

A cyclist wearing an orange and blue jersey is riding a road bike on a paved road. The background shows a sunset or sunrise with a warm orange glow. The road curves to the left, and the cyclist is in the foreground, slightly out of focus.

Cycling Infrastructure and Municipal Liability

Presenter:

Belinda Bain

Partner, Gowling Lafleur Henderson LLP

Topics to be covered:

1. Statutory duties
2. Multi-Use trails meeting roadways
3. Promotion of cycling



- Location, location, location



- “highway” includes shoulder
- “roadway” does not



- “highway” includes entire road allowance



- Maintain highway in reasonable state of repair



- Minimum Maintenance Standards





Municipal Act: Non-repair of the highway

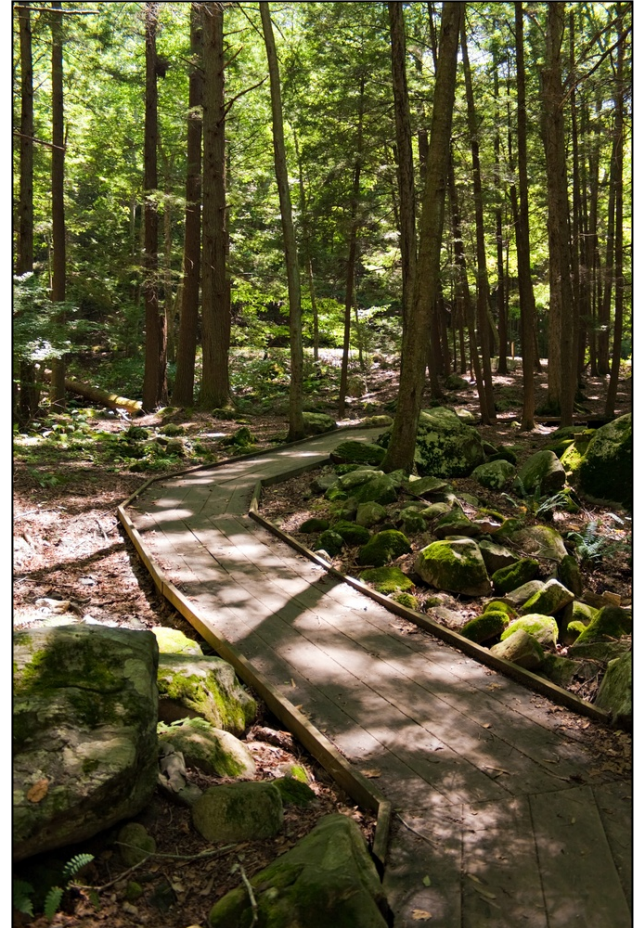
Johnson v. Town of Milton



- Reasonable care



- Reckless Disregard



Reckless Disregard

- *Herbert v. City of Brantford*



Reckless Disregard

- “reasonably marked by notice as such”





- Guidelines are not legal standards

Where Multiuse Trails Meet Roadways

- *Friedrich v Vernon*
- *Davies v West Vancouver*
- *Repic v City of Hamilton*



Where multiuse trails meet roadways

- Conduct assessment of each intersection
- What is most reasonable scenario to accommodate the safety of all users ?
- Document considerations taken into account and reasons for decision
- Make use of appropriate signage and other warning devices
- Make sure curb cuts, if installed, are properly maintained and do not create hazard for cyclists



- *Msuya v. Fraser*
- Negligence principles



Promotion of Cycling

- **Risk management tips:**
 - Programs should be voluntary, not mandatory
 - Insurance
 - Have participants sign waiver if practical
 - Post “ride at your own risk” signage and disclaimers in program publications
 - Provide training, promote helmet use
 - Designated space for bicycle storage





Belinda Bain
(416) 369-6174
belinda.bain@gowlings.com