

Encouraging Street Play

RECOMMENDATION(S):

That the Community Development Committee recommend that Council direct Administration to continue to work with the Province of Alberta on potential changes to laws/legislation regarding Street Play through The City's Intergovernmental Affairs Office.

RECOMMENDATION OF THE COMMUNITY DEVELOPMENT COMMITTEE, 2022 MARCH 17:

That Council direct Administration to continue to work with the Province of Alberta on potential changes to laws/legislation regarding Street Play through The City's Intergovernmental Affairs Office.

HIGHLIGHTS

- Street Hockey, and other types of play on the street are a Canadian pastime and promote a low-cost, accessible social and physical recreation opportunity. Under the Alberta Traffic Safety Act, people playing on the roadway are considered pedestrians, and pedestrians are not allowed on the roadway for purposes other than crossing. Calgary's Bylaws must be consistent with, and cannot supersede, the Alberta Traffic Safety Act. Therefore, to allow pedestrians to legally play on the street, changes are required to Provincial legislation.
- What does this mean to Calgarians? For Calgarians looking to have a spontaneous game of street hockey or basketball on their neighbourhood street, it is unlawful under the Alberta Traffic Safety Act as it has been historically. However, Officers that enforce the laws use discretion, education and emphasize safety. No tickets for street play have been handed out by Community Peace Officers for the three-year time-period studied.
- Why does this matter? According to a 2020 ParticipACTION report, Canadian children received a "D+" grade for Overall Physical Activity. Less than 1 in 5 Canadian children and youth are meeting the Canadian 24-Hour Movement Guidelines. It is important for cities to promote physical activity and socialization in children and youth.
- The City can promote unstructured street play through creating safer residential streets and continuing conversations with the Province about updating legislation.
- The City can promote structured street play through updating our Block Party permit program to include street play, and by supporting events like the PlayOn! Street Hockey Tournament.
- Strategic Alignment to Council's Citizen Priorities: A city of safe and inspiring neighbourhoods.
- Background and Previous Council Direction is included as Attachment 1.

DISCUSSION

- a) *Review provincial laws and legislation that currently limit The City's ability to encourage safe street level play;*

Encouraging Street Play

There is nothing explicit in the Alberta Traffic Safety Act prohibiting street hockey or street play. However, the Alberta Traffic Safety Act states that “When a sidewalk or path is located beside a roadway, a pedestrian shall at all times when it is reasonable and practicable to do so use the sidewalk or path and shall not proceed along or remain on the roadway”. As people playing on the roadway are pedestrians, they would not be allowed to be on the roadway for purposes other than crossing.

The City Street Bylaw 20M88 does not allow for “Material”, which includes sports equipment like hockey nets and basketball hoops, to be placed on streets, boulevards or sidewalks. Allowing for sports equipment on the roadway would promote allowing pedestrians on the roadway, which contravenes the Alberta Traffic Safety Act. At this time, The City is unable to change bylaws to allow for street play as The City of Calgary’s Bylaws must be consistent with, and cannot supersede, the Alberta Traffic Safety Act.

The laws and bylaws that prohibit street play and sports equipment on the street are included in Attachment 2.

b) Identify changes necessary to encourage safe street level play;

For the purposes of this report, two types of street play are defined. First, *Unstructured Street Play* meaning play that occurs without prior planning and City of Calgary involvement e.g., youth in a cul-de-sac bringing out a hockey net and playing street hockey. Second *Structured Street Play*, meaning play that occurs with prior planning and City involvement e.g., a planned street hockey tournament where The City issues a road closure permit to close a roadway to traffic.

Changes to encourage *Unstructured Street Play*:

- Due to the limitations in the Alberta Traffic Safety Act, no changes to laws and bylaws can be made at this time.
- A main reason why Calgarians refrain from playing on the street is safety i.e., being hit by a motor vehicle while playing. Recent Council Direction and policy development support a pattern of slower, safe streets that reinforce the importance of community capacity in the overall resilience of Calgary communities. Examples include the new default speed limit on residential streets (40 km / h) and the application of the Neighbourhood Streets Pilot Policy. This policy has been applied to eight communities to address resident concerns and has led to a number of interventions including a (closed to traffic) play street, a pilot park in road space, and traffic calming. Public engagement on these outcomes in 2021 December was positive and will be reflected in a final version that will be shared with Calgary City Council in 2022 Q2.

Changes to encourage *Structured Street Play*:

- The City is leading a number of initiatives that support youth play and activities within communities. A list of existing initiatives can be found in Attachment 3.
- The City is helping to support the proposed PlayOn! Street Hockey Tournament in Calgary in 2022, which is set to be one of the largest street hockey tournaments in Canada.
- The City is updating its Block Parties Permit program to include Play Streets. The program allows residents to temporarily close a specific block in a community for entertainment and/or sport purposes. A City permit is required to close roadways for the event. This aligns with Edmonton’s Block Parties and Play Streets program.

Encouraging Street Play

c) Include an environmental scan of other municipalities that encourage safe street level play;

Various jurisdictions in Ontario, including Toronto, Hamilton and London, have legalized street hockey and basketball over the past decade through amendments to municipal bylaws. Ontario municipalities are able to do this because of differences in their Provincial Traffic Safety Act / Highway Traffic Act.

The City of Edmonton started a Play Streets and Block Parties permit program where residents can apply to have their street closed to vehicles for a duration of time to host more formal / structured play events on their street.

A full list of legislation in Canadian Municipalities is included in Attachment 4.

d) Review all safety hazards and risks with proposed recommendations and provide mitigating strategies

The City cannot make changes to our current Bylaws as they would contravene the Alberta Traffic Safety Act. The risks associated with not changing the law is that Calgarians participating in safe street play are technically doing so unlawfully. To mitigate, Community Peace Officers will continue to use discretion and will support safe street play.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- Public Engagement was undertaken
- Public Communication or Engagement was not required
- Public/Stakeholders were informed
- Stakeholder dialogue/relations were undertaken

The City corresponded with the City of Edmonton, City of St Albert, City of Toronto, Alberta Transportation and the Ministry on Transportation Ontario to understand legislation and activities in other jurisdictions.

Engagement was done with external organizations to better understand the barriers and solutions to play in Calgary. Recreation and Sport sector reports including ParticipACTION Report Cards, Nike's Designed to Move and Commonwealth Sport Canada SportWORKS Sport for Newcomers were reviewed to understand best practices & current metrics related to street play.

IMPLICATIONS

Social

Encouraging Calgarians to lead connected and healthy lifestyles is a priority for The City. Removing barriers to play can encourage more Calgarians to be more active and social.

Environmental

Not Applicable.

Encouraging Street Play

Economic

Not Applicable.

Service and Financial Implications

No anticipated financial impact

\$0

Additional permitting for Block Parties and Play Streets can be covered with existing resources.

RISK

The risks associated with not changing the law is that Calgarians participating in unstructured safe street play are technically doing so unlawfully. To mitigate, Community Peace Officers will continue to use discretion, education and emphasize safety.

ATTACHMENT(S)

1. Previous Council Direction, Background
2. Legal Review of Street Play
3. Initiatives Supporting Play at The City of Calgary
4. Jurisdictional Scan

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Doug Morgan		
Katie Black		