



Pedestrian Charter Steering Committee

Kitchener, Cambridge, Waterloo and Region of Waterloo
pedestrian.charter@gmail.com

March 21, 2011

Re: Request for Kitchener, Waterloo, and Cambridge Snowclearing By-law Review

Dear [Mayor and Council of Kitchener/Waterloo/Cambridge],

The Pedestrian Charter Steering Committee, along with the community groups named together with ours at the end of this letter, would like the Cities of Cambridge, Kitchener, and Waterloo respectively to review their current sidewalk snowclearing by-law. We wish to acknowledge the positive things that the cities are doing to keep sidewalks clear for citizens – including plowing certain thoroughfares (as noted for example in the City of Waterloo’s Transportation Master Plan), and working to enforce the current by-law– and also the hard work that many citizens are doing to try to keep sidewalks clear. However, we observe that the current sidewalk snowclearing by-laws fall short of ensuring that citizens consistently have safe, accessible and convenient passage while walking on a year-round basis. These are key principles in the Pedestrian Charter as adopted by each city.

Snowclearing bylaws are increasingly making headlines. Indeed, in an article entitled, “Down Shovels: the city should clear the sidewalks” even Macleans magazine is raising the snowclearing issue, they write: “In the interests of fairness and common sense, next winter all Canadians should demand their cities provide snow-free sidewalks. Exhausted shovellers unite!” (March 2011). The purpose, then, of this letter is to request a by-law review in order to determine ways in which snow removal on sidewalks could be made more effective, more efficient, and more consistent.

The present bylaws across all three cities require residents to clear municipal sidewalks:

<i>CITY</i>	<i>Policy</i>
CITY OF CAMBRIDGE, 2008 By-law No 168-08	“...within 36 hours after the cessation of snowfall”
CITY OF KITCHENER, 2002 By-law No 87-171	“...within twenty-four hours after the cessation of a snowfall”
CITY OF WATERLOO, 2009 By-law No 09-156	“...within twenty-four (24) hours following such accumulation”

Some issues that we have identified with the current sidewalk snowclearing by-laws of each City include:

1. Each by-law relies on citizens to clear the majority of city sidewalks and involves a citizen-driven complaint process for non-compliance. Overall this necessitates that the the responsibility and expense of snow removal on city sidewalks falls on individual citizens as does the responsibility of monitoring and reporting the failure of a city sidewalk to be cleared. This procedure is not in keeping with the procedure for removal of snow from local roads, for which the cities are directly responsible.

We recognize that the removal of snow from city streets is done first and foremost to ensure open routes for emergency vehicles and public transit. These priorities aside, the cities, by taking an active approach on road clearing, recognize that citizens require timely and thorough road clearing in order to get around by car. However, by taking a passive approach to sidewalk clearing cities fail to recognize that citizens who rely on walking and the use of assistive mobility devices, as well as those who would like to walk on a year-round basis, require the same level of timely and thorough snowclearing service for sidewalks in order to get around safely, conveniently, and comfortably. In our experience with the current bylaw approach, gathering the information to place a complaint for an uncleared sidewalk and placing the complaint is difficult and time consuming. There are often numerous sidewalks to record and to report and the current process places this responsibility and burden time on individual citizens. Our current by-laws rely on processes that are reactive rather than proactive and are not conducive to achieving consistently, promptly, and thoroughly cleared sidewalks. Citizens who must walk, choose to walk, and who rely on assistive mobility devices alone or in combination with transit should have the same level of service for sidewalk maintenance as citizens who drive. We would argue that the current by-laws do not achieve this.

2. The by-laws take effect only after a certain time-delay “after the last snowfall.” It is possible that in winter snow may continue to fall off and on for days without reprieve enough to fall within the current time limits for the by-law to come into effect for enforcement. Further, even with the appropriate delay in hours, should a complaint be registered with the by-law enforcement office, citizens must wait further for the process to continue as by-law must go by the premises, warn the homeowner, and then wait for resolution. This does nothing to help a citizen navigate their neighbourhoods in the meantime. Often, this time-delay also means that after citizens who walk and use assistive mobility devices to work on a daily basis do not have clear sidewalks during the peak hours when they must make their commute – in the early morning or at the end of the day. This again demonstrates how different standards are applied to the pedestrian and the motorist.
3. The by-laws result in inconsistent standards for both the quality and quantity of snow removed.
4. The by-law approach does not result in consistent snowclearing, which results in potential safety hazards and consequences. We refer to the recent article in the Record by Terry Pender (24 December 2010, *Expanded municipal sidewalk snowclearing recommended*, <http://www.therecord.com/print/article/305113>). We also refer to another article by Pender (21, April, 2008, *Rallying call: Take back the street from automobiles*, <http://www.wonderfulwaterloo.com/showthread.php/73-Pedestrian-Issues>) in which a

dollar amount is given to the yearly claim payout costs for each city after a citizen falls on a sidewalk. Again, we challenge the reactive instead of proactive stance of each city on this issue.

5. The present by-law applies only to sidewalks (five feet wide and made of concrete). Given that many streets are lined with pedestrian walkways made of asphalt or loose gravel, and that such streets may also have bus stops, we believe that snow clearing by-laws should apply to all kinds of pedestrian rights of way, regardless of width, material or location.
6. The by-law does not explicitly include the part of the sidewalk that, for corner properties, connects the sidewalk to the road. Those responsible for clearing sidewalks at corner properties too often neglect to clear the snow barrier created by the snow plow at the curb drop portion of the sidewalk that allows pedestrians to cross the street. This mound that exists between the sidewalk and the road often before, but especially after, a road snow plow goes by is a barrier to mobility for those traveling on foot and those using assistive mobility devices. The most basic connectivity requirement for pedestrian mobility – the ability to cross a road – is lost when the snow plows clear our roads and no one clears this barrier.

We respectfully request an assessment of the effectiveness and efficiency of the current sidewalk maintenance by-laws in upholding the right of all pedestrians to have “safe, comfortable and convenient” passage while walking on a year-round basis as outlined by the Pedestrian Charter (please see attached), as adopted by your municipality.

There are numerous benefits to the city when citizens who rely on walking and using assistive mobility devices can get around safely, accessibly and conveniently year-round – and numerous benefits to the city when more people choose to walk. First, a more walkable city – a city where people are enabled and encouraged to walk to get to work, to do daily errands, for exercise and for recreation – is a more active and healthy city.

Second, accessible roadways and sidewalks are an accessibility and equity issue – many people rely on walking and assistive mobility devices due to low income, age, and disability. If we want an accessible and equitable community then citizens who walk and use assistive mobility devices should not receive a lower level of service than those who drive. People should also be able to choose to walk rather than depend on a car if they wish – walking year-round should thus be made a more safe, accessible and convenient option not only to those who rely on walking, but to all citizens.

Third, if we want to reduce traffic congestion and air pollution by having more people get around by using public transit, then we need to keep sidewalks clear year-round for those already using transit, and to encourage others to choose active and public transit modes by making walking not only possible, but also more safe, more convenient and more comfortable. A sidewalk that is cleared inconsistently – only sometimes, or only some parts – breaks the connectivity of a walking route, and we know that connectivity is absolutely crucial for making walking and using an assistive mobility device possible, and for making walking convenient and comfortable enough to support and encourage more people to walking and use transit as viable and reliable everyday mode of transportation.

Fourth, the year-round maintenance of sidewalks is a safety issue. In communities such as ours that have many children, students, as well as an aging population, and where we want to encourage more people to walk and use transit, we need to keep sidewalks consistently clear of snow and ice which can lead to slips, falls, and personal injuries. As a community safety issue, more people walking means more people present in the city streets – which makes a city not only safer, but also a more socially cohesive and economically vibrant place to live.

By adopting the Pedestrian Charter the Cities of Cambridge, Kitchener, and Waterloo have each taken steps toward becoming more walkable, accessible, equitable, healthy, environmentally and economically sustainable, safe and vibrant communities. In keeping with the principles outlined in the Pedestrian Charter and the commitment of the city to “provide and maintain infrastructure that gives pedestrians safe and convenient passage while walking along and crossing city streets,” we hope that by reviewing this by-law for its effectiveness, efficiency and consistency in providing timely and thorough snowclearing the cities of our Region can make strides towards become more walkable – all year round.

We thank you for your commitment to making our cities more walkable and welcome the opportunity to meet and discuss this request further at your convenience.

Thank you,

The Pedestrian Charter Steering Committee

Supporting organizations:

Tri-TAG (Tri-cities Transportation Action Group)

Independent Living Centre

Seniors Advisory Committee?

Social Planning Council of Kitchener-Waterloo

K-W Disabilities and Human Rights Group

Heart and Stroke Foundation of Ontario