

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **1068**, Approved and Ordered SEP. 20 1996

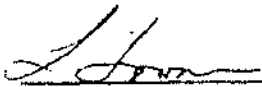


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

effective September 23, 1996, the Bicycle Safety Helmet Exemption Regulation attached to this order be made.



Minister of Transportation and Highways



Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section: **Motor Vehicle Act, section 185.1(6)**

Other (specify): **MOTH 68/96**

(QP 4073)

tioner certifying that the person is, for the period stated in the certificate, unable for medical reasons to wear a bicycle safety helmet;

- (e) a person under the age of 12 years who operates a non-chain driven 3 or 4 wheeled cycle which is designed for recreational use by children.

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 1248, Approved and Ordered SEP 23 1999



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that B.C. Reg. 261/96, the Bicycle Safety Helmet Exemption Regulation, is amended as follows:

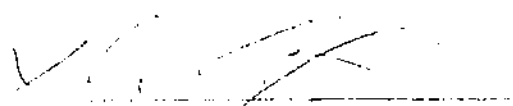
1 Section 1 is amended by adding the following definition:

"quadricycle" means a cycle that

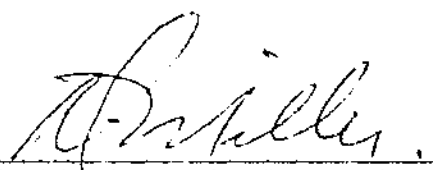
- (a) has a track width of not less than 1 metre,
- (b) has a rear track width that is greater than the height of the seat frame as measured from level ground to the seat frame,
- (c) is equipped with at least 2 sets of pedals for motive power,
- (d) is equipped with disc or drum brakes, and
- (e) is controlled by a single operator.

2 Section 3 is amended

- (a) in paragraph (b) by adding "or quadricycle" after "pedicab", and
- (b) by repealing paragraph (c).



Minister of Aboriginal Affairs and  
Minister Responsible for ICBC



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section - Motor Vehicle Act, section 184 (6)

Other (specify) - oic 1068/96

August 24, 1999

resub778:99:13/bgn



Province of  
British Columbia

Ministry of  
Transportation  
and Highways

OFFICE OF THE  
DEPUTY MINISTER

MEMORANDUM

*8 Sept 96*

Honourable Lois Boone  
Minister of Transportation  
and Highways

August 16, 1996

*OIC  
6/2/96*

Re: Order-in-Council: Bicycle helmet exemptions

Attached is an Order-in-Council and briefing material regarding exemptions from bicycle helmet legislation.

Providing you concur, would you please sign the Order and progress it to Cabinet Planning and Communications for scheduling at the Cabinet Committee on Regulations and Orders-in-Council.

Original Signed By  
JOHN WALSH

John Walsh  
Deputy Minister

Attachment

cc: Vicki Farrally  
Assistant Deputy Minister  
Motor Vehicle Branch

*sent 30  
AFAS  
KR*

**MINISTRY OF TRANSPORTATION AND HIGHWAYS**  
**BRIEFING NOTE**

**REGION**

Provincial

**COMMUNITY**

N/A

**TOPIC**

Bicycle Helmet Regulations

**ELECTORAL DISTRICT**

N/A

**ISSUE**

The attached Order In Council must be brought into force by September 3, 1996.

**BACKGROUND**

Section 22 of Bill 50, the Motor Vehicle Amendment Act (No. 2), 1995, requires all cyclists to wear an approved bicycle helmet when riding on provincial roadways and highways. The legislation also makes it an offence for parents or guardians to knowingly permit a person under the age of 16 to ride a bicycle without a helmet. These provisions received Royal Assent in June 1995 and will come into force on September 3, 1996 (this date is specified in the Act).

This legislation also provides authority to the Lieutenant-Governor-in-Council to exempt certain persons or classes of persons from the helmet law by regulation.

**MINISTRY POSITION**

In accordance with the decisions made by Cabinet on August 7, 1996, Legislative Counsel has drafted regulations exempting the following individuals:

- 1) Sikhs who wear turbans - For both practical and religious reasons, the Sikh community claims to be unable to wear bicycle helmets over their turbans.

The implications of this exemption are as follows:

- This exemption creates a significant inconsistency in Ministry policy and legislation and, therefore, is likely to have a negative impact on the Council on Human Rights' hearing regarding the existing motorcycle helmet law (scheduled for mid-September). Since the two laws share the same objectives of reducing head injuries, it will be extremely difficult for government counsel to defend the Ministry's mandate of creating standards which protect all road users in the province.
- The potential ramifications of this exemption are enormous, perhaps calling into question several provincial laws and regulations which at this time do not give special recognition to religious or cultural groups. It is also possible that regulations made by

other public sector entities such as the Workers' Compensation Board will be subject to a similar review.

- 2) Pedicab operators and passengers - Due to the greater stability, slower speeds and higher visibility of this type of cycle, pedicab operators and passengers are at a significantly lower risk of being in a collision or receiving a head injury than ordinary cyclists.

*For information:* The definition of pedicab contained in the new regulations refers to "track width". This is a standard term meaning the width between the wheels of a vehicle (left to right).

- 3) Cyclists who cannot find helmets large enough to fit - Helmets larger than a size 8 hat size (64 cm head circumference) are not sold in North America. Consequently, cyclists with heads larger than 64 cm are unable to comply with the law.
- 4) Cyclists who are unable to wear helmets due to medical conditions - Some cyclists have medical conditions which make it extremely difficult or impossible for them to wear bicycle helmets.
- 5) Children under the age of twelve riding tricycles - Due to their young age, children on tricycles usually have more parental supervision and ride in more controlled, protected environments than children who are old enough and skilled enough to ride bicycles.

The regulations also include a section requiring bicycle helmets to contain a label showing that they comply with at least one of the safety standards specified in the Superintendent's regulations.

### TIMELINES

Less than three weeks remain until the helmet legislation takes effect. If the Cabinet Committee on Regulations and Orders does not meet or is unable to review the exemption regulations within this period, a corridor order may be required to ensure that the regulations are in place before September 3, 1996.

### COMMUNICATIONS PLAN

A communications plan and issues management strategy are appended as Attachment 1.

### PREPARED BY

Janice Schmidt, Director, Traffic Safety Programs  
387-1065

### DATE SUBMITTED

August 15, 1996

### DATE REVISED



# OIC INFORMATION SHEET FOR CABINET

THIS FORM (AND THE DISTRIBUTION FORM) MUST REMAIN ATTACHED TO THE OIC UNTIL AFTER APPROVAL ALONG WITH THE COLOURED TAG FROM LEGISLATIVE COUNSEL.

MINISTRY BRANCH

Tpn & Hwys, Motor Vehicle Branch

PHONE

387-1752

DATE

September 18, 1996

CONTACT PERSON (NAME AND TITLE)

Mark Medgyesi, Executive Director, Policy and Program Development Division

AUTHORITY FOR THE ORDER [ACT AND SECTION NUMBER(S)]

Motor Vehicle Act, section 185.1(6)

IS THIS A ROUTINE APPOINTING/RESCINDING OIC?

Y  N

IS THIS A REGULATION, OR AN AMENDMENT TO A REGULATION?

Y  N

IF NO TO BOTH THE ABOVE, WHAT IS THE PURPOSE OF THE OIC?

IF IT IS AN APPOINTING/RESCINDING OIC, HAS AGENCIES, BOARDS AND COMMISSIONS COORDINATION BRANCH GIVEN APPROVAL?  Y  N

HAS TREASURY BOARD APPROVED?  Y  N  N/A DATE OF APPROVAL

HAS CABINET APPROVED THE POLICY?  Y  N  N/A DATE OF APPROVAL August 7, 1996

IS THERE A REQUIREMENT TO DEPOSIT THE ORDER WITH THE REGISTRAR OF REGULATIONS?  Y  N  
IF YES, IS THERE A SPECIFIC DATE REQUIRED FOR THE DEPOSIT AND WHAT IS IT?

September 23, 1996 per the effective date specified on the OIC.

ARE THERE ANY OTHER FACTORS AFFECTING THE TIMING OF THIS OIC?

No.

IS A PUBLIC ANNOUNCEMENT BEING MADE CONCERNING THIS OIC?  Y  N

IF YES, HAS THE GOVERNMENT COMMUNICATIONS OFFICE BEEN CONSULTED?  Y  N

NOTE: THE REGULAR PROCESS FOR OICs IS OUTLINED IN THE *GUIDE TO THE CABINET COMMITTEE SYSTEM*. IT IS IMPORTANT TO REMEMBER THAT NO ANNOUNCEMENT ON THE OIC MAY BE MADE UNTIL THE LIEUTENANT-GOVERNOR'S SIGNATURE HAS BEEN OBTAINED.

PLEASE PROVIDE A BACKGROUND SUMMARY AND OUTLINE THE PURPOSE OF THE OIC IN LAY TERMS, AND ANY SIGNIFICANT ISSUES ASSOCIATED WITH THE OIC (ATTACH BRIEFING NOTE OR ADDITIONAL BACKGROUND INFORMATION)

This OIC will establish regulations that exempt certain groups and individuals from the mandatory bicycle safety helmet legislation (i.e., anyone for whom the wearing of a helmet would interfere with an essential religious practice, pedicab operators and passengers, cyclists who cannot find helmets large enough to fit, cyclists who are unable to wear helmets due to a medical condition, and children who ride tricycles).

MoTH 68/96

s.14



PROVINCE OF BRITISH COLUMBIA  
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

*Order in Council No.*

*, Approved and Ordered*

\_\_\_\_\_  
*Lieutenant Governor*

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective September 23, 1996, the Bicycle Safety Helmet Exemption Regulation attached to this order be made.

\_\_\_\_\_  
*Minister of Transportation and Highways*

\_\_\_\_\_  
*Presiding Member of the Executive Council*

\_\_\_\_\_  
*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section:- Motor Vehicle Act, section 185.1 (6)

Other (specify):- o.c. 1004/58

September 18, 1996

1575/96/37/sas

## **BICYCLE SAFETY HELMET EXEMPTION REGULATION**

### **Definitions**

1. In this regulation

“Act” means the *Motor Vehicle Act*;

“passenger capacity” means the number of persons, excluding the operator, carried by a pedicab;

“pedicab” means a cycle that

- (a) has a track width of not less than 1 metre,
- (b) has a passenger capacity of
  - (i) not more than 3 persons when equipped with a cab only, or
  - (ii) not more than 5 persons when equipped with a cab and trailer,
- (c) is offered for hire with an operator, and
- (d) is operated under a current business licence issued by a municipality.

### **Standards mark**

2. A bicycle safety helmet must have a label showing that the bicycle safety helmet meets one of the standards set out in section 1 of the Bicycle Safety Helmet Standards Regulation.

### **Exemption**

3. The following persons are exempt from the requirement under section 185.1 of the Act to wear a bicycle safety helmet:
  - (a) a person for whom the wearing of a helmet would interfere with an essential religious practice;
  - (b) the operator of, and each passenger carried by, a pedicab;
  - (c) a person who has a head measurement that exceeds 64 cm in circumference;
  - (d) a person who is in possession of, and produces on request to a peace officer, a valid and subsisting certificate issued by the superintendent on the recommendation of a medical practi-

tioner certifying that the person is, for the period stated in the certificate, unable for medical reasons to wear a bicycle safety helmet;

- (e) a person under the age of 12 years who operates a non-chain driven 3 or 4 wheeled cycle which is designed for recreational use by children.

**BICYCLE HELMET LEGISLATION: A STRATEGY DEALING WITH POSSIBLE  
ISSUES ARISING FROM ITS INTRODUCTION**

*This document was prepared to assist the Minister and Government spokesperson in responding to questions that might arise from the introduction of this new legislation.*

August 16, 1996

## **Situation:**

With bicycle helmet legislation coming into effect on September 3, 1996, the management of public issues—especially those issues arising out of the exemptions as stated in the law's regulations—will play a major role in determining the public's acceptance of the law.

## **Overall Messages:**

- There is a definite connection between the wearing of bike helmets and the safety of cyclists and their passengers. In bicycle accidents, head injuries account for three-quarters of deaths and for more than half of all injuries.
- On September 3, British Columbia's mandatory bicycle helmet law comes into effect.
- The government believes that public education, and police enforcement through education in the early months, will contribute significantly to people's acceptance of, and compliance with, the law.

## **Communications Goal:**

- To mount a successful education and awareness campaign to implement the new mandatory bicycle helmet law—one which encourages compliance and successfully manages issues arising out of the new legislation (including those issues arising out the law's exemptions).

## **KEY ISSUES**

### **Issue #1 - Implementation of the Regulations**

Approvals and decisions regarding the bicycle helmet regulations have recently been received. The Motor Vehicle Branch is now working with Legislative Counsel to draft the necessary regulations. With three weeks remaining until the helmet legislation takes effect, there is a strong possibility that the regulations may not be finalized before September.

#### *a) Positioning Statements:*

- Key decisions about the regulations attending new bicycle helmet legislation were made recently. The regulations are being finalized and will be in place shortly.

- We have advised the police of the intended fines and exemptions in order that they may enforce the law in the spirit of those regulations.

*b) Strength of Positioning Statements:*

- This position shows that the government has taken steps to ensure that the law is enforced according to the intended regulations.

*c) Vulnerabilities:*

- The bicycle helmet law was introduced more than a year ago and certain groups such as Sikhs and the pedicab industry have known of exemptions for several months. Regardless of certain delays, the public may view not having these regulations in place by Sept. 3 as a failure on the government's part.

*d) Special Considerations:*

- If the \$25 fine level is not established in the *Offence Act Regulations* prior to September 3, cyclists will be subject to a higher, default fine of \$75. The fact that police have agreed to soft enforcement of the law during the month of September should help mitigate this situation but the possibility, *though remote*, still exists that without the regulations in place —

i) anyone for whom the wearing of a helmet would interfere with 'an essential religious practice'

ii) pedicab drivers and passengers

iii) cyclists who cannot wear helmets for medical reasons

iv) and children under twelve who ride tricycles and play vehicles

may be charged and receive a \$75 fine.

A special order or process may be required to ensure that the necessary regulations are passed before September 3, 1996.

## Issue #2 - Fine Level

The fine for all bicycle helmet infractions will be \$25.

### a) *Positioning Statements:*

- A \$25 fine is a fair and effective sanction for bicycle helmet offences—high enough to be a deterrent since it is equal to the price of an average bicycle helmet, yet affordable enough to allow people to pay the fine and still purchase a helmet.
- The government's objective in introducing the helmet law is to get cyclists to wear helmets, not to make them pay costly traffic tickets. **Police have a choice of ‘soft enforcement’ techniques—such as requiring an offender to produce a receipt for the purchase of a bike helmet instead of issuing a ticket—to use as they see fit.**
- Because the government recognizes that many of the people who receive this fine will be parents, and lower-income individuals who cycle for financial reasons, the government took into consideration the public's ability to pay when setting the fine.

### b) *Strengths:*

- This position shows that the government is not out to make money or use heavy-handed sanctions to ensure compliance with the law.

### c) *Vulnerabilities:*

- No other offence under the *Motor Vehicle Act* carries a fine as low as \$25; in fact, all other cycling-related offences (e.g., riding without a headlight) carry a \$75 fine. A \$25 fine may, therefore, send a message to the public that the government does not place a high value on the safety objectives of this law.
- Police and other stakeholders who recommended a \$50-\$75 fine may feel that a \$25 fine will not provide a sufficient deterrent for cyclists. **It is unlikely, however, that these stakeholders will publicly oppose the \$25 fine, given that most are in support of the helmet law.**
- Some police may not enforce the helmet law if they feel that the \$25 fine is meaningless as a deterrent.

### **Issue #3 - Exemption for anyone for whom the wearing of a helmet would interfere with an 'essential religious practice'**

Anyone for whom the wearing of a helmet would interfere with an 'essential religious practice' will be exempted from the helmet law.

#### *a) Positioning Statements:*

Although the government would like to see all cyclists in British Columbia wearing helmets in order to decrease their risk of injury, but there are some very legitimate reasons for allowing a degree of flexibility in the law's application.

#### *b) Strengths:*

- The government will be seen to be embracing multi-cultural values and religious diversity within the province.

#### *c) Vulnerabilities:*

- This position may be highly criticized by the public who will view it as unfair. Some people may question why the government feels that the beliefs of religious groups are more important than an individual's right to choose whether or not to wear a helmet.

#### *d) Special Considerations:*

- This could be considered a significant inconsistency in ministry policy and legislation, and could have a negative impact on the Council on Human Rights' hearing regarding the current motorcycle helmet law, scheduled for mid-September. Since the two laws share the same objectives--reducing head injuries--it may be extremely difficult for government counsel to defend the ministry's mandate of creating standards which protect all road users in the province.
- The ramifications of this decision could be very big, perhaps calling into question several provincial laws and regulations which at this time do not give special recognition to religious or cultural groups. It is also possible that regulations made by other public sector entities such as the Workers' Compensation Board will be subject to review as well.



## Issue #4 - Exemption for Children on Tricycles

Cyclists under the age of 12 who ride children's tricycles or play vehicles will be exempted from the helmet law.

*a) Positioning Statements:*

- Tricycles are more stable than two-wheel cycles. Children do not use them on roads or as a mode of travel. Rather, trikes are used in play situations, in protected environments, and often under caregiver supervision. Because tricycles are not chain driven, they operate at slower speeds.

*b) Strengths:*

- This position speaks to a common sense argument.

*c) Vulnerabilities:*

- This may not be considered a strong safety argument and it could be interpreted as contradicting the MVB's previous bike helmet law messages (for the past year, the Branch, in conjunction with the Insurance Corporation of British Columbia, has conducted widespread communications campaigns and a helmet rebate program aimed primarily at young children).

The rationale given to the public for targeting young cyclists is that they are at greater risk of being injured in a cycling collision due to their lack of road safety knowledge and undeveloped cycling skills. An exemption for children on tricycles could be hard to reconcile with this message.

- It could also be argued that because children who ride tricycles are very young (on average, three to six years of age) and cannot make the decision to wear a helmet themselves, they are in even greater need of being included under the helmet provisions.
- Many stakeholders, particularly medical and safety organizations, may object to this exemption on their belief that young children are particularly vulnerable to being injured in a cycling-related fall or collision.

## Issue #5 - Bicycle Helmet Standards

Cyclists will be required to wear helmets which meet any one of the seven existing North American bicycle helmet safety standards (i.e., CAN/CSA D113.2-M89, Snell B-90, Snell B-90S, Snell B-95, Snell N-94, ANSI Z90.4-1984 and ASTM F 1447-94).

### a) *Positioning Statements:*

- Not all bicycle helmets offer the same degree of protection in the event of a crash. The government wants to ensure that all helmets worn in British Columbia meet basic safety standards so that cyclists receive the best protection possible.
- A helmet certified to any one of the current North American bicycle helmet standards will provide good protection to the wearer *as long as it fits and is worn properly*. The Motor Vehicle Branch has developed educational materials (specify) to show cyclists how to properly fit and wear a helmet. These materials are available through many schools, retailers or by contacting your local MVB.

### b) *Strengths:*

- This position emphasizes the law's safety objectives.
- It provides consumers with a range of options when purchasing a helmet.

### c) *Vulnerabilities:*

- A very small number of stakeholders may point out that some helmet standards are more stringent than others in their technical requirements and their requirement for independent testing and certification. **However, there is no evidence to show that helmets which meet the more stringent standards offer greater protection to the wearer in the event of a crash.**

### d) *Special Considerations:*

- Since the standards regulation represents the status quo in terms of the type of helmets sold in B.C., this is not expected to be a contentious issue.

## Issue #6 - Exemption Of Pedicab Operators And Passengers

All pedicab operators and passengers will be exempted from the bicycle helmet law.

### a) *Positioning Statements:*

- There are significant safety differences between pedicabs and regular bicycles. The design of pedicabs with their wide passenger cab makes these vehicles inherently stable, slow-moving and highly visible. As a result, pedicab operators and passengers are at much less risk of being in a collision or being thrown from the cycle than are regular cyclists.

### b) *Strengths:*

- This position justifies the exemption on the basis of safety.

### c) *Vulnerabilities:*

- Pedicabs operate in the highly congested downtown core of Victoria, therefore, some people may argue that pedicab operators do, in fact, have a high risk of being in a collision.

### d) *Special Considerations:*

- Two pedicab companies (both in Victoria) are known to exist in the province at this time, with a combined total of 20 pedicabs and 80 employees. Due to these small numbers and limited geographical area, we don't expect this to be a contentious issue.

## Issue #7 - Exemption for Large-Headed Cyclists

Cyclists with head circumferences larger than 64 cm will be exempted from the helmet law.

### a) *Positioning Statements:*

- A small number of cyclists in British Columbia cannot find helmets large enough to fit because helmets larger than 64 cm are not sold in North America. As a result, cyclists who need helmets above this size are unable to comply with the helmet law.
- Cyclists in this predicament want to be able to comply with the law and receive the protective benefits offered by bicycle helmets. **Therefore, the Motor Vehicle Branch will continue to monitor this situation and advise the public if larger-sized, approved helmets become available in North America in the future.**

*b) Strengths:*

- There is no other option available to government than to exempt such cyclists.

*c) Vulnerabilities:*

- There may be concerns that other cyclists will use the unavailability of larger-sized helmets as an excuse for not complying with the law. To make sure this does not occur, the Motor Vehicle Branch is developing a process to control and monitor the exemptions to ensure that they are legitimate.

*d) Special Considerations:*

- Due to the small number of cyclists affected by this problem and the absence of other solutions, this is not expected to be a contentious issue.

## **Issue #8 - Exemption Due to Medical Reasons**

Cyclists who have medical conditions which make it extremely difficult to wear a bicycle helmet will be exempted from the law.

*a) Positioning Statements:*

- Although the government encourages all cyclists to comply with the law, some individuals have medical conditions which prevent them from wearing bicycle helmets. Rather than requiring these people to stop cycling altogether, we have decided to exempt them from the helmet law.

*b) Strengths:*

- This argument shows the government to be taking a reasonable and fair position on this issue.

*c) Vulnerabilities:*

- It could be argued that the risk of head injury or death overrides any medical condition (e.g., headaches, allergic reactions) which may be brought on by wearing a bicycle helmet.

There will likely be concerns that this rather vague exemption provision will be abused by people who do not want to wear bicycle helmets. As with the exemption for large-headed cyclists, the Motor Vehicle Branch is developing a process to control and monitor the exemptions to ensure that they are legitimate

**MINISTRY OF TRANSPORTATION AND HIGHWAYS**  
**BRIEFING NOTE**

**REGION**

Provincial

**COMMUNITY**

N/A

**TOPIC**

Bicycle Helmet Regulations

**ELECTORAL DISTRICT**

N/A

**ISSUE**

The attached Order In Council must be brought into force by September 3, 1996.

**BACKGROUND**

Section 22 of Bill 50, the Motor Vehicle Amendment Act (No. 2), 1995, requires all cyclists to wear an approved bicycle helmet when riding on provincial roadways and highways. The legislation also makes it an offence for parents or guardians to knowingly permit a person under the age of 16 to ride a bicycle without a helmet. These provisions received Royal Assent in June 1995 and will come into force on September 3, 1996 (this date is specified in the Act).

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**MINISTRY POSITION**

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- This exemption creates a significant inconsistency in Ministry policy and legislation and, therefore, is likely to have a negative impact on the Council on Human Rights' hearing regarding the existing motorcycle helmet law (scheduled for mid-September). Since the two laws share the same objectives of reducing head injuries, it will be extremely difficult for government counsel to defend the Ministry's mandate of creating standards which protect all road users in the province.
- The potential ramifications of this exemption are enormous, perhaps calling into question several provincial laws and regulations which at this time do not give special recognition to religious or cultural groups. It is also possible that regulations made by

other public sector entities such as the Workers' Compensation Board will be subject to a similar review.

- 2) Pedicab operators and passengers - Due to the greater stability, slower speeds and higher visibility of this type of cycle, pedicab operators and passengers are at a significantly lower risk of being in a collision or receiving a head injury than ordinary cyclists.

*For information:* The definition of pedicab contained in the new regulations refers to "track width". This is a standard term meaning the width between the wheels of a vehicle (left to right).

- 3) Cyclists who cannot find helmets large enough to fit - Helmets larger than a size 8 hat size (64 cm head circumference) are not sold in North America. Consequently, cyclists with heads larger than 64 cm are unable to comply with the law.
- 4) Cyclists who are unable to wear helmets due to medical conditions - Some cyclists have medical conditions which make it extremely difficult or impossible for them to wear bicycle helmets.
- 5) Children under the age of twelve riding tricycles - Due to their young age, children on tricycles usually have more parental supervision and ride in more controlled, protected environments than children who are old enough and skilled enough to ride bicycles.

The regulations also include a section requiring bicycle helmets to contain a label showing that they comply with at least one of the safety standards specified in the Superintendent's regulations.

## **TIMELINES**

Less than three weeks remain until the helmet legislation takes effect. If the Cabinet Committee on Regulations and Orders does not meet or is unable to review the exemption regulations within this period, a corridor order may be required to ensure that the regulations are in place before September 3, 1996.

## **COMMUNICATIONS PLAN**

A communications plan and issues management strategy are appended as Attachment 1.

## **PREPARED BY**

Janice Schmidt, Director, Traffic Safety Programs  
387-1065

## **DATE SUBMITTED**

August 15, 1996

## **DATE REVISED**

**Safe Cycling Program - Helmet Legislation Promotion  
1996/97 Communications Plan**

**August 15, 1996**

**Subject:**

A plan to aggressively promote:

- voluntary bicycle helmet wearing as an important part of the safe cycling experience;
- the Motor Vehicle Branch's ongoing education program which encourages cyclists to wear the right protective gear, improve their skills and respect and practice the rules of the road supports safe cycling; and
- public awareness of helmet legislation (effective September 3, 1996);

while managing issues which may arise from the legislation.

**Ministries Affected:**

**Primary:** Ministry of Transportation and Highways  
- Motor Vehicle Branch  
Insurance Corporation of British Columbia

**Secondary:** Ministry of Health  
Ministry of Education  
Ministry of Housing, Recreation and Consumer Services

**Situational Analysis**

The Safe Cycling Program, initiated in 1994 by the Ministry of Transportation and Highways - Motor Vehicle Branch (MVB), has created a positive presence in B.C. schools and communities through its:

- . *Bike Smarts* hands-on safe cycling skills course for students in Grade 3 -7;
- . safe cycling presentations by MVB Traffic Safety Coordinators and Safe Cycling Program partners (e.g., B.C. Injury Prevention Centre)
- . consultation and partnership with stakeholder groups who also have a vested interest in safe cycling promotion and education; and
- . its public awareness media campaigns.

Helmet legislation awareness and education is an integral component of the overall Safe Cycling Program. The strategies designed to promote voluntary compliance with the helmet law (proclaimed in June 1995 at a high-profile media event) complement MVB's overall plans to promote safe cycling long term.

## **Audiences:**

### Primary:

- . children and their families
- . recreational and commuter cyclists

### Secondary:

- . stakeholder organizations with a vested interest in promoting safe cycling

**Stakeholders:** (Tailored information packages will be developed for all stakeholders.)

### Internal:

Government, including MLAs

### External:

Law Enforcement Agencies

Education System

Community Councils, Health and Cycling Organizations

Cycling Retailers

Print and Electronic Media

## **Communications Goal**

Substantially increase the level of voluntary helmet wearing by all cyclists in a manner which:

- . empowers the audience to decide for themselves that wearing a helmet when riding makes good sense
- . continues to promote safe cycling practices and education in the long-term;
- . generates awareness, acceptance and understanding of the helmet legislation which comes into effect September 3, 1996, law by the public; and
- . encourages law enforcement agencies to promote education and compliance rather than strict enforcement during the introductory period of Autumn 1996.

## **Communications Objectives**

1. Communicate key messages regarding the importance of an approved, properly fitted bicycle helmet as an essential piece of protective cycling equipment.
2. Promote the ongoing education component of the Safe Cycling Program (e.g., *Bike Smarts*).
3. Re-enforce existing public support for MoTH-MVB's safe cycling initiatives, including helmet legislation.
4. Position helmet legislation as another government initiative to re-enforce good traffic safety practices (e.g., bicycle helmets are to bicycles what seat belts are to motor vehicles - strap one on and buckle it up.)
5. Dispel negative misconceptions about the helmet legislation.



6. Obtain public endorsement of stakeholders.
7. Inform MoTH employees of the Safe Cycling Program's campaign to promote voluntary helmet wearing and awareness of the helmet law. Encourage their involvement in promoting/communicating it.

**Key Messages:**

1. Bicycle helmets save lives. A fall or collision with a car can be deadly, particularly for young children.
2. Brains are soft. Helmets are hard. Use both.
3. While wearing a properly fitted and approved helmet can reduce the chances of head injury or death, good cycling skills and a knowledge of and respect for the rules of the road can prevent a fall or collision in the first place.
4. Wearing a bicycle helmet is the law for all cyclists in B.C., beginning September 3, 1996. Certain exemptions apply - contact a Motor Vehicle Branch office for more information.

The Issues Management Strategy, contained in Attachment 1, provides positioning statements on specific legislative issues.

**Promotional Campaign:**

Theme: "Little wonder they live so long."

The print ad features a tortoise with a bicycle helmet where its shell would normally be. The copy is humorous yet informative, leaving the audience to conclude that wearing a helmet is a smart thing to do. The tag line at the end: Brains are soft. Helmets are hard. Use both.

The theme works extremely well as a visual, requires little accompanying text and translates to a radio spot with equal ease. If it is as well accepted as predicted, the tortoise will be the link to continuity between campaigns.

**Communications Strategies**

A) Pre-Legislation: (August 1996)

*Public Awareness:*

Print and poster "Wear a helmet" campaign in partnership with ICBC, featuring world champion and Olympic silver medalist Alison Sydor.

Bicycle helmet rebate program (May - September 1996) - helmets purchased for young cyclists are eligible for a \$10 rebate, funded by ICBC.

Province-wide launch of the SCP's 6-hour *Bike Smarts* hands-on safe cycling skills program for children in schools and communities.

Participation in community, school, educational and safety shows/events.

Special kick-off event(s) for MVB employees.

Extensive consultation with law enforcement agencies to help them plan their introductory enforcement strategy. *Note:* The majority of police detachments support "soft enforcement" during the first few months of helmet law, followed by periodic blitzes and community campaigns thereafter as their resources don't permit constant, rigorous enforcement.

*Education:*

Present all promotions materials pertaining to the *Bike Smarts* hands-on safe cycling skills course under the umbrella of the Safe Cycling Program.

Autumn *Bike Smarts* information packages ready for distribution to 1500 schools across the province. The Spring launch of *Bike Smarts* resulted 42,000 registrations, 2,400 program graduates and 49 new Can-Bike II certified instructors as of June 30, 1996.

*Stakeholder/Community Involvement:*

Convene briefing session for key stakeholders and third-party program endorsers the week of August 26, to brief them on the finalized regulations and the plans to launch the helmet law.

Invite identified stakeholders and the Cycling Education Committee (CEC) to the launch event (nature of that event still to be determined). The CEC is a volunteer advisory group of cycling, health, education and injury prevention experts (e.g., B.C. Medical Association, Cycling B.C.) who have guided and publicly supported MVB's Safe Cycling Program development since the program began in 1994.

Program promotion through participation in community events, parks and recreation programs and partnerships with ICBC in venues which provide extensive exposure (e.g., P.N.E.).

B) Introduction of Helmet Law: (September 1-9)

Activities which directly support introduction of helmet legislation will begin in advance of the September 3, 1996, start date and continue until the post-legislation strategies begin.

Date	Deliverable	Activity	Estimated Cost
	<b>Media Advertising</b>		
Aug. 28 - Sept. 5, 1996 or Aug. 28 - Sept. 13, 1996	<b>Television</b>	Produce 30-second television ad	\$ 80,000
		Purchase air-time @ \$90,000/week	90,000 - 180,000
Aug. 26 - Sept. 9, 1996	<b>Radio</b>	30-second radio spot aired 4-5 times per day province-wide	62,000
Aug. 26 - Sept. 9, 1996	<b>Print</b>	3 insertions of print advertisement in daily, community and ethnic newspapers over a 10-day period. <i>plus</i> 1 insertion of Helmet Law - the facts	68,000 30,000
		Creative Development Fee	5,000
		Shipping and courier fees	1,500
		<b>Sub-total: Media Advertising</b>	<b>336,500 - 416,500</b>
Aug. 29, 1996	<b>Launch Event</b>	To be determined	5,000
Aug. 28 - Sept. 15, 1996	<b>Editorial Package</b>	Information articles (e.g., interpret the new legislation, explain how to fit a helmet) to be included in the media kit with follow-up by TSCs	1,000
		<b>Sub-total: Editorial Package</b>	<b>1,000</b>
September 1 - 15, 1996	<b>Promotions</b>	"Tortoise" colour poster . design . print quantity of 50,000	8,000 5,000
		T-shirts using "Tortoise" . quantity of 1400	12,000
		Giveaways (to be determined)	10,000
		<b>Sub-total: Promotions</b>	<b>35,000</b>

Date	Deliverable	Activity	Estimated Cost
Aug. 17 - Sept. 2, 1996	Public Awareness	Participation in PNE at Extreme Sports Pavilion. One million people attend the PNE over the 17 day event.	3,220 - 4,310
		Additional community events in community centre, malls and in partnership with participating sponsors such as PharmaSave and its "Bike Check Days".	7,500
		<b>Sub-total: Public Awareness</b>	<b>10,720 - 11,810</b>
September 3, 1996	School Education Program	Pending availability of funds by ICBC, a copy of the "How to Fit a Helmet" video will be distributed to every school in B.C.	6,000
		Mailing costs for video and Safe Cycling Program information packages to 1,500 schools	3,000
		<b>Sub-total: School Education Program</b>	<b>9,000</b>
		<b>TOTAL:</b>	<b>\$397,220 - 478,310</b>

C) Post -Legislation: (September 10, 1996 - Spring-Summer 1997)

Continue sponsorship relationship with PharmaSave by presenting 10 Bike Check Day events at locations across B.C., supported by PharmaSave advertising. This will be a pilot project in advance of further retailer partnerships in 1997.

Continue to market Safe Cycling Program's Bike Smarts course in the schools so cycling safety maintains a profile over the winter months.

Complete sponsorship package and target crown, public and private corporations to contribute financially to promotion and education programs in Spring 1997.

Complete 1997 Communications Plan and marketing strategies by Fall 1996 in order to obtain approvals and funding commitments necessary prior to soliciting sponsorship prospects.

Forge partnerships with high-profile organizations such as Orca Bay Sports and Entertainment to heighten program profile.

**Evaluation and Measurement:**

Activities will include internal surveys among involved MVB staff to determine whether the helmet education and awareness campaign:

- achieved positive/balanced media coverage in advance of, during and following introduction of legislation;
- met internal communications goals; and
- was effective and easy to deliver.

Stakeholder feedback will also be obtained to determine the success of the partnerships.

**Attachment 1: Issues Management Strategy**

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## **Bicycle Helmet Legislation: A Strategy Dealing With Possible Issues Arising From Its Introduction**

This document was prepared to assist the Minister and Government spokespersons in responding to questions that might arise from the introduction of this new legislation.

### **Issue #1—Implementation Of The Regulations**

Approvals and decisions regarding the bicycle helmet regulations have recently been received. The Motor Vehicle Branch is now working with Legislative Counsel to draft necessary regulations. With three weeks remaining until the helmet legislation takes effect, there is a possibility that the regulations may not be finalized before September.

#### *a) Positioning Statements:*

- Key decisions about the regulations attending new bicycle helmet legislation were made recently. The regulations are being finalized and will be in place shortly.
- We have advised the police of the intended fines and exemptions in order that they may enforce the law in the spirit of those regulations.

#### *b) Strength of Positioning Statements:*

- This position shows that the government has taken steps to ensure that the law is enforced according to the intended regulations.

#### *c) Vulnerabilities:*

- The bicycle helmet law was introduced more than a year ago and certain groups such as Sikhs and the pedicab industry have known about their exemptions for several months. Regardless of delays due to the provincial election and the change of minister, the public may view not having these regulations in place by September 3 as a failure on the government's part.

#### *d) Special Considerations:*

- If the \$25 fine level is not established in the Offense Act Regulations prior to September 3rd, cyclists will be subject to a higher, default fine of \$75. The fact that police have agreed to soft enforcement of the law during the month of September should mitigate this situation but the possibility still exists that without the regulations in place —
  - i. Sikhs who wear turbans
  - ii. pedicab drivers and passengers
  - iii. cyclists who cannot find helmets large enough to fit
  - iv. cyclists who cannot wear bicycle helmets for medical reasons
  - v. and children under 12 who ride tricycles and play vehicles—may be charged and receive a \$75 fine.
- A special order or process may be required to ensure that the necessary regulations are passed before September 3, 1996.

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**DRAFT****Issue #2 - Amount of the Fine**

The fine for all bicycle-helmet infractions will be \$25

*a) Positioning Statements:*

- A \$25 fine is a fair and effective sanction for bicycle helmet offenses – high enough to be a deterrent since it is equal to the average price of a bicycle helmet yet affordable enough to allow people to pay the fine and still purchase a helmet.
- The government's objective in introducing the helmet law is to get cyclists to wear helmets, not to make them pay costly traffic tickets. **Police have a choice of 'soft enforcement' techniques—such as requiring an offender to produce a receipt for the purchase of a bike helmet instead of issuing a ticket—to use as they see fit.**
- Because the government recognizes that many of the people who receive this fine will be parents and lower-income individuals who cycle for financial reasons, the government took into account the public's ability to pay when setting the fine.

*b) Strengths:*

- This position shows that the government is not out to make money or use heavy-handed sanctions to ensure compliance with the law.

*c) Vulnerabilities:*

No other offense under the Motor Vehicle Act carries a fine as low as \$25; in fact, all other cycling-related offenses (e.g., riding without a headlight) carry a \$75 fine. A \$25 fine may, therefore, send a message to the public that the government does not place a high value on the safety objectives of this law.

- Police and other stakeholders who recommended a \$50-\$75 fine may feel that a \$25 fine will not provide a sufficient deterrent for cyclists. **It is unlikely, however, that these stakeholders will publicly oppose the \$25 fine, given that most are in support of the helmet law.**
- Some police may not enforce the helmet law if they feel that the \$25 fine is meaningless as a deterrent.

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### Issue #3 - Bicycle Helmet Standards

Cyclists will be required to wear helmets which meet any one of the seven existing North American bicycle helmet safety standards (i.e., CAN/CSA D113.2-M89, Snell B-90, Snell B-90S, Snell B-95, Snell N-94, ANSI Z90-1984 and ASTM F1447-94).

*a) Positioning Statements:*

- Not all bicycle helmets offer the same degree of protection in the event of a crash. The government wants to ensure that all helmets worn in British Columbia meet minimum safety standards so that cyclists receive the best protection possible.
- A helmet certified to any one of the current North American bicycle helmet standards will provide good protection to the wearer *as long as it fits and is worn properly*. The Motor Vehicle Branch has developed educational materials—(specify)—to show cyclists how to properly fit and wear a helmet. These materials are available through many schools, retailers or by contacting your local MVB.

*b) Strengths:*

- This position emphasizes the law's safety objectives.
- This position provides consumers with a range of options when purchasing a helmet.

*c) Vulnerabilities:*

- A very small number of stakeholders may point out that some helmet standards are more stringent than others in their technical requirements and their requirement for independent testing and certification. **However, there is no evidence to show that helmets which meet the more stringent standards offer greater protection to the wearer in the event of a crash.**

*c) Special Considerations:*

- Since the standards regulation represents the status quo in terms of the type of helmets sold in B.C., this is not expected to be a contentious issue.

### Issue #4 - Exemption Of Pedicab Operators And Passengers

All pedicab operators and passengers will be exempted from the bicycle helmet law.

*a) Positioning Statements:*

- There are significant safety differences between pedicabs and regular bicycles. The design of pedicabs with their wide passenger cab makes these vehicles inherently stable, slow-moving and highly visible. As a result, pedicab operators and passengers are at much less risk of being in a collision or being thrown from the cycle than are regular cyclists.



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**DRAFT****b) Strengths:**

- This position justifies the exemption on the basis of safety.

**c) Vulnerabilities:**

- Pedicabs operate in the highly congested downtown core of Victoria; therefore, some people may argue that pedicab operators and passengers do, in fact, have a high risk of being in a collision.

**c) Special Considerations:**

- Two pedicab companies (both in Victoria) are known to exist in the province at this time, with a combined total of 20 pedicabs and 80 employees. Due to these small numbers and the limited geographical area, this is not expected to be a contentious issue.

**Issue #5 - Exemption For Large Headed Cyclists**

Cyclists with head circumferences larger than 64 cm will be exempted from the helmet law.

**a) Positioning Statements:**

- A small number of cyclists in British Columbia cannot find helmets large enough to fit because helmets larger than 64 cm are not sold in North America. As a result, cyclists who need helmets above this size are unable to comply with the helmet law.
- Cyclists in this predicament want to be able to comply with the law and receive the protective benefits offered by bicycle helmets. **Therefore, the Motor Vehicle Branch will continue to monitor this situation and advise the cyclists if larger-sized, approved helmets become available in North America in the future.**

**b) Strengths:**

- There is no other option available to government than to exempt such cyclists.

**c) Vulnerabilities:**

- There may be concerns that other cyclists will use the unavailability of larger sized helmets as an excuse for not complying with the law. To make sure this does not occur, the Motor Vehicle Branch is developing a process to control and monitor the exemptions to ensure that they are legitimate.

**d) Special Considerations**

- Due to the small number of cyclists affected by this problem and the absence of other solutions, this is not expected to be a contentious issue.

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**DRAFT****Issue #6 - Exemptions Due To Medical Reasons**

Cyclists who have medical conditions which make it extremely difficult to wear a bicycle helmet will be exempted from the law.

*a) Positioning Statements:*

- Although the government encourages all cyclists to comply with the law, some individuals have medical conditions which prevent them from wearing bicycle helmets. Rather than requiring these people to stop cycling altogether, we have decided to exempt them from the helmet law.

*b) Strengths:*

- This argument shows the government to be taking a reasonable and fair position on this issue.

*c) Vulnerabilities:*

- It could be argued that the risk of head injury or death overrides any medical condition (e.g., headaches, allergic reactions) which may be brought on by wearing a bicycle helmet.
- There will likely be concerns that this rather vague provision will be abused by people who do not want to wear bicycle helmets. As with the exemption for large-headed cyclists, the Motor Vehicle Branch is developing a process to control and monitor the exemptions to ensure that they are legitimate.

*d) Special Considerations:*

We do not know the BCMA's position however the possibility exists that the association may not agree.

**Issue #7 - Exemption For Sikhs Who Wear Turbans**

All members of the Sikh religion who wear turbans as part of their religious beliefs will be exempted from the helmet law.

*a) Positioning Statements:*

- Although the government would like to see all cyclists in British Columbia wearing helmets in order to decrease their risk of injury, the Sikh community has some very deep cultural and religious beliefs which we recognize and respect.

*b) Strengths:*

- The government will be seen to be embracing multi-cultural values and religious diversity within the province.

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c) *Vulnerabilities:*

- This position may be highly criticized by a segment of the public who will view it as unfair. Given that Sikhs are at no lesser risk of being in a cycling collision than any other cyclist, some people may question why the government feels that the beliefs of one religious group are more important than an individual's right to choose whether or not to wear a helmet.

d) *Special Considerations:*

- This could be considered a significant inconsistency in ministry policy and legislation and could have a negative impact on the Council on Human Rights' hearing regarding the current motorcycle helmet law, scheduled for mid-September. Since the two laws share the same objective—reducing head injuries—it may be extremely difficult for government counsel to defend the ministry's mandate of creating standards which protect all road users in the province.
- The ramifications of this decision could be very big, perhaps calling into question several provincial laws and regulations which at this time do not give special recognition of religious or cultural groups. It is also possible that regulations made by other public sector entities such as the Workers' Compensation Board will be subject to review as well.

### **Issue #8 - Exemption For Children On Tricycles**

Cyclists under the age of 12 who ride children's tricycles or play vehicles will be exempted from the helmet law.

a) *Positioning Statements:*

- Due to their young age, children on tricycles usually have greater parental supervision and ride in more controlled, protected environments than children who are old enough, and skilled enough, to ride two-wheeled cycles.

b) *Strength*

- This position shows that the government recognizes and respects parental responsibility for very young children.

c) *Vulnerabilities:*

- This may not be considered a strong safety argument as it could be interpreted as contradicting messages regarding the bicycle helmet law that the Motor Vehicle Branch has been conveying up until this time. During the past year, the Branch, in conjunction with the Insurance Corporation of British Columbia (ICBC), has conducted widespread communications campaigns and a helmet rebate program aimed primarily at young children.

The rationale given to the public for targeting young cyclists is that they are at greater risk of being injured in a cycling collision due to their lack of road safety knowledge and undeveloped cycling skill. An exemption for children on tricycles could be hard to reconcile with this message.

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- It could also be argued that because children who ride tricycles are very young (on average, 3 to 6 years of age) and cannot make the decision to wear a helmet themselves, they are in even greater need of being included under the helmet provisions.
- Many stakeholders, particularly medical and safety organizations, may object to this exemption on their belief that young children are particularly vulnerable to being injured in a cycling-related fall or collision.

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