

Draft for Discussion at April 7, 2021 SCCAC Meeting

SCCAC POSITION ON SIDEWALKS IN THE TOWN OF COBOURG

People who live in neighborhoods with sidewalks are 47 percent more likely than residents of areas without sidewalks to be active at least 39 minutes a day.

Eight in 10 Americans prefer being in a community that offers sidewalks and good places to walk. Six in 10 prefer a neighborhood that features a mix of houses, shops and services within an easy walk versus a neighborhood that requires a car for every errand. (Source: AARP, Sidewalks; A Livability Fact Sheet)

CONTENT OF DISCUSSION DOCUMENT

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A. CONTEXT

At their October 2019 meeting Cobourg Council approved the September 12, 2019 Sidewalk Priority Plan.

Abbott Boulevard ranked high using the priority ranking in this Priority Plan. At their February 22, 2021 Council Meeting, Cobourg Council approved the awarding of a construction contract to build a sidewalk on Abbott Blvd.

Whereas a number of residents in the area were supportive, citing safety for pedestrians especially children walking to and from school; some were not. The concerns expressed by two residents are listed at the end of this document along with suggested responses.

B. GOVERNING LEGISLATION/BY-LAW/POLICY

Provincial: O. Reg. 239/02: Minimum Maintenance Standards for Municipal Highways, under the [Municipal Act, 2001, S.O. 2001, c. 25](#) sets standards for road, bicycle lane, and sidewalk maintenance and snow/ice removal. Specifically the purpose of this Regulation is *to clarify the scope of the statutory defence available to a municipality*

under clause 44 (3) (c) of the Act by establishing maintenance standards which are non-prescriptive as to the methods or materials to be used in complying with the standards but instead describe a desired outcome. O. Reg. 366/18, s. 2.1

Municipal: Cobourg's Official Plan, and Urban and Landscape Design Guidelines encourage active transportation including sidewalks and street connection for pedestrians. The Master Transportation Plan for the Town of Cobourg, August 2011, states under section 6.6 'Active Transportation Network: Pedestrian' the following:

It is vital that communities are designed to encourage walking and provide safe and attractive facilities. Linking neighbourhoods through a network of sidewalks and trails will support walking as a viable transportation mode – an essential element to building healthy communities.

The Town should follow the recommendations provided in the Official Plan and Urban Landscape and Design Guidelines, ensuring that policies for the provision of sidewalks along the arterial, collector and local road network are followed and that any discontinuities in the sidewalk system are connected.

The Town should require the incorporation of active transportation facilities within existing neighbourhoods and developments and provide regular maintenance of sidewalks and trails during the winter time to ensure that walking remains a safe and viable transportation all year long.

Cobourg's Strategic Plan contains a number of statements supporting active transportation, including the desired outcome of being "*a community that prioritizes biking, walking and public transportation as a means to mitigate the effects of climate change*".

C. BENEFITS OF SIDEWALKS

Sidewalks promote walking, and the ability of people to participate in their community through improving accessibility and mobility. Thus the benefits of sidewalks are many, including the following (expressed more eloquently in the quotes below):

- reduces car use therefore addressing the second most significant source of GHG in a municipality (the first being buildings).
- creates universally accessible streetscapes for persons with mobility devices and strollers, visual impairments, agility issues, and small children. It enables, rather than disables, everyone's ability to participate in community life.
- enhances people's mental and physical health
- creates community life on the street as it facilitates people interacting with each other,
- provides for safer neighbourhoods because more people are out and about

- provides a safer environment for pedestrians than walking on the street
- creates independence for those who don't drive due to age or income but who will walk – including to the bus stop

Relevant Quotes

1. <http://insight.gbig.org/sustainable-sidewalks-transforming-the-future-of-pedestrian-networks/>

The Green Building Information Gateway Sustainable Sidewalks: Transforming the Future of Pedestrian Networks, By Dulce Naime, Posted August 3, 2015

The existence of pedestrian networks is one of the most important components of a sustainable city. The design and condition of sidewalks can positively or negatively influence the choices and behaviors of citizens. A comfortable network will promote walkability, social interaction, and use of public transportation, contributing to the city's sustainability, economy, livability, and health. A well-designed pedestrian network will ensure not only connection between two or more points, but also quality and safety of travel, and equity and accessibility for the whole population, while producing a positive impact on the environment. As a consequence, more and more cities are paying attention to the improvement of their pedestrian networks, recognizing the potential influence they have on the success and attractiveness of cities.

2. <https://canbc.org/blog/the-importance-of-sidewalk-surfaces/Living-with-Disability-and-Chronic-Pain>

Presented by Creating Accessible Neighbourhoods; Citizens for Accessible Neighbourhoods (CAN) Vancouver, British Columbia.

It is vitally important to create communities where the environment does not disable the person's ability to participate in their community. Sidewalks are one of the most important parts of universally accessible streetscapes. In addition to mobility devices and strollers it is also important for people with visual impairments, agility issues, and small children. Having a stable, solid, flat, non-slip surface makes the community more open, inviting, and pain-free. With a growing number of older adults and the booming mobility aid market we must make streets that are usable, comfortable, safe and as painless as possible for all types of pedestrians. We must ensure their safety by keeping pedestrians on the sidewalk and off the roads. And we must ensure that those who have transportation, by way of mobility devices, can use them, and not become cut off to the outside world due to a lack of accessible sidewalk surfaces.

3. <http://pedestrians.org/retrofit.htm>
<https://www.cdc.gov/nccdphp/dnpao/features/walk-friendly-communities/index.html>

Creating or modifying environments to make it easier for people to walk or bike is a strategy that not only helps increase physical activity, but it can also make communities better places to live. Studies show more people bike and walk in communities where

improvements have been made, such as adding safer sidewalks, pedestrian crossings, and protected bike lanes. In addition, when people move to neighborhoods that are designed to promote physical activity and active transportation, they tend to spend less time in their cars and more time walking for transportation. Making walking easier can also help communities by improving safety, increasing interaction between residents, improving local economies, and reducing air pollution.

4. <https://www.cdc.gov/physicalactivity/walking/call-to-action/>
<https://www.hhs.gov/surgeongeneral/reports-and-publications/physical-activity-nutrition/walking-executive-summary/index.html>

Step It Up! The Surgeon General's Call to Action to Promote Walking and Walkable Communities recognizes the importance of physical activity for people of all ages and abilities. It calls on Americans to be more physically active through walking and calls on the nation to better support walking and walkability. Improving walkability means that communities are created or enhanced to make it safe and easy to walk and that pedestrian activity is encouraged for all people.⁶ The purpose of the *Call to Action* is to increase walking across the United States by calling for improved access to safe and convenient places to walk and wheelchair roll and by creating a culture that supports these activities for people of all ages and abilities.

D. IMPORTANCE OF SIDEWALK MAINTENANCE/SNOW REMOVAL

"Sidewalks are a fundamental element of the urban transportation infrastructure," says Barry Wellar, professor emeritus of geography at the University of Ottawa and creator of a walkability index for Canadian cities. "It is bizarre that any city would fail to provide the same level of service for sidewalks that it does for roads. This makes its pedestrians second-class citizens."

The attitude of a city toward its sidewalks says a lot about political commitment and public concern. Nearly every Canadian city has recently made some sort of pledge in support of active transportation or becoming "pedestrian friendly." A city that refuses to clean its own sidewalks makes a mockery of such commitments. (Source: Maclean's Down Shovels: The City Should Clear the Sidewalks), March 17, 2011, <https://www.macleans.ca/news/canada/down-shovels-the-city-should-clear-the-sidewalks/>

It is important that sidewalks are maintained to ensure there are no barriers to use. It appears from anecdotal information that Cobourg does this relatively well.

However, snow removal continues to be an issue in Cobourg. In order for people to be able to safely use sidewalks all year round snow and ice should be removed as quickly as possible.

As mentioned above, O. Reg. 239/02: Minimum Maintenance Standards for Municipal Highways sets standards for road, bicycle lane, and sidewalk maintenance and snow/ice removal.

O. Reg. 239/02 requires that municipalities address snow and ice accumulation on sidewalks as soon as it is considered practicable to deploy resources, but at a minimum within 48 hours of the municipality declaring the end of a significant weather event. The standard to which the municipality has to meet address snow removal is:

- reduce snow depth to less than or equal to 8 centimetres
- provide a minimum sidewalk width of 1 metre

Cobourg's By-Law Number 081-2014, *A By-Law Respecting the Removal of Ice and Snow from Roofs and Sidewalks in The Town of Cobourg* explains that under the Municipal Act, municipalities may pass by-laws respecting the health, safety and well-being of persons and the protection of persons and property. And that the municipality may recover the costs incurred by the municipality from owners of buildings through adding the cost to the tax roll, or through a fine under the Provincial Offences Act. The By-law requires that

Owners and occupants of buildings must remove snow from sidewalks not later than midnight on the day following any snowfall, fall of hail or freezing rain....or after the municipality has completed its general snow ploughing operations from the highway in front of...such buildings.

However, the municipality still retains **liability** <http://www.aaron.ca/columns/2000-12-14.htm>. According to the legal opinion provided by Bob Aaron of Aaron & Aaron, Barristers and Solicitors, in the Toronto Star Dec. 14, 2000, Homeowners are not liable for sidewalk mishaps. There are two exceptions to this general rule.

- if the owner assumes control of the area - for example, a boulevard eating area in front of a coffee shop or a sidewalk fruit stall in front of a grocery store.
- property owners have a duty of care to make sure nothing flows off the property that could injure persons on the sidewalk.

Not all property owners clear their sidewalks within the required time frame, or at all. This presents a barrier to people using the sidewalk, including getting to the bus stop.

Some municipalities have started to address that by taking over sidewalk snow and ice removal. Examples of Canadian and Ontario towns and cities that do clear snow on sidewalks include: East Gwillimbury, Town of Georgina; Kingston. As conveyed in the McLean's article referenced earlier, clearing of sidewalks should be viewed as a basic municipal service, as is providing drinkable water and street lights that work.

Cobourg's Strategic Plan includes an objective to expand snow clearing of sidewalks. Public Works has a trial underway to determine how and where Cobourg can expand

the program, looking at the impact on time, resources, and total cost per additional sidewalk kilometer.

It is important that the municipality assume snow clearing for pedestrians and cyclists, as it does for car drivers. To quote again from the McLean's article:

Homeowners coerced into doing the city's job will inevitably produce widely varying results; and this has nothing to do with good citizenship or courtesy. Chopping ice and clearing snow are hard work, particularly for elderly residents. When some sidewalks are bare and others covered with snow, pedestrians and joggers migrate onto roads, making life difficult for everyone. Driving a plow down the length of a sidewalk keeps everything consistent and safe. Besides, sidewalk-clearing bylaws encourage neighbours to complain about each other's snow-clearing habits. There's no upside to sidewalk shovelling.

E. SCCAC POSITION

Prior to the dominance of cars, towns and cities used to be walkable with extensive sidewalk networks throughout. With the growth of car use, cars were given priority over pedestrians. The result is to treat pedestrians, including those with accessibility issues and those who don't drive, as second class citizens, and to sacrifice the environment.

The SCCAC strongly supports Cobourg building more sidewalks within its existing communities as quickly as it can, and ensure sidewalks form an integral part of all new development, for the sake of:

- our environment including our survival,
- our immediate health and longevity, and
- enabling all to Cobourg citizens to participate equally in the community no matter ability or age, and whether or not they drive

For the same reasons Cobourg should also:

- assume snow and ice clearing of sidewalks as it does road clearing for car drivers.
- create more dense and mixed use neighbourhoods to reduce the length of walk to a bus stop or services.

Not only should Cobourg require higher density within the 'greenfield' developments presently underway, but it should improve density within the urban structure through higher density infill.

The following two developments are presently underway, and are so wrong from the perspective of:

- the environment
- equal treatment of all citizens of Cobourg
- promoting mobility, independence, and accessibility for all citizens of Cobourg

- our immediate health
 - supporting downtown businesses.
1. Cedar Shore: west end of Cobourg – Pebble beach area, 15 units on 2.7 net Ha – so 6 units per Ha.
If we required medium density:
 - 20 units is the min - means 54 units built there;
 - 50 units is the max: 135 units.
 2. Clyde Street – also west end – four lots on south side – could accommodate 25 units or more – is next to a two storey condo so would fit.

Both sites are near the lake – if developed at higher density more people could enjoy the lake; there would be increased business at Westwood mall and downtown; and it would reduce the need for greenfield development.

It is time to give pedestrians equal to treatment as given to cars; in fact, given the Climate Emergency, active transportation infrastructure and maintenance/snow removal by Cobourg should be given priority over cars.

F. RESPONSE TO CONCERNS RAISE BY ABBOTT STREET CITIZENS

The following reasons against doing the sidewalk were raised by two residents:

1. Not environmentally friendly:
 - loss of trees, or damage to roots of remaining trees
 - grass boulevards covered with concrete

Response: Road transport, especially personal vehicle use, is the second most significant source of GHG emissions in a municipality. It also has additional negative environmental effects, including paving over of green space etc. Any trees that are removed can be replaced.

2. Few seniors will walk on sidewalk in winter – too hazardous

Response: Yes, municipalities should assume clearing of all sidewalks so that there is consistent sidewalk clearing, and at the same response time or better than roads. Cobourg may wish to adopt the practice of Stockholm, Sweden, where sidewalks and bike paths are cleared before roads.

3. Why construct in middle of pandemic when stress high enough

Response: It is well recognized that exercise, including walking, improves people's physical and mental health. Thus improving people's ability to walk is even more important during this pandemic.

4. Cost

Response: for all the reasons cited above, it would be a better use of Cobourg's dollars to save money they are spending on infrastructure to support car travel and redirect it to infrastructure to support pedestrian and bicycle travel.

Note: Other reasons given by residents against sidewalks are addressed in these two documents:

- Perils for Pedestrians <http://pedestrians.org/retrofit.htm>
- Sidewalks; A Livability Fact Sheet –see link below

G. ADDITIONAL BENEFITS LISTED IN : SIDEWALKS| A LIVABILITY FACT SHEET

<https://www.aarp.org/content/dam/aarp/livable-communities/livable-documents/documents-2014/Livability%20Fact%20Sheets/Sidewalks-Fact-Sheet.pdf>
Sidewalks| A LIVABILITY FACT SHEET

Sidewalks play a vital role in community life. As conduits for pedestrian movement and access, they enhance connectivity and promote walking. As public spaces, sidewalks are the front steps to the community, activating streets socially and economically.

Safe, accessible, well-maintained sidewalks are a fundamental community investment that enhances public health and maximizes social capital.³

Sidewalks increase foot traffic in retail centers, delivering the customers that local shops and restaurants need in order to thrive. Retail properties with a Walk Score ranking of 80 out of 100 were valued 54 percent higher than those with a Walk Score⁴ of 20 and had an increase in net operating income of 42 percent.⁵

Interest in sidewalks is so keen that they've become a factor in home prices. For example, in a scenario where two houses are nearly identical, the one with a five-foot-wide sidewalk and two street trees not only sells for \$4,000 to \$34,000 more but it also sells in less time.

A well-constructed sidewalk for a typical 50-foot-wide residential property might cost a builder \$2,000, but it can return 15 times that investment in resale value. According to a 2009 CEOs for Cities report, even a one-point increase in a community's Walk Score could increase home values by \$700 to \$3,000.