



2017-2018 key recommendations to make Toronto's streets safe for everyone

1. Get serious with penalties for dangerous driving behaviours

Offence	Penalty
Employer negligence causing the death of a worker	\$150,000 ¹
Cutting down a tree without a permit	\$100,000 ²
Operation of an illegal rooming house resulting in a fire death	\$75,000 ³
Killing a person with a motor vehicle	\$1,000 ⁴

Compared with workplace safety or rental housing fire safety laws, the penalty for killing a person with a motor vehicle is shockingly low in Ontario. Cases of carelessness are rarely prosecuted.⁵ Except in the case of drunk driving and hit-and-runs, very few drivers are charged, even fewer are convicted, and when they are convicted, penalties are relatively trivial--and there is no correspondence between the trauma inflicted and the punishment. Drivers are not even compelled to show up in court to hear a victim impact statement.

¹<https://news.ontario.ca/mol/en/2017/02/window-manufacturer-fined-150000-after-worker-dies-another-injured.html>

²<http://www.cbc.ca/news/canada/toronto/developer-cuts-down-30-mature-trees-city-says-no-permit-was-is-sued-1.3698290>

³<http://www.cbc.ca/news/canada/toronto/illegal-rooming-house-owner-fined-two-years-after-deadly-fire-1.3204793>

⁴<http://www.theglobeandmail.com/news/toronto/erica-stark-toronto-pedestrian-conviction/article33212441/>

⁵ There is legal precedent in Ontario that a "moment of inattention" (which could be deadly) does not constitute carelessness. <http://www.canlii.org/en/on/oncj/doc/2008/2008oncj336/2008oncj336.pdf>

Beyond stiffer penalties in general, we need specific provisions to ensure adequate care around vulnerable road users, including people using mobility devices and those travelling on foot and on bikes. [Vulnerable Road User Laws](#) exist in 10 American states. These laws address the power imbalance between people travelling with steel cages and airbags and those without.

What must change:

- The **Government of Canada** should designate a death or serious injury caused by driving while using a cell phone as a Criminal Code offence⁶ and enable the use of new tools such as “textalyzers” for enforcement.⁷
 - Unless and until a “textalyzer” becomes widely available, the Canadian Radio-television and Telecommunications Commission (CRTC) should mandate that cell phone activity records (scrubbed of personal data) be retained for five years and released in the event of a court case involving distracted driving.
- The **Province of Ontario** should increase Highway Traffic Act (HTA) penalties for speeding, distracted driving, and aggressive driving so as to provide a greater deterrent.
 - Penalties should include higher fines as well as community service, longer licence suspensions, and proactive measures such as driver education and re-testing.⁸
 - Penalties should reflect the harm caused and ability to pay (for instance, a maximum fine should be set as a percentage of weekly earnings).⁹
 - The HTA should be amended to require that drivers convicted of causing death or serious injury appear in court to hear the victim impact statement.
- The **Province of Ontario** should enact a Vulnerable Road User Law.
 - Such a law should delineate a separate schedule of penalties for motor vehicle drivers who kill or seriously injure people travelling without the protection of a motor vehicle.
- The **Ontario Bar Association** should develop professional development modules to address low rates of convictions under the HTA and the Criminal Code in cases of traffic deaths where neither alcohol nor leaving the scene are factors.

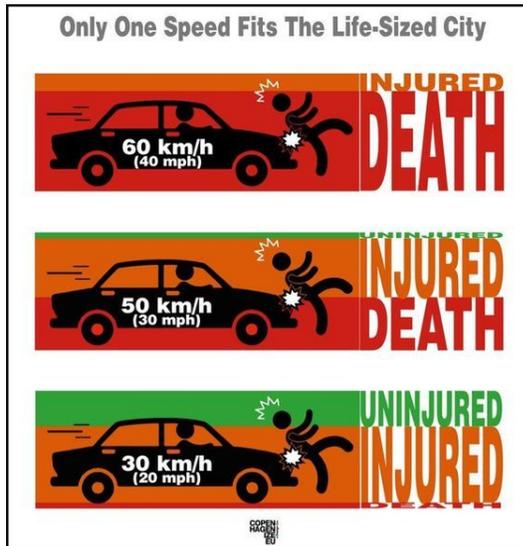
⁶ <http://www.cbc.ca/news/canada/montreal/quebec-cell-phone-driving-coroner-1.3730870>

⁷ Matt Richter. “Texting and driving? Watch out for the Textalyzer.” New York Times. Apr. 27, 2016. https://www.nytimes.com/2016/04/28/science/driving-texting-safety-textalyzer.html?_r=0

⁸ Under a new UK law, new drivers face the loss of their licence if they use a cell phone while driving. They also must re-take their practical and written exams if they lose a certain number of demerit points. <http://www.bbc.com/news/uk-39118523>

⁹ For instance, the UK recently passed a law that set the maximum fine for speeding at 150% of a driver’s weekly wages. <https://motoroffence.co.uk/a-speedy-speeding-penalty-update/>

2. “Speed Kills”: Reduce the speed limit in Toronto to 30km/h



¹⁰

A major conclusion of the 2010 study conducted by the Deputy Chief Coroner of Ontario was that speed kills: **A pedestrian struck by a vehicle travelling 50 km/h is five times more likely to die than if they are hit at 30 km/h.**¹¹

We need to reduce motor vehicle speeds if we are going to eliminate deaths and serious injuries on our streets. We seek a posted (and camera-enforced) speed limit of 30 km/h on almost all streets within the City of Toronto. Many people live, work, and go to school on major arterials such as Dufferin Street and Eglinton Avenue and they have just as much right to safety as those who live on side streets.

Despite what people think, lower speeds do NOT increase motor vehicle travel time.¹²

While congestion causes slow speeds, slow speeds do not cause traffic jams. Lower speeds must be supported by life-sized street design¹³ and enforcement via automatic safety cameras--throughout the city, not just where children and seniors travel. All revenues from speeding fines should be earmarked for safety-oriented street re-design projects.

What must change:

- The **Province of Ontario** should lower the permissible default speed limit to 30km/h and remove restrictions on safety cameras to address speeding and red-light running.
- The **City of Toronto** should implement a city-wide speed limit of 30km/h, enforced by safety cameras, and a transparent process for assessing the safety of proposed exceptions.
- The **City of Toronto** should implement life-sized street design as part of its regular road reconstruction schedule, funded by revenue from speeding fines. Life-sized streets require “[road diets](#),” that is, narrowing lane-widths to 3 metres to accommodate bicycle lanes, transit lanes, pedestrian islands, and/or widened sidewalks.¹⁴
- The **City of Toronto** should implement a city-wide program of automatic safety cameras to ensure compliance with posted speed limits and traffic signals (red lights).

¹⁰ Image source: Copenhagenize.com via <https://www.pinterest.com/pedaleable/infographics/>

¹¹http://www.mcscs.jus.gov.on.ca/english/DeathInvestigations/office_coroner/PublicationsandReports/PedestrianDeathReview/DI_Pedestrian_Death_Review.html

¹² Dr. Eero Pasanen, Aalborg University, on behalf of the Helsinki City Planning Department. “[Speed management in Helsinki](#).” Trafikdage på Aalborg Universitet. 2004

¹³ <http://www.andrewalexanderprice.com/blog20130131.php#.WMWgOH-M50w>

¹⁴ <http://www.citylab.com/design/2014/09/so-what-exactly-is-a-road-diet/379975/>

3. Say “Crash” Not “Accident”



15

Before the labour movement made health and safety a priority, factory owners would say, "it was an accident" when workers were injured in unsafe conditions. Before MADD Canada made drunk driving unacceptable, intoxicated drivers would say, "it was an accident" when they crashed their cars. Planes don't have accidents. They crash. And as a society, we expect answers. Traffic crashes are fixable problems, caused by dangerous streets and unsafe driving. They are not accidents. Let's stop using the word "accident" today.¹⁶ Instead, let's say "crash" or "collision" -- terms that don't shy away from our shared responsibility for prevention.

The word "accident" appears throughout the Criminal Code of Canada and Ontario's Highway Traffic Act. That needs to change. We hear it on the radio as "major accidents on the roads." We see it in "motor vehicle accident reports." It's time to recognize that deaths and injuries caused by distracted driving, aggressive driving, and speeding are preventable acts of violence.

What must change:

- The **Government of Canada** should replace the word "accident" with "collision" throughout the Criminal Code (except in the phrase "by accident").
- The **Province of Ontario** should replace the word "accident" with "collision" throughout the Highway Traffic Act and all Ministry of Transportation forms, templates and communications.
- **Health professionals, police, judges, and others who deal with the aftermath of motor vehicle collisions** should replace the word "accident" with "collision" or "crash" in their communications.
- **Media** should use the term "collision" or "crash" instead of "accident" in their traffic reports--and tell your audience why.

For more information on Friends & Families for Safe Streets, see ffsafestreeets.ca or email us at advocacy@ffsafestreeets.ca.

¹⁵ <http://crashnotaccident.com/>

¹⁶ With thanks to Transportation Alternatives and Families for Safe Streets (NYC) for their image and this direct quote. <http://crashnotaccident.com/>