



The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Infrastructure and Municipal Works
Division: Infrastructure Planning
Report Number: 2021-57-Infrastructure and Municipal Works
Prepared By: Michael Fawthrop, Division Manager
Meeting Date: June 14, 2021
Subject: Rainbow Crosswalks in Celebration of Pride Week

Purpose

To provide Council with information regarding the request for Rainbow Crosswalks in Celebration of Pride Week in the community, as requested in a Motion approved at the May 10, 2021, regular meeting.

Recommendation

- a. That Council receive Report 2021-57-Infrastructure and Municipal Works;
- b. That Council not proceed with the implementation of a Rainbow Crosswalk within the City's road network at this time; and
- c. That Council endorse the implementation of the Clock Tower Mural in Celebration of Pride Week which was developed in partnership with Diversity Cornwall.

Background / Discussion

Rainbow Crosswalk

At the May 10, 2021, regular meeting, Council approved a motion which requested that “Administration prepare a report by Monday, June 14, 2021, that outlines the feasibility, cost, potential crosswalks or alternative locations and any other key details required to support Diversity Cornwall in celebrating Pride week by painting a rainbow crosswalk in a prominent location in our City”.

Roadway line painting which includes the painting of crosswalks is provincially regulated and must follow the Ontario Traffic Manual (OTM). As such, the line painting of crosswalks in the City follows the design standards, details and specifications which are mandated in the OTM. The OTM includes exact specifications on the colour and reflectivity of the paint used for roadway line painting. The line painting at crosswalks provides a basic form of regulatory protection for the pedestrian crossing the road.

The Transportation Association of Canada (TAC) Pedestrian Crossing Control Guide acts as another guideline for local governments to follow in order to ensure that crosswalks are uniformly implemented across the country. Along with the OTM, the TAC Pedestrian Crossing Control Guide considers the posted speed limit, cross section of the roadway, distance to the nearest alternate crossing, number and types of pedestrians and vehicular volume as indicators for the type of crosswalks to be installed.

Rainbow crosswalks or any other form of artistic crosswalks do not comply with the design standards, details and specifications for crosswalks as mandated in the OTM and TAC Pedestrian Crossing Control Guide. If crosswalks were not painted in accordance with the OTM and/or TAC, the City would likely be held liable if an accident ever occurred. The type of accident in which the City could be potentially held liable ranges from minor incidents such as pedestrian slip and fall accidents to major incidents such as a vehicular collision or a vehicular collision involving a pedestrian. In preparing this report, Administration reviewed staff reports from other municipalities who had reviewed similar requests. The vast majority recommended against the proposed crosswalks for the same reasons as described in this report.

Administration also contacted a transportation consulting engineer who works in various municipalities across Ontario to solicit their feedback. The consultant has provided guidance to various municipal clients on similar requests. Similar to the guidance provided by Administration included herein, the consultant has advised municipal clients that these crosswalks do not comply with applicable standards and are not recommended.

Please refer to the attached previous report on Placemaking which included a request for the artistic painting of crosswalks by volunteers within the City among other Placemaking initiatives. The attached report contained correspondence from the City's insurer including from the insurer's legal counsel. In summary, the City's insurer advised against implementing crosswalks which do not follow applicable standards due to the increased risk and liability for the municipality should an accident ever occur.

Administration is aware that some municipalities across North America have implemented Rainbow Crosswalks in order to celebrate 2SLGBTQ+ awareness and rights. Although some municipalities are implementing Rainbow Crosswalks on either a temporary or permanent basis, these municipalities are doing so assuming the increased risk and liability.

Typically in other municipalities, these crosswalks have been implemented at lower volume and lower speed intersections likely due to the associated risk and liability. Should Council elect to issue direction to Administration to proceed with a Rainbow Crosswalk, it is recommended that an intersection be selected which is smaller in size, has modest traffic volumes and lower vehicle travelling speeds in order to mitigate some of the risk. Additionally, it is recommended that only one side of the intersection crosswalk be painted in order to reduce some of the risk and mitigate cost. During previous discussions at Council, the intersection of Pitt Street and Second Street West was discussed as a potential location. Administration would discourage this intersection for a Rainbow Crosswalk due to its size, traffic volumes, speeds, etc.

In addition to the above, the Infrastructure Department typically repaints any roadway markings twice annually, particularly in areas with higher traffic volumes such as the downtown intersections. As a result, there would be an annual cost to repaint the crosswalk if Council issued direction to Administration to implement the project. The MTO mandates the various types of paint and colour that can be



used for pavement markings. The OTM includes exact specifications on the colour and reflectivity of the paint used for roadway line painting. As such, if Council issues direction to Administration to implement the project, it should not be completed by volunteers and should be completed by qualified line painting contractors using approved line paint with proper traffic control protection and experience. Even if approved line paint was used, it would still likely wear off relatively quickly due to traffic volumes and it would need to be repainted multiple times throughout the year. With new line painting applications, it will wear off even quicker. Successive paint coats over a large area can become very slippery when wet which

will only increase the potential liability for the City. Other staff reports from various municipalities have also advised that the large surface would become very slippery especially once several coats of paint were applied which would increase the potential for slip and fall accidents.

In order to address some of the issues above, some municipalities who have implemented these crosswalks have elected to use thermoplastic markings in lieu of line paint. Using line paint was generally discouraged due to the cost of the custom line paint, the large painted surface becoming slippery when wet, the poor durability of the line paint and the maintenance cost associated with having to continually repaint it throughout the year. Thermoplastic markings are essentially plastic markings which have been melted into the pavement surface with heat. The benefit of these markings is that it can last up to 5 years depending upon the application. The disadvantage of the thermoplastic application is the capital cost. Additionally, Administration has limited experience with the use of thermoplastics for this type of application and are relying on

specifications/recommendations from other municipalities. Since the cost of the application is very dependent upon the size of the intersection as well as the number of crossings to be painted and due to Administration's limited experience with the material, it is difficult to provide Council with an estimate for this application. Based on pricing presented by other municipalities, the cost of the application to one crossing at the intersection could range from \$10,000 to \$15,000 depending upon the size of the crossing. These budgetary numbers are preliminary estimates using information from other municipalities. Further estimating of costs could be provided if an intersection were to be selected in the future. Although some municipalities have instituted these crosswalks using thermoplastic, Council should be reminded that these crosswalks still do not comply with legislation and would still expose the municipality to liability should any type of accident ever occur at the intersection.

Although some municipalities are implementing Rainbow Crosswalks on either a temporary or permanent basis, these municipalities are doing so assuming the increased risk and liability as they are not compliant with OTM or TAC guidelines. Even though some municipalities are installing these crosswalks, Administration continues to recommend that Rainbow Crosswalks not be implemented due to the associated risk and liability to the municipality. Through some conversations with professionals in the industry, there has been discussion that the TAC or MTO may provide commentary and/or guidance on these types of crosswalks in the near future. Should TAC or the MTO issue formal guidance on these types of installations in the future, a Rainbow Crosswalk could be considered at that time.

Although Administration is very supportive of the intent of the crosswalk initiative, Administration cannot support it at this time as it would expose the municipality to risk/liability and potentially compromise pedestrian safety. Administration is currently working on another initiative in partnership with Diversity Cornwall which Administration would recommend in order to show support for 2SLGBTQ+ without exposing the municipality to increased risk/liability or compromise pedestrian safety.

Clock Tower Mural in Partnership with Diversity Cornwall

Running parallel to the above rainbow crosswalk consideration, staff with the Department of Planning, Development, and Recreation have been working in partnership with Diversity Cornwall on a new mural which will be painted on the concrete retaining wall located south of the Clock Tower in Lamoureux Park.



The wall measures nearly 85 feet wide and 3.5 feet high, with 8 stairs on either side.

The mural opportunity was included in the City's recent Call to Artists. More information on the Call to Artists can be found at the following link: <https://www.cornwall.ca/en/play-here/call-for-artists.aspx>. The parameters of the mural were developed in collaboration with Diversity Cornwall Board Members, volunteers, and community participants. Artists were encouraged to submit designs that are colourful, vibrant, inclusive, and unique. Designs also needed to reflect Diversity Cornwall's mission of fostering diversity, unity, and visibility, while also capturing social justice themes of race, gender, age, language, sexual orientation, religion, nationality, education, mental or physical ability, and socioeconomic status.

Eleven artist submissions were received and reviewed by Board Members of Diversity Cornwall and City staff. Local artist, Ms. Kathleen Tuck has been awarded the mural opportunity, pending an artist agreement. Please refer to the attached draft rendering of the mural submitted by Ms. Tuck.

Ms. Tuck will begin working on the mural immediately to ensure it is ready to be unveiled on June 30th during the Diversity Cornwall PRIDE flag raising. Council will note that the proposed mural design incorporates a hand printing activity which will become part of the June 30th mural unveiling.

Document Title:	Rainbow Crosswalk in Celebration of Pride Week - 2021-57-IMW.docx
Attachments:	- Tuck_Clock Tower Mural.pdf - 2020-323-PDR.pdf
Final Approval Date:	Jun 10, 2021

This report and all of its attachments were approved and signed as outlined below:

Michael Fawthrop - Jun 10, 2021 - 11:04 AM

Bill de Wit - Jun 10, 2021 - 11:19 AM

Mark A. Boileau - Jun 10, 2021 - 12:30 PM

Tracey Bailey - Jun 10, 2021 - 1:38 PM

Maureen Adams - Jun 10, 2021 - 2:51 PM