

R I S K A N D L I A B I L I T Y

P A R T I I

R I V E R S I D E T R A I L D E S I G N F L A W S & U N A N S W E R E D Q U E S T I O N S





WHO IS LIABLE?

RESIDENTS ASSUME THE TOWN IS
LIABLE FOR THEIR TRAIL DESIGN &
LOCATION

...THIS ISN'T NECESSARILY TRUE

When it comes to recreational trails, *The Occupiers Liability Act* (OLA) states that trail users, including cyclists, will be deemed to willingly assume the risk of riding the trail.

If the Town clearly marks the multi-use trail as a "Recreational Trail", then recreational trail users cross driveways and intersections at their own RISK.



Conflicts with bicycles and vehicles most commonly occur at driveways and intersections.

"The more intersections and access points along a bicycle route, the more conflict points that are present. ...The objective should be to avoid or mitigate conflicts to the extent possible."

MTO BOOK 18 - CYCLING FACILITIES

Safety hazards at conflict zones like intersections and driveways have to be avoided. Research is currently being conducted to provide design guidance and solutions for these issues.

DATA THAT MATTERS

Multi-use trails are a newer concept, and there is little research in the way of their safety. Options for safe and functional design are being explored and discussed worldwide. Design guidelines are therefore being developed rapidly and changing just as rapidly.

Current bicycle safety research is limited. Studies on bicycling safety have typically relied on data generated through traditional reporting systems and are lacking important details. 70-80% of bicycling incidents are not recorded and leaves many gaps in the data.

Progressive cities with safe, functional cycling systems have adopted a more in-depth study of cycling safety. Traditional bicycle safety research is complemented with citizen science research and advanced predictive modelling, providing a more robust and up-to-date analysis. Citizen data is collected from cyclists with real-life cycling experiences across the globe and is better at recognizing potential risks.

The findings of this analysis ultimately show that multi-use trails are among the infrastructure types that have a higher risk than most other types of facilities.

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2. Teschke K, Harris MA, Reynolds CCO, et al. Route infrastructure and the risk of injuries to bicyclists: A case-crossover study. *Am J Public Health.* 2012;102(12):2336-2343. doi:10.2105/AJPH.2012.300762.
3. Lusk AC, Furth PG, Morency P, Miranda-Moreno LF, Willett WC, Dennerlein JT. Risk of injury for bicycling on cycle tracks versus in the street. *Inj Prev.* 2011;17(2):131-135. doi:10.1136/ip.2010.028696.
4. Lusk AC, Morency P, Miranda-Moreno LF, Willett WC, Dennerlein JT. Bicycle guidelines and crash rates on cycle tracks in the United States. *Am J Public Health.* 2013;103(7):1240-1248. doi:10.2105/AJPH.2012.301043.
5. Lopez DS, Sunjaya DB, Chan S, Dobbins S, Dicker RA, Francisco S. Using trauma center data to identify missed bicycle injuries and their associated costs. *J Trauma Acute Care Surg.* 2012; Publish Ah(6):1602-1606. doi:10.1097/TA.0b013e318265fc04.
6. Bikemaps.org



PREDICTABLE CONFLICTS

MULTI USE TRAIL DESIGN CONCERNS

As you might expect, when a crash occurs between a vehicle and a bicycle, it's the cyclist who is most likely to be injured. The advanced research shows that the injuries sustained on a multi-use trail are more severe than those suffered on most other facility types. Predictable conflict areas must be avoided.

The Planner ought to know that the placement of a multi-use trail with sightline and lateral clearance zones located on private property is unsafe and does not allow the Town to ensure they are clear. In the proposed trail design, there are over 110 conflict zones at over 55 driveways which the Town of Tecumseh has no way of managing.

MULTI-USE TRAILS - TROUBLE SPOTS IDENTIFIED

STUDIES SHOW WHERE THE MAJORITY OF CONFLICTS OCCUR ON MULTI-USE TRAILS. THEY SHOULD NOT BE IGNORED.

Colliding with objects, improper trail design, recreational purpose trips, and sightlines are among the TOP predictors for injury in an accident.

The Planner has determined that it is up to the driver of the vehicle to enter and exit the roadway safely. With the proposed design, it is impossible to do so without incident, and injury is likely. While it may not be that the Town deliberately intended to harm the trail user, it could be argued that the Town did act with reckless disregard by ignoring the unsafe design of the trail and best practice guidelines.

In the event of a collision, municipalities and cities may be found liable for a person's injuries if they created or permitted an unsafe circumstance that contributed to the accident.

The Riverside Trail proposal is full of unsafe circumstances and has a high likeliness to cause accident.

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HOW can a driver of a vehicle enter and exit a driveway safely, when there are obstructed sightlines?

RISK & LIABILITY...

UNANSWERED QUESTIONS



Question

Is the Town of Tecumseh willing to take on the liability associated with the poor placement and design of the proposed Riverside Trail?

Question

Is it ethical for the Town to move forward with a design that places trail safety elements onto private property?

In many circumstances, this makes it IMPOSSIBLE for drivers to exit the driveways safely, when they cannot see oncoming trail users.

Question

WHY is the Town not addressing the identified and predictable conflict areas of the proposed trail design, despite being aware of the substantial design flaws?

MAKE SURE THAT YOUR OPINION MATTERS

Join the discussion by going to the Town of Tecumseh online portal.

Let the planners, consultants & councillors
know you have unanswered questions and concerns with the trail proposal.

