



## **Governance and Priorities Committee Report**

### **For the meeting of October 23, 2014**

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**To:** Governance and Priorities Committee      **Date:** October 14, 2014  
**From:** Dwayne Kalynchuk, Director of Engineering and Public Works  
**Subject:** Skateboarding in the Downtown Core

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#### **Executive Summary**

On January 30, 2014, Council directed staff to provide a report on the impacts of allowing skateboards in the downtown core. Council directed the report address confiscation of skateboards, including implications of using the *BC Offence Act* for guidance.

The purpose of this report is to obtain Council direction regarding proposed changes to the Streets and Traffic Bylaw that would:

- remove the current prohibition against the use of skateboards and other human powered devices on roadways within the downtown core. The current prohibition against the use of bicycles, skateboards and other human powered devices on sidewalks throughout the city would remain in place.
- require users of skateboards and other human powered devices to follow the same rules of the road as cyclists, and
- eliminate the circumstances under which a skateboard or other human powered device could be impounded.

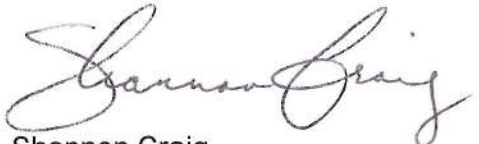
Staff have consulted the VicPD and have asked for general feedback from the Downtown Residents Association and the Downtown Victoria Business Association about potential impacts of a bylaw change, however the specific changes being recommended were not outlined. The primary consideration when reviewing changes to the bylaw, expressed by both City staff and VicPD is safety, both of skateboard users and members of the public. Staff are of the opinion that changing the bylaw to allow skateboard use on downtown roadways would likely have a positive effect on public safety. Skateboarders could then be directed to ride on the road with other traffic, rather than on the sidewalk, to minimize potential conflicts with pedestrians. To mitigate some of the safety concerns associated with skateboards travelling on downtown streets, bylaw changes could be put into place that require skateboarders to follow the same rules of the road as cyclists.

Impoundment of skateboards is a relatively rare occurrence, but has been a useful tool when compliance cannot be achieved by other means. The impound provisions for skateboards noted in the Streets and Traffic Bylaw should be eliminated, given the low number of occurrences annually.

## Recommendation

- 1) That Council direct staff to provide a formal opportunity for broader public feedback on the following proposed amendments to the Streets and Traffic Bylaw:
  - a) Removing the current prohibition against the use of skateboards and other human powered devices on roadways within the downtown core and the 2300 block Trent Street. The current prohibition against the use of bicycles, skateboards and other human powered devices on sidewalks throughout the city would remain in place.
  - b) Requiring users of skateboards and other human powered devices travelling on city streets to follow the same rules of the road as cyclists, and
  - c) Eliminating impound provisions specific to skateboards or other human-powered device.
- 2) That Staff report back to Council in January 2015 with public feedback and proposed changes to the bylaw.

Respectfully submitted,



Shannon Craig  
Policy Analyst  
Legislative and Regulatory Services



Brad Dellebuur  
Acting Assistant Director of Transportation  
Engineering and Public Works



Dwayne Kalynchuk  
Director  
Engineering and Public Works

Report accepted and recommended by the City Manager: \_\_\_\_\_

Date: \_\_\_\_\_



October 16, 2014

## **Purpose**

The purpose of this report is to obtain Council direction regarding proposed changes to the Streets and Traffic Bylaw that would:

- remove the current prohibition against the use of skateboards and other human powered devices on roadways within the downtown core. The current prohibition against the use of bicycles, skateboards and other human-powered devices on sidewalks throughout the city would remain in place.
- require users of skateboards and other human-powered devices to follow the same rules of the road as cyclists, and
- eliminate the circumstances under which a skateboard or other human-powered device could be impounded.

## **Background**

On January 30, 2014, Council passed the following motion:

That Council:

1. Direct staff to provide a report on the impacts of allowing human powered devices skateboards in the downtown core.
2. Further, the report should address confiscation of human-powered devices skateboards, including implications of using the BC Offence Act for guidance.

Section 124(1)(t) of the BC *Motor Vehicle Act* gives municipalities the authority to regulate and control persons using roller skates, sleighs, skates, skis or other similar means of conveyance on highways in the municipality. The City's Streets and Traffic Bylaw currently prohibits individuals from riding skateboards, bicycles, and other human powered devices on sidewalks anywhere within the city.

The bylaw further prohibits individuals from riding skateboards on streets within the downtown core (see Appendix A), and on the 2300 block of Trent Street. These two area restrictions have been in place since the 1990's, and individuals riding skateboards in the restricted areas may have their skateboards impounded. Relevant excerpts from the Streets and Traffic Bylaw are included in Appendix B. Grey highlighting has been used to highlight key bylaw provisions.

Staff consulted with the Victoria Police Department (VicPD), and also asked for feedback from the Downtown Victoria Business Association (DVBA) and the Downtown Residents Association (DRA). Staff also met with Jake Warren, a skateboard advocate who has presented previously to Council on this issue. Copies of written feedback received from members of the DVBA and the DRA Board are included in Appendix C. Correspondence and presentations to Council regarding skateboarding downtown and feedback previously received during Official Community Plan consultations were also reviewed.

## **Issues and Analysis**

### Impacts of allowing skateboards in the downtown core

Possible positive impacts of allowing skateboards in the downtown core include:

- open and inclusive attitude towards all forms of transportation
- increased economic activity
- reduction in use of cars for transportation in the downtown core
- traffic calming that may be achieved through having a variety of road users
- making downtown more welcoming
- health benefits for skateboard users, and



- an increase in public safety.

Possible negative impacts of allowing skateboards in the downtown include:

- a decrease in skateboarder and public safety, and
- an increase in noise.

It is difficult to verify or quantify many of these impacts because there is no reliable data available on the number of skateboard users in Victoria, or the number of skateboard trips taken within the city or the downtown core. The Bylaw and Licensing Services Division indicates that, from the period from August 1, 2013 to July 31, 2014, bylaw officers had approximately 400 encounters with individuals riding skateboards in the downtown core. Most of these encounters were with individuals riding on the sidewalk. Bylaw officers estimate that 10 to 15% of the skateboarders they encounter were riding longboards.

A petition presented to Council in support of an end to the impoundment of skateboards and a reduction in the skateboard-prohibited area downtown had approximately 400 signatures. An online petition on the same topic had over 1,000 signatures, with some signatories identifying themselves as skateboard commuters residing in Victoria. Skateboarding was identified as a valued mode of transportation and recreation for the 16-24 age-group during Official Community Plan consultations, with participants at Victoria High and Community Café events, and at a City of Victoria Youth Council workshop expressing a desire to be able to longboard downtown. This anecdotal information suggests some individuals would use their skateboards as a mode of travel on downtown streets, if the current prohibition was lifted.

Safety of both the public and skateboard users is a key concern. VicPD staff expressed concern that skateboards, by design, present a safety issue when ridden in public spaces, due to the lack of control mechanisms (i.e., no brakes or direct steering mechanisms) and the fact that they can become completely uncontrolled projectiles when the rider jumps off or falls off at speed. Other stakeholders expressed concerns that skateboard users present a public safety hazard because they:

- may not be visible to motorists or pedestrians
- may engage in reckless or dangerous behaviour while riding, or
- don't follow the "rules of the road."

For safety reasons, staff recommends the prohibition against skateboard use on sidewalks in the City remain in place. There have been several reports of accidents and injuries to pedestrians from skateboards operated on sidewalks, including a July 3, 2012 incident where two tourists were seriously injured when a skateboarder collided with them on the sidewalk. Staff also recommend the prohibition under the Parks Regulation Bylaw against skateboard use in parks, except where expressly permitted, should continue. This prohibition includes Bastion Square and Centennial Square.

From a transportation perspective, staff support skateboard use on roadways within the City of Victoria, including the downtown core and the 2300 block of Trent Street. A change to allow the operation of skateboards on the road with other forms of traffic would likely have a positive effect on public safety, as skateboarders would be able to ride on the street, rather than on the sidewalk, minimizing potential conflicts with pedestrians.

Some jurisdictions have attempted to mitigate the safety concerns associated with the use of skateboards on roadways by limiting skateboarders to certain streets, prescribing “rules of the road” for skateboarders, or by requiring skateboarders to wear protective gear. For example:

- In Vancouver, skateboards can only be used on “minor streets,” which are streets without lane lines or directional dividing lines. Skateboarders must wear helmets, wrist guards, elbow pads, knee pads, and front and rear reflective equipment.
- In Kamloops, skateboards cannot be used on arterial roads, roads within designated commercial areas, or roads with steep grades.
- In Langford, skateboards cannot be used on Goldstream Avenue and surrounding streets.
- In Portland, Oregon, skateboarders under the age of 16 are required to wear helmets. Skateboarders must follow the same rules of the road as cyclists.

It is difficult to determine whether the mitigation measures identified above are effective in reducing safety concerns, or necessary, considering the topography, traffic speeds and traffic volumes on Victoria’s streets. Engineering and VicPD staff do not report any incidents or safety concerns associated with the use of skateboards on roadways outside of the downtown core, which includes busy arterial roadways such as Blanshard Street and Hillside Avenue. This suggests skateboarders are able to safely navigate City streets without the need for further safety-oriented regulations. However, should Council wish to allow the use of skateboards in the downtown core, staff recommend skateboarders be required to follow the same rules of the road as cyclists. As outlined in the Streets and Traffic Bylaw, those rules include:

- not riding in crosswalks
- riding as far to the right of the highway as practicable, unless making a left turn, and
- not riding abreast of another person on a skateboard.

There are provincial requirements for helmets on cyclists, but no similar province-wide requirements for skateboarders. The Province has confirmed through its response to UBCM resolutions on this topic that helmet requirements for skateboarders are an area of local jurisdiction. While helmets would provide safety benefits to users of skateboards, staff do not recommend a mandatory helmet requirement at this time. Skateboard users are currently able to travel on City streets outside of the downtown core without wearing a helmet and no incidents or concerns relating to helmet use have been identified. A mandatory helmet requirement in Victoria would also create inconsistency for skateboard users travelling over municipal boundaries, as no neighbouring municipalities have mandatory helmet requirements for skateboarders.

VicPD staff noted they would support a bylaw change that required users of skateboards and other human powered devices to wear helmets, and are concerned about bylaw changes that encourage skateboard use without a helmet requirement. VicPD staff feel that doing so would send a message contrary to its efforts to encourage helmet-wearing by cyclists. Notwithstanding the fact that cyclists are governed by provincial legislation, the average citizen would see the messaging as completely inconsistent. It is also VicPD staff’s view that the fact that the current bylaw “allows” skateboard use outside of the downtown core without wearing a helmet, simply because the bylaw is silent on that matter, is not determinative of the issue.

If Council wishes to consider whether helmets, lights at night, and/or other safety-related regulations should be mandatory for individuals using skateboards and other human-powered devices, additional consultation with affected groups is recommended. This consultation would likely include outreach to skateboarders and other user groups through a variety of channels, including social media and the City website, skateboard shops, the City of Victoria Youth Council and the Vic West Skate Park.



### Impoundment of skateboards

Section 46 of the *Community Charter* gives Council the authority to pass bylaws that:

- authorize the seizure of things unlawfully occupying a portion of a highway or public place, and
- establish fees that are payable if the owner wishes to recover the thing.

The *Motor Vehicle Act* gives municipalities additional powers with respect to highways, including the power to pass bylaws for the removal, detention or impounding of vehicles unlawfully occupying a portion of a highway or public place, and a scale of fees, costs and expenses for that purpose.

Section 102(3) of the Streets and Traffic Bylaw gives the Director of Engineering, VicPD members, and other authorized persons a general authority to impound things unlawfully occupying streets or public places, including skateboards and other human powered devices. The City currently charges a fee of \$25 for the redemption of an impounded skateboard.

The *Offence Act* sets out processes and requirements that govern the seizure of things for evidentiary purposes. It applies independently of the Streets and Traffic Bylaw. It does not provide useful guidance where things are being removed for non-evidentiary purposes.

Some members of the public have suggested the impoundment of skateboards is discriminatory, as it focuses on one user group. For comparison, cyclists who contravene the Streets and Traffic Bylaw are not subject to impoundment of their bicycles.

Currently, impoundment of skateboards is a relatively rare occurrence. VicPD have not impounded a skateboard in many years, while bylaw officers have only impounded six skateboards over the past three years (2012 – 3 impounds, 2013 – 2 impounds, 2014 – 1 impound). Generally, bylaw officers and police officers are able to remedy non-compliance through education. Impoundment is currently used only when compliance cannot be achieved by other means, or where the non-compliance is repetitive. Tickets are not a useful means of achieving compliance, as there is no obligation on skateboard users to provide bylaw officers with the required personal information.

The impound provisions for skateboards noted in the Streets and Traffic Bylaw should be eliminated, given the low number of occurrences annually. Eliminating this provision will impact how effectively bylaw officers will be able to achieve compliance; however, the ability to skateboard on-street in the downtown core can be expected to reduce violations for riding on the sidewalk.

### Other human-powered devices

To date, users of other types of human powered devices (i.e., roller skates, in-line skates and non-motorized scooters) have not presented any concerns. Transportation Division staff estimate that these other modes of transportation represent less than 1% of all trips taken within the city. Although not forming part of Council's direction, it would appear that any bylaw changes with regard to skateboards could also apply to the operation of other human powered devices in the downtown core.

## **Options and Impacts**

### Option 1 – Status quo

Under this option, the prohibition against the use of skateboards and other human-powered

devices in the downtown core would remain in place. The authority to impound skateboards and other human-powered devices would also remain.

Impacts:

- will continue to limit ability of individuals to use skateboards as a mode of travel throughout the city

Option 2 – Direct staff to bring forward bylaw amendments for Council consideration

Under this option, staff would bring forward amendments to the Streets and Traffic Bylaw for Council approval that would allow the use of skateboards and other human-powered devices on roadways throughout the city. Users of human-powered devices would be required to follow the same rules of the road as cyclists. The authority to impound skateboards and other human-powered devices being used in contravention of the Streets and Traffic Bylaw would be eliminated.

Building on the preliminary awareness of proposed changes, a formal opportunity for broader public feedback would be provided before Council makes a final decision on any bylaw changes. Staff would seek feedback for a short period following GPC approval, and share the results prior to Council considering the proposed bylaw amendments.

Feedback from the public would be collected through an online survey hosted on HaveYourSayVictoria.com. Outreach to stakeholders to ensure groups such as downtown business owners, downtown residents, skateboarders, City youth programmers, motorists and transportation companies are aware of the opportunity to provide feedback on permitting skateboarders on streets in the downtown core.

Background information and feedback collected through preliminary conversations would be available online to provide community members with the information they require to submit informed feedback.

Information on how the public's feedback would be used, on-going updates, survey findings and the updated Streets and Traffic Bylaw would be shared with stakeholders through HaveYourSayVictoria.com.

If approved, a coordinated education campaign for the summer of 2015 would be proposed to raise awareness of the bylaw changes, and encourage responsible and safe skateboarding and cycling in the downtown, including information about not conducting either activity on sidewalks. Education would also focus on raising awareness that skateboarding and bicycle use is not permitted on downtown sidewalks. Reported incidents and concerns associated with use of downtown streets by individuals on skateboards and other human powered devices would be closely monitored in order to assess any negative impacts associated with the bylaw changes.

Impacts:

- will allow individuals to use human powered devices to travel throughout the city
- may lead to a reduction in pedestrian/skateboarder conflicts on sidewalks in the downtown core
- may lead to an increase in skateboarder/vehicle conflicts on streets in the downtown core



## Recommendation

- 1) That Council direct staff to provide a formal opportunity for broader public feedback on the following proposed amendments to the Streets and Traffic Bylaw:
  - a) Removing the current prohibition against the use of skateboards and other human powered devices on roadways within the downtown core and the 2300 block Trent Street. The current prohibition against the use of bicycles, skateboards and other human powered devices on sidewalks throughout the city would remain in place.
  - b) Requiring users of skateboards and other human powered devices travelling on city streets to follow the same rules of the road as cyclists, and
  - c) Eliminating impound provisions specific to skateboards or other human-powered device.
- 2) That Staff report back to Council in January 2015 with public feedback and proposed changes to the bylaw.



# Appendix A – Map of Skateboard-Prohibited Area



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## Appendix B – Streets and Traffic Bylaw Excerpts

### Definitions

4 In this Bylaw

“human powered device”

means a skateboard, roller skates, in-line skates, or a non-motorized scooter;

### Objects prohibited on streets

102 (1) Without limiting the generality of subsections 101,

- (a) a person must not place, or cause or permit to be placed or left on, above or in a street, sidewalk or other public place any of the following items:
    - (i) an object, obstruction or other thing that is or is likely to be a nuisance, or
    - (ii) a sign, as defined in the Sign Bylaw.
  - (b) a person who owns, controls, or possesses an item referred to in paragraph (a) must not permit or cause it to remain on, above or in a street, sidewalk or other public place.
  - (c) a person must not place or cause or permit to be placed on, above or in a street, sidewalk, or other public place waste matter of any description, including without limitation, litter, rubbish, garbage, offal, filth, or any noxious, offensive or unwholesome substance or matter;
  - (d) a person must not distribute or deliver, or cause or permit to be distributed or delivered in or near any street, sidewalk, or other public place, a pamphlet or any other printed or written matter for the purpose of publicizing an event, fact, product, or thing if the probable result of that action is
    - (i) the matter will be discarded on a street, sidewalk, or other public place by a person receiving the matter, or
    - (ii) passage in or on a street will be impeded or obstructed.
- (2) Subsection (1)(a) does not apply to any of the following persons or objects:
- (a) employees or agents of the City while they are acting in the course of their employment;
  - (b) articles of trade or commerce lawfully in a street or other public place;
  - (c) a portable sign permitted under section 102A of this Bylaw;



- (d) works for which a permit is issued under section 102 or 106 of this Bylaw or under a bylaw passed under section 14 of the *Victoria City Act, 1919*.
- (3) The Director of Engineering, a person authorized by the Director of Engineering, or a member of a police force, on behalf of the City may cause the removal, detention or impounding of an object, obstruction, or thing unlawfully occupying a portion of a street or public place.
- (4) After the detention, removal or impoundment of an object, obstruction, or thing a person entitled to its possession may obtain its release by
  - (a) signing an undertaking that the person will not again place it on, above, or in any street, sidewalk or other public place in contravention of this section, and
  - (b) paying the city the fees prescribed in subsection (5).
- (5) For each detention, removal, and impoundment under subsection (3), the person entitled to possession of an object, obstruction, or thing must pay to the City the applicable fees prescribed in Schedule H.
- (6) As soon as is possible, the Director of Engineering must cause a detained object to be sold, by public auction, to the highest bidder if
  - (a) the person entitled to the possession of the object, within 30 days of its detention, including the date of detention, does not satisfy the requirements of subsections (4) and (5), and
  - (b) it appears to the Director of Engineering that the object has market value.
- (7) The Director of Engineering must cause a detained object to be discarded as garbage if
  - (a) the person entitled to the possession of the object, within 30 days of its detention, including the date of detention, does not satisfy the requirements of subsections (4) and (5), and
  - (b) it appears to the Director of Engineering that the object has no market value.
- (8) The City's Corporate Administrator must apply the proceeds of an auction sale held under this section in the following manner:
  - (a) firstly, deduct the costs of the auction;
  - (b) secondly, deduct the fees payable to the City under subsection (4);
  - (c) finally, pay the surplus, if any, to the person entitled to possession if that person's identity and location are known.



- (9) The Corporate Administrator must apply the surplus referred to in subsection (8)(c) in the following manner if the identity or location of the person entitled to the surplus is not known:
- (a) hold the surplus for one year from the date of the auction;
  - (b) pay the amount of the surplus into the City's General Revenue if the surplus is not claimed within one year from the date of the auction.
- (10) An amount paid into General Revenue under subsection (9)(b) is forfeited to the City.
- (11) An action taken under this section does not preclude the prosecution of a person who contravenes a provision of this Bylaw.

### **Skating on sidewalk**

- 115** (1) A person must not ride a human powered device on a sidewalk.
- (2) Subject to subsection (3), a person must not ride a human powered device on a street or path in a public place where signs are displayed stating that the street or path is for pedestrian use only.
- (3) A person must not ride a human powered device on a street or path within the area bounded
- (a) on the west by the west side of Wharf Street and the east side of Store Street,
  - (b) on the north by the south side of Herald Street and North Park Street,
  - (c) on the east by the east side of Quadra Street, and
  - (d) on the south by the south side of Fairfield Road, the east side of Blanshard Street, and the south side of Belleville Street.
- (4) Sections 99(3) to (11) apply to the removal, detention and impoundment of a human powered device that is being ridden in contravention of this section on a street, sidewalk, or path within
- (a) the area set out in subsection (3), or
  - (b) the 2300 block of Trent Street.

## Schedule H

### Streets and Traffic Bylaw

#### Detention, removal and impoundment fees

1. The detention and removal fees, shown in the second column of the following table, that correspond to the weight or type of the item shown in the first column, are payable under subsection 102((4) of this bylaw:

<u>Weight or Type</u>	<u>Detention &amp; Removal Fee</u>
65 kg or less	\$25.00 for a first detention or removal \$100.00 for a second or subsequent detention or removal
over 65 kg	\$40.00 for a first detention or removal \$100.00 for a second or subsequent detention or removal
human powered device	\$25.00

2. The impoundment fees, shown in the second column of the following table, that correspond to the weight or type of the item shown in the first column, are payable under subsection 102(5) of this bylaw:

<u>Weight or Type</u>	<u>Impoundment Fee</u>
65 kg or less	\$5.00 per day, including the first day
over 65 kilograms	\$7.00 per day including the first day
human powered device	\$2.00 per day including the first day

## Appendix C – Written Feedback from Stakeholders

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In our opinion there are far too many regulations that infringe on the freedom of patrons in Downtown. I have no idea why the city feels they have the right to limit a persons options on how they travel from place to place. Any form of travel other then cars should be celebrated not prohibited or limited in any way. We need far less rules and more education with regards to patrons acting with consideration and respect of others. The city needs to empower others to make the right decisions regarding their conduct on various modes of transportation not create and enforce archaic bylaws to limit a persons fundamental right and freedom of movement.

Healthy Regards,

Kurtis Brown  
Chantelle Pasychny

designHouse Salon  
Owners

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What is to review ?

The skateboarders go up and down Johnson Street all day and night, in my almost three years I have never seen one of them stopped or even spoken to by any officers.

The boards are noisy, 90% of the riders are disrespectful to pedestrians and vehicle traffic

You can see them going the wrong way down lojo every single day

Keep the law and perhaps start enforcement

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In response the the email sent out last week by the DVBA we wanted to let you know that West End Gallery does not support a review of the skate boarding policy and feels very strongly that skate boarding should not be allowed in the downtown core.

Thank you for your time and consideration involving us in this matter.

Sincerely,  
Amy

West End Gallery  
1203 Broad Street

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I would like to support the ban on skateboarding on streets in the downtown area for two reasons:

1. It is alarming for drivers to share streets with skateboarders who are not just using their boards as a fuel-free form of transport, but are making large s-curves across the street and performing other "hot-dogging" moves. It happens quite often that a boarder misses the sidewalk lip and stumbles either onto the street or onto the sidewalk.



2. The wheels on most boards make a terrific amount of noise.

If the by-laws were amended to permit safe use of these devices with enforceable penalties for street riders causing traffic hazard, and if the boards were required to use some kind of noise abatement technology on their wheels, then perhaps law-abiding riders could be permitted to use the streets (never the sidewalks). They would have to do so entirely at their own risk, and should be licensed. They ride without lights or helmets or other body protection. They use no signaling to help other users of streets anticipate their movements and vehicle drivers, bicycle riders and pedestrians cannot be expected to bear the responsibility of any injury or damage caused by collision with these unpredictable moving objects.

Overall, since enforcement of traffic behaviour in the city is insufficient, I continue to fear that young and irresponsible riders will pose a street hazard.

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I own and run a technology company in Bastion Square. I'm writing to voice my opposition to the bylaw prohibiting skateboarding downtown.

I've been annoyed at this bylaw for quite some time. Lifestyle factors are a huge reason why we choose to pay high Downtown Victoria rental costs, and every bylaw we add that makes the downtown area less appealing is sure to have an economic impact, either in terms of lost business or businesses locating elsewhere.

As a concrete example, when I was a student at UVic, I used to avoid the downtown core on my way home to James Bay. More recently, when starting up my company, we also looked at locations outside of the downtown core. Frankly, it was because I'd enjoy my commute home from work a lot more if I could take out my longboard. Ultimately the proximity to restaurants and services won out, but the skateboard bylaw was a factor in my consideration.

Though I'm sure the bylaw was carefully considered, it comes off as arbitrary and unfriendly. If it's a matter of traffic downtown, it seems odd to me that skateboards in particular have been singled out. Why not ban scooters too? Bicycles? Groups of tourists who walk more than three abreast?

Count my voice in opposition.

- Bob Warwick  
Owner, Whole Punk Creators



1715 Government Street  
Victoria, BC  
V8W 1Z4  
250.386.5503

Shannon Craig  
City of Victoria  
No.1 Centennial Square  
Victoria, BC  
V8W 1P6

August 5, 2014

Re: Review of Skateboarding in the Downtown Core

Dear Shannon Craig,

The DRA has reviewed the existing bylaw regarding the prohibition of riding skateboards on sidewalks in the City of Victoria and the streets of the Downtown Core (as identified on the map attached with the letter of June 26, 2014). We have also considered the issues of confiscation and impoundment of skateboards.

The following comments are a summary of the opinions offered on the relevant topics.

#### Environment and Health

- We are all in favour of encouraging and supporting alternative eco-friendly means of transportation, which would include skateboards and rollerblades.
- Skateboarding is a green and active mode of transportation and we don't assume that all skaters will be reckless in their behaviour.

#### Safety

- We are unanimous in recognising that allowing skateboarding on sidewalks is too dangerous and there are too many opportunities for conflicts between different modes of transportation.
- Allowing skateboards on downtown streets and bike lanes seems like a dangerous compromise. Perhaps if/when we get some protected bike lanes it can be considered.

#### Traffic Calming and Infrastructure

- Having a greater variety of users in the road can help to calm traffic. For example, vehicles on Pandora frequently speed on the road right before the bridge. Increasing the variety of users on the road will encourage drivers to slow down.
- Allowing skateboarders to travel on the right hand side of the roadway, or where available, travel in bicycle lanes, should be discussed and considered.

#### Equality

- It is important that public space feels welcoming to all. There are people in our city that can't afford bikes, or other forms of organized sports like hockey, so skateboarding is a financially feasible alternative and it provides people with a sense of community.
- With the current ban in place, it has discouraged these individuals from frequenting downtown as they feel unwelcome. As an example, a mature adult male (and DRA member) was standing and holding his skateboard on Pandora waiting for a ride to the park when a police van pulled up in front of him and over the loud speaker declared "think about riding and you'll loose it". This was an unnecessary negative police interaction.

#### Enforcement

- Current enforcement seems to disproportionately impact those with limited or low incomes.
- Without a proper legal definition within the bylaw as to when confiscation and impoundment supersedes the issuance of the appropriate fine, the complainants' objections are valid and justified.
- Confiscation of personal property should only be the last resort.
- The following influenced my opinion on the confiscation / impoundment issue: The City of Victoria's "STREETS AND TRAFFIC BYLAW # 09-079" (<http://www.victoria.ca/assets/City~Hall/Bylaws/bylaw-09-079.pdf>), section 115 (1) & (3), essentially states that a person must not ride a human powered device on (1) a sidewalk, or (3) a street, or a path within the downtown core. The following subsection, 115 (4), goes on to state that, "Sections 99(3) to (11) apply to the removal, detention and impoundment of a human powered device that is being ridden in contravention of this section on a street, sidewalk, or path within (a) the area set out in subsection (3)...". Unfortunately, and quite disturbing, is that it appears to me that the referred to "section 99(3) to (11)" in City bylaw 09-079, does not exist (at least not in the copy provided on the City's website).
- Schedule 'F' of City bylaw 09-079, sets out the fines for contravention of section 115 (3) as follows: \$57.50 for 1st contravention, \$67.50 for 2nd contravention, \$102.50 for 3rd or subsequent contravention. So, since there are fines set out for the contravention of the bylaw, at what point does the enforcement officer have the right to confiscate the citizen's personal property?

While we are unanimous in support of a ban on skateboard use on sidewalks, we fully support skateboarding as a healthy, environmentally friendly, alternate form of transportation. Opportunities remain to improve issues around equality, enforcement and infrastructure in relation to skateboarding downtown, so we would support a review and revision of this bylaw. Thank you for the opportunity to provide feedback on this issue.

Sincerely,



Wendy Bowkett  
Chair  
Downtown Residents Association

cc Dwayne Kalynchuk, Engineering and Public Works Department