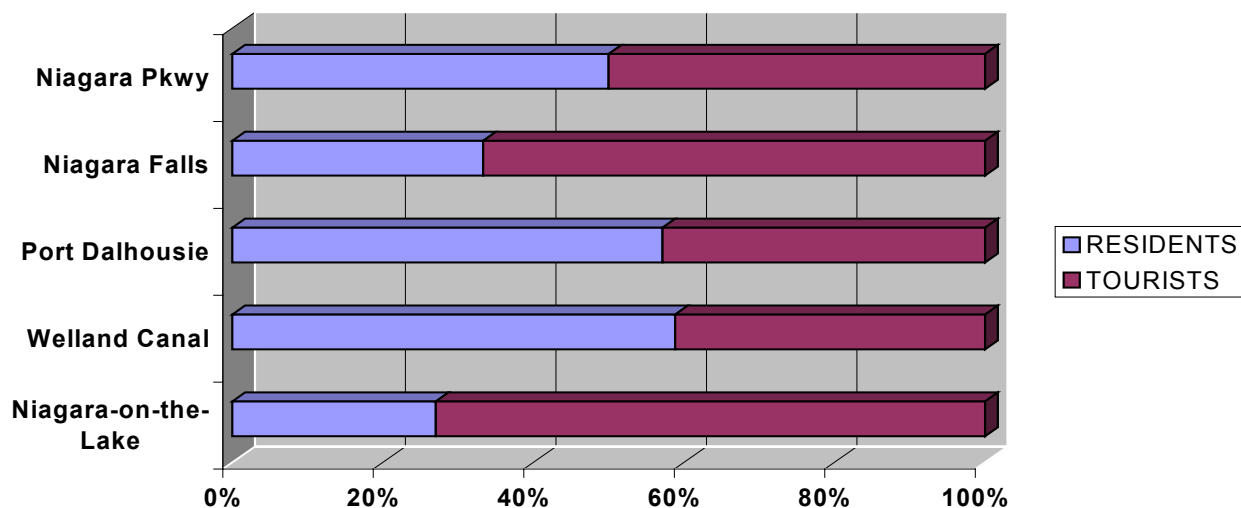
An assessment of cycling tourism was conducted as a part of the development of this master plan.

The objectives of this research were to:

- Assess the number of cycling tourists visiting the Niagara Region, now and in the future; and
- Determine the economic impacts of cycling tourist expenditures.

A combination of primary and secondary source data was used to determine the size of the bicycle tourism market in the Region of Niagara. Data was taken from the Traveller Activities and Motivation Survey (TAMS) completed by Tourism Ontario and the Canadian Tourism Commission. This survey included

**Figure 4-5**  
**Top Five Cycling Destinations in Niagara Region**





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both Canadian and U.S. respondents. This data was analyzed in association with the cycling data obtained from the Ontario Ministry of Tourism's Domestic Travel Markets and International Travel Markets reports.

The research results clearly indicate cycling tourism will become an increasingly important segment of the tourism industry in Niagara Region. The complete research results are provided under separate cover as a technical appendix. The following summarizes the key findings.

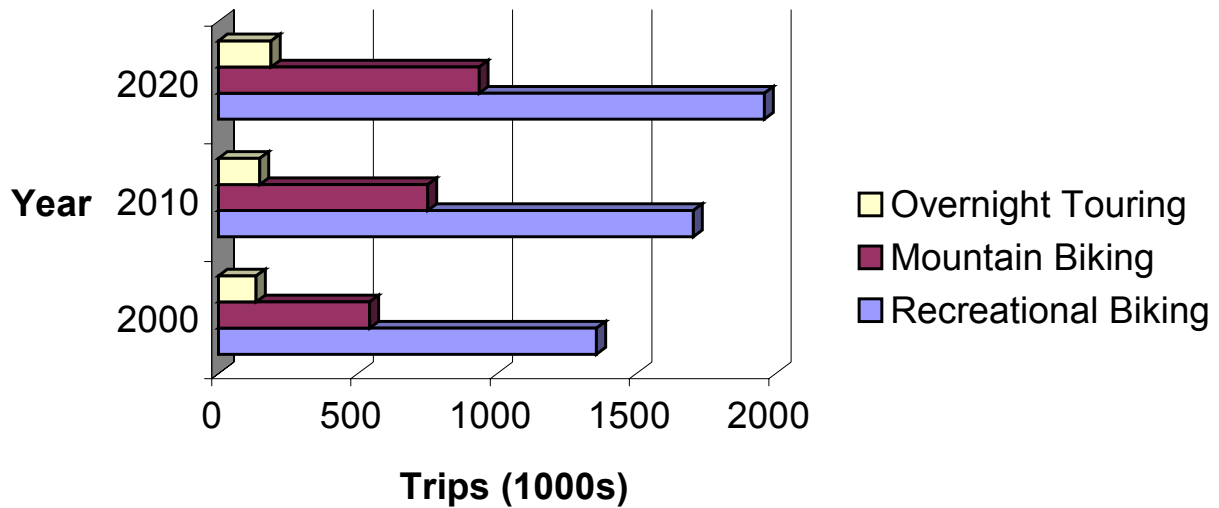
approximately 15 percent of all of the tourism visitors to the Region.

As illustrated in **Figure 4-6**, recreational biking represents approximately two-thirds of all tourism cycling activities.

Geographically, the United States was the leading origin of cycling tourists at 49 percent, followed by Ontario (39%), overseas countries (11%) and other Canadian provinces (1%).

In the future, the importance of cycling tourism to Niagara Region is projected to increase. In

**Figure 4-6**  
**Cycling Growth by Type (2000 to 2020)**



- Cycling tourism will be an increasingly important segment of the tourism industry in Niagara Region.*

The Region of Niagara hosted over 2 million cycling tourists in 2000. This represented

2005, cycling tourists will represent 15.7 percent of all tourists. This will increase to approximately 17 percent by 2010 and to 18 percent by 2020. Figure 4-6 also illustrates the projected cycling growth by type.



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### *2. Cycling tourism is and will continue to be a significant contributor to the Niagara Region economy.*

Direct expenditures from cycling tourists represent approximately \$164 million in 2002, or 12 percent of the total tourism expenditures in the Region. Over the next 20 years, cycling tourist expenditures are projected to grow to \$237 million, or 13 percent of total tourism expenditures.

The spin-off created by these direct expenditures is significant. A total of 4,900 direct and indirect jobs in the Region in 2002 are due to the expenditures of cycling tourists. In 20 years, this number is projected to increase to approximately 7,000.

### *3. The 2003 World Cycling Event in Hamilton is a major opportunity for Niagara Region.*

The City of Hamilton will be hosting a 2003 World Cycling event. This nine-day event will attract close to 300,000 visitors, many from outside Canada, and result in approximately \$22 million in direct tourist expenditures. This type of event in Europe is believed to typically rank in the top five in terms of public attendance, and just below that of the Olympic Games and the World Cup of Soccer.

The 2003 World Cycling event in Hamilton is a tremendous opportunity to inform visitors of the cycling opportunities available in Niagara Region. It will also clearly demonstrate the type and extent of economic impact that cycling can have on the Region.

### ***Implications***

Clearly there is a substantial economic value associated with cycling tourism in Niagara Region. While cycling tourism is projected to increase, other communities in Ontario and North America will be competing with the Region for cycling tourists. As a result, the Region needs to actively promote cycling tourism.

In developing a marketing plan to promote cycling tourism, the Region of Niagara has some excellent examples to follow. During the past decade, several Canadian and American jurisdictions have successfully marketed themselves as destinations for cycling tourists, including the cities of Toronto and Vancouver and the states of Vermont and Wisconsin. At the same time as this Plan is being documented the Regional Niagara Planning and Development Department and the NETC are working with the Waterfront Regeneration Trust to develop a Promotions and Communications Plan for the Waterfront Trail. When completed, this initiative should assist in promoting Niagara Region as a premier cycling destination for tourists.

The goal of a Region led marketing strategy should not be merely to generate more business for the Region by increasing bicycle tourism. The effort should also effectively “create” bicycle tourists and guide them to routes that will ensure a positive experience, promote good word-of-mouth referrals and spur return visits.

To its advantage, the Region of Niagara has a world renowned tourist draw – Niagara Falls. The Falls, in combination with the Region’s wineries, natural landscapes, waterfronts, shorelines, cultural and historic attractions



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provide the experiences that both casual and experienced cyclists seek. Promoting the complete “Niagara Region” experience should form the cornerstone of any cycling tourism marketing effort undertaken by the Region.

Another advantage for Niagara Region is its proximity to major Canadian and American cities, several of which are within one day’s drive. This increases its accessibility to a large bi-national cycling market. Information available from the Ontario Ministry of Tourism and Recreation and the Canadian Tourism Commission through the Travel Activities and Motivation Survey (TAMS) indicates that in 2000, 48.9% of bicycle tourists to Niagara Region (995,520) were from the United States.

Finally, it should be recognized that any efforts the Region makes to increase its share of the cycling tourism market will be limited if it does not work in partnership with the private sector. In regions where cycling tourism has flourished, government efforts have been greatly enhanced by the involvement of the private sector.

One example is in Mont Tremblant, Quebec where the Province, a number of private resort operators, local snowmobile clubs, commercial sports equipment sale and rental businesses plus the local municipality have joined forces to fund the development, maintenance and promotion of an extensive trail system. This system joins the Mont Tremblant ski resort to the Village of Mont Tremblant as well as other area trails, and is used for year round recreational activities, including cycling.

The Region of Niagara will need to pay careful attention to its target audience when preparing

its marketing plan. The tourism assessment completed as part of the Master Plan study indicates there are a variety of cycling activities occurring in the Region, including recreational cycling, mountain biking and overnight tours. This suggests the marketing plan must reach out to different types of cyclists with varying skill levels. It must also involve the private sector as participants, to provide potential funding and to market the bicycle tourism strategy.

Overall, the objectives of the marketing plan should be to:

- generate interest in the many cycling opportunities available in Niagara Region;
- provide information about cycling resources that will help travellers plan Niagara cycling vacations;
- promote cycling throughout the Region, with an effort to direct cyclists to areas where facilities, road and traffic conditions will create a positive cycling experience; and
- stimulate private sector commitment to investing in making Niagara a cycling tourism destination.

One effective approach is to leverage promotional activities for a major “event” by developing an event-marketing plan that also promotes visiting other tourist features and destinations in Niagara Region.

### ***Recommendation:***

*The Regional Niagara should work with local municipalities and the Niagara Economic and Development Corporation*



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(NETC) to promote cycling and bicycle tourism in Niagara.

### 4.5 RISK MANAGEMENT - CYCLING SAFETY AND LIABILITY ISSUES

A safety assessment was prepared as a part of the preparation of this Master Plan. The purpose of this assessment was to:

- assess the safety of cycling on Regional roads; and
- provide insight into the concept of “safe” cycling.

The assessment results clearly indicate that cycling on Regional roads is relatively safe compared to other activities in Niagara Region. Addressing safety involves discretionary choices at a planning and functional/conceptual design level. The complete research results are provided under separate cover as a technical appendix. The following summarizes the key findings.

#### 1. Defining “Safe”

To answer the question “is cycling on Niagara Regional Roads safe?” there needs to be a definition of “safe”.

For transportation safety, the usual definition is that an activity or road section is considered safe if the number and severity of collisions is less than or equal to the expected number of collisions for the prevailing conditions. Furthermore, the prevailing conditions must include some measure of exposure, such as hours of engagement, traffic volume and/or distance travelled.

#### 2. Is cycling on Niagara Regional Roads safe?

In the Region of Niagara there were 686 reported cycling collisions from 1995 to 2000, inclusive.

While cycling collisions represent a small proportion of all motor vehicle collisions at 2.2 percent, available data from the Region and the Province of Ontario indicate they are generally more severe.

As the data presented in **Figure 4-7** indicates, the population-based cycling fatality rate for Niagara is nine times greater than the national and provincial average, while the cycling injury rate is below the provincial average. However, caution should be taken when interpreting these results. The statistically small numbers, short-term variability and other confounding variables, such as the Region being a cycling tourism destination, may have inflated the Niagara cycling fatality rate further. Through additional analysis, cycling was also determined to have a lower fatality rate than suicides and unintentional falls.

Therefore, it may be concluded that:

- cycling is associated with lower risk than many acceptable, everyday activities;
- cycling in Niagara is relatively safe; and
- increased efforts should be extended to reduce the risks associated with on and off-road cycling in Niagara Region.

In addition to its risks, it was also noted that cycling has compensating benefits, such as better health and environmental sustainability,



**Figure 4-7  
Selected Canadian Cycling Statistics**

Jurisdiction	Years	Average Population	Cycling Fatalities		Cycling Injuries	
			Number	Rate*	Number	Rate*
Canada	1997-2000	30,376,075	64	0.21	--	--
Ontario	1997-1999	11,563,175	25	0.22	3022	26.1
Toronto	1997-1999	4,585,000	4	0.09	1202	26.3
Hamilton	1999	467,799	1	0.21	152	32.5
York	1997-1999	600,000	1	0.17	43	7.2
Niagara	1995-2000	419,160	8	1.91	89	21.2

\* The rate is per 100,000 population

which should be considered in the overall safety analysis.

### 3. The Region's Duty

Provincial legislation in the form of the Municipal Act, the Highway Traffic Act, the Occupiers' Liability Act, as well as others, set out responsibilities for municipalities, including those that would impact cycling.

Provincial policy as it applies to bikeways is also articulated in the Ontario Ministry of Transportation's Bicycle Policy.<sup>1</sup> Although provincial restructuring in 1997 and 1998

<sup>1</sup> Ontario Ministry of Transportation (MTO), Revised Bicycle Policy, 1991.

eliminated provincial funding for bikeway facilities, it is our understanding that the remaining components of the Provincial Bicycle Policy (Directive A-1) remain in force. These components include the following:

- Bicycles continue to be recognized as an alternative mode of transportation, which widens the choice of mobility and contributes towards a more balanced, sustainable transportation system;
- Road safety is Ministry priority of which bicycle safety is one component;
- Consideration should be given to cycling needs as part of transportation activities ranging from planning and design to construction and operations; and



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- MTO continues to promote safe cycling through public education.

MTO also produced a report in 1996 entitled “Ontario Bikeways Planning and Design Guidelines”. This “working document” provides MTO staff, municipalities and others with a standard document for bikeway planning, design and maintenance for both of and off-road bikeway facilities.

With regard to liability, municipalities are required to maintain municipal roads under Section 284(1) of the *Municipal Act*, which provides that:<sup>2</sup>

*“Every highway and every bridge shall be kept in repair by the corporation, the council of which has jurisdiction over it or upon which the duty of repairing it is imposed by this Act and, in case of default, the corporation, subject to the Negligence Act, is liable for all damages sustained by any person by reason of such default.”*

The term “highway” is used broadly in the above section and includes municipal roads, and by extension, sidewalks and the shoulders of the travelled road. A similar “duty” is set out in the *Occupier’s Liability Act* with respect to all private and public lands.

The *Ontario Highway Traffic Act* identifies a bicycle as a “vehicle”. In addition, this Act permits municipalities to develop on-road

cycling facilities except on some specific controlled access and 400 series highways. Taken in association with Section 284(1) of the *Municipal Act*, municipalities are responsible for planing, designing and maintaining cycling facilities in the same way they are responsible for roads and bridges.

It is clear from this legislation that the Regional Municipality of Niagara, local municipalities and other private landowners, such as the Niagara Parks Commission, are legally obligated to take reasonable care in providing and maintaining roads and other facilities, including those for cycling.

In conforming to these provincially legislated duties, Niagara Region and its partners should also consider the safety of cycling in a broader context. Accordingly, rather than discouraging cycling in situations that are deemed “unsafe”, efforts should be made to improve safety to an acceptable level so that cycling can be pursued.

In addition to provincial legislation and policy the Regional Niagara Policy Plan contains statements in the form of objectives and policies which communicate the Region’s commitment to cycling in Niagara. This approved Plan confirms Regional Niagara’s intention to provide facilities for cyclists and therefore, also confirms its responsibility to take reasonable care in the planning, design and maintenance of such facilities. The Regional Niagara Policy Plan, and proposed policy amendments that have resulted from the Regional Niagara Bikeways Master Plan Study, are discussed in greater detail in Section 9.3 of this report.

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<sup>2</sup> McCarthy Tetrault, *The Waterfront Trail: Liability and Risk Management Issues*, published by the Waterfront Regeneration Trust, November 1995.



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Therefore, by permitting cycling on Regional roads, the Region assumes a duty to maintain facilities in proper repair for the safe passage of cyclists. In addition, the Region should endeavour to provide facilities that accommodate road users behaving in a reasonable manner, and also be cognizant of systemic or location-specific cycling collisions.

### **Recommendations:**

*The Regional Niagara should complete a new statistically valid public attitude survey at least every five years to collect information on cycling in the Region, and the results should be compared with data from previous surveys to identify trends and assist in making informed decisions on Regional bicycle policy updates.*

*The Region and its partners, in their efforts to promote cycling in the Region, should use these surveys as a tool to assess the impact of their investments.*

In addition to conducting public attitude surveys, the Region and its partners should ensure that existing programs for risk management and mitigation are expanded or adapted to address cycling in Niagara Region.

The following are the major features in a risk assessment and management program:

- Assign risk management responsibilities for Regional, local or Niagara Parks Commission roads and property;
- Regularly inspect existing bikeway routes as well as potential hazards and liability concerns on all facilities. This inventory

could be included in the Region's annual road inspection program;

- Document on off-road and on-road collisions involving cyclists, and report any associated liability claims;
- Mitigate the risks through proper maintenance as well as capital and program improvements;
- Monitor legal developments as well as the effectiveness of any maintenance and capital improvement efforts to mitigate risks;
- Maintain sufficient insurance coverage;
- Educate and train staff; and
- Maintain written records of all the features noted above.

It is important to acknowledge that liability for cyclists on a Regional or local road, park or other corridor or municipal property is the same for motorists and pedestrians. Adding cycling facilities will not affect potential liability, because liability already exists. The primary consideration for Niagara is to ensure there is a clear assignment of risk management responsibilities with regard to both on and off-road bikeway facilities in the Region.

More information with respect to risk management regarding on and off-road cycling facilities and routes can be found in the McCarthy Tetrault paper prepared on behalf of the Waterfront Regeneration Trust, and by reviewing the provincial legislation cited in this section.



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### ***Recommendation:***

*Existing programs for risk management and mitigation at the Regional and local levels should be expanded or adapted to address cycling in Niagara Region.*