

IMPORTANT SAFETY NOTICE !!!!!

We have been receiving a number of complaints and questions about the rules of the road for persons with disabilities using wheelchairs, power wheelchairs and disability scooters.

Please be aware that under the *Motor Vehicle Act of New Brunswick* such users of disability wheelchair mobility devices are legally considered to be pedestrians and must follow the same rules as other pedestrians on foot. The issue has been discussed with police forces, the Department of Transportation and the Department of Public Safety. They agree with our interpretation.

Section 174 (1) of the Act also states-- “Where sidewalks are provided, it is unlawful for any pedestrian to travel along or upon any adjacent roadway.”

Section 174 (2) of the Act further states - “Where sidewalks are not provided, any pedestrians traveling along or upon a highway shall when practicable, travel only on the extreme left side of the roadway or its shoulder, not more than two abreast, facing traffic which may approach from the opposite direction and shall give way to traffic approaching on the roadway.”

Wheelchair, power wheelchair and scooter users have been observed operating their mobility devices following bicycle rules along the traffic lanes moving illegally in the same direction as the flow of cars. Others have been observed illegally traveling in the actual traffic lane as if they were a car or other licensed motor vehicle. This must stop before someone else gets killed or seriously injured which has already happened.

There are legal advantages to being considered as a pedestrian. Most persons with disabilities prefer to travel on the sidewalks. It is safer on the sidewalks when they are cleared of obstructions and have the necessary curb cuts. Otherwise you should go along the roadway on the left side facing oncoming vehicle traffic to give you the best chance to see and be seen to avoid being struck. You are able to cross streets at the crosswalks and drivers are given a higher duty to yield right of way to a pedestrian. As a pedestrian, you do not have to license, obtain insurance coverage or have annual safety inspections for your mobility device as do operators of regular motor vehicles. Bicycle users require use of helmets, reflectors and a headlight able to be seen certain minimum distances at night.

Not all wheelchairs, power wheelchairs or scooters have reflectors, headlights or turn signals but even those that do are not allowed in the traffic lane as a motor vehicle.

Violators are not only acting illegally but are creating a road hazard for regular drivers who do not know which rules are being followed by that particular person with a disability. Operators not following the pedestrian rules are subject to fines and other penalties under the *Provincial Offences Act*. We need to see consistent behaviour and the same rules being followed by all of the persons with disabilities who use these disability mobility devices.

Some users may not have understood the correct rules in the past while others have knowingly violated the law for their own convenience. Others seem to follow different road rules at different times. However, we are issuing this statement to avoid any confusion in the future and to urge everyone involved to respect the law and to use their common sense when operating these necessary mobility devices.

We will be looking to all equipment providers and users to understand and follow the law and we will expect police to equally enforce the traffic laws for the protection of all members of the public.

Thank you for allowing us to bring this to your attention.

**Premier's Council on the Status of Disabled Persons
Fredericton, NB**