

Cycling in Safety: Honouring Elizabeth Sovis in Life and in Death

Response to the sentencing of Clarence Arnold Moase on December 4, 2012, for impaired driving causing death

Prepared by Edmund A. Aunger

Submitted to Robert Ghiz, Premier; Janice Sherry, Attorney General; Robert Henderson, Minister of Tourism; Robert Vessey, Minister of Transportation

Context

My wife, Elizabeth Sovis, died on July 14, 2012, while cycling in Hunter River, Prince Edward Island, and after being struck by a motor vehicle driven by Clarence Arnold Moase. Mr Moase subsequently pleaded guilty to a charge of impaired driving causing death.

Two weeks later, I drafted a Victim Impact Statement that described my emotional and psychological suffering as a result of Elizabeth's death, and included my reflections on responsibility and my recommendations for change.

I submitted this statement directly to Attorney General Janice Sherry, with copies to the Minister of Tourism and the Minister of Transportation. In reply, Mrs Sherry expressed her sincere sympathy but declined to make any further comment while the matter was before the courts.

As of today, December 4, 2012, the matter is no longer before the courts. Accordingly, I am reiterating my earlier recommendations and issuing a public challenge. I urge the Government of Prince Edward Island to adopt measures that will prevent a repetition of this senseless tragedy.

Court sentence

In my earlier statement, I recommended that Mr Moase serve significant time in jail and do penance for his misdeeds, but that priority be given to his rehabilitation and redemption. Current research suggests that harsher prison sentences do not reduce impaired driving.

My sincere prayer was: "That he will seek and receive treatment for alcohol abuse. That he will renounce all future consumption of alcohol. That he will find peace and strength in his daily life. That he will become a loving and generous member of his community."

The Supreme Court of Prince Edward Island has now sentenced Mr Moase to six years in jail and imposed a lifetime ban on driving. Mr Moase will be credited for the time he has spent in custody at the rate of 1.5 days for each of the 143 days served. In handing down this sentence, Mr Justice John Mitchell weighed the offender's past record – he has four

previous convictions for impaired driving – and his current efforts to seek rehabilitation through addiction counselling and religious fellowship.

The honourable judge has sought a middle ground between the requests presented by the defence and the prosecution for, respectively, four or eight years of incarceration.

I did not attend the hearings and, without access to more detailed information, it would be presumptuous to now contest the wisdom of this decision. I continue to pray that Mr Moase will find the strength and support necessary for conquering his addiction and renewing his life.

Impaired driving

According to published news reports, impaired driving in PEI is almost twice the Canadian average and constitutes about a third of the Island's criminal convictions. In 2012, impaired driving has continued to increase and the Island currently posts the highest per capita rate in Canada. As I observed in my earlier statement: "This is no joke; this is a disgrace."

Destructive and dysfunctional behaviour can only prevail when there is widespread tolerance and complacency. We must change societal attitudes; we must stigmatize impaired driving. But we must also recognize that alcohol dependence is a serious physical and mental illness and offer effective treatment programs.

I recommended some specific preventative measures that included increasing the availability of alternative transportation, the application of police spot-checks and the use of ignition interlock devices.

I am pleased that, on November 20, 2012, the Legislative Assembly unanimously resolved "that the provincial government initiate a comprehensive action plan aimed at educating Prince Edward Islanders on the hazards of impaired driving and creating a culture of safe driving".

I am also pleased that, on November 22, 2012, the Legislative Assembly amended the *Highway Traffic (Combating Impaired Driving) Act* and required, among other changes, that ignition interlock devices be installed on the vehicles of all first-time offenders.

Dangerous roads

Elizabeth was extremely safety conscious and refused to bicycle on roads that did not have, as a minimum, a paved shoulder or a cycling lane. For this reason, in planning our cycling tours in North America and in Europe, we consistently travelled on dedicated cycling paths such as, for example, the Trans Canada Trail. And for this reason, in choosing a destination for our 2012 cycling vacation, we decided to visit Prince Edward Island, the first and only province to complete its portion of the Trans Canada Trail.

PEI had also published a *Cycling Guide 2012* that clearly described the Trail and the recommended routes to featured tourist attractions and amenities. On July 14, 2012, when

we arrived at Hunter River, however, we were stunned to discover that the recommended route from the Trail to our B & B was a narrow two-lane highway with no paved shoulders and with high-speed motorized traffic. Several minutes later, as we headed along Highway 13, Elizabeth was struck and killed by a full-size van.

Recent scientific research confirms that Elizabeth's fears were well-founded. It is NOT safe for cyclists to travel in the same lane as motorized vehicles and, according to one Canadian study, cycle tracks – paths separated from a major street by a physical barrier – have one-ninth the injury risk (Teshke 2012) Cycle tracks are relatively rare in North America, but quite common in Europe. Not surprisingly, cyclists face much higher risks in North America than in Europe: a two to three fold higher risk of death and an eight to 30 fold higher risk of injury (Reynolds 2009). Nevertheless, on both continents, cyclists are seven to 70 times more likely to be injured, per trip or per kilometre traveled, than car occupants (Reynolds 2009).

I urge the Government of Prince Edward Island to develop a comprehensive plan to ensure greater safety for cyclists. Until this is accomplished, the government has a moral obligation to revise its annual cycling guide and clearly describe the dangerous conditions existing on the routes leading from the Trans Canada Trail. Had Elizabeth and I been aware of these conditions in advance, I am absolutely certain that we would have made different plans for our summer vacation.

Public challenge

Elizabeth planned to retire on June 30, 2013. She had already announced that her first task would be to work for safer cycling infrastructure and, more specifically, for the completion of the Trans Canada Trail.

I am now taking up her cause.

In July 2013, I will cycle along the Trans Canada Trail from Victoria to Edmonton, the first leg in a tour that will ultimately take me to Charlottetown. My principal goal is to promote the Trail and to rally public support for its completion. I will also seek donations for the Trail's Elizabeth Sovis Memorial Fund.

In July 2017, I will cycle the fifth and final leg, from Ottawa to Charlottetown. Once on the Island, I will follow the same route that Elizabeth and I cycled this past summer. I will arrive in Hunter River on July 14, 2017, the fifth anniversary of Elizabeth's death, and I desperately hope to celebrate the new measures that the PEI government will have taken to improve cycling safety.

In order to mark Canada's 150th anniversary, the provinces and territories have all committed to completing the Trans Canada Trail by 2017. Prince Edward Island will have a special opportunity to lead by example.

References

Conor REYNOLDS, et al., 2009, “The impact of transportation infrastructure on bicycling injuries and crashes: a review of the literature”, *Environmental Health*, vol. 8, no. 47.

Kay TESCHKE, et al., 2012, “Route infrastructure and the risk of injuries to bicyclists: A case-crossover study”, *American Journal of Public Health*, vol. 102, no. 12.

Contact

Edmund A. Aunger

edmund.aunger@gmail.com

Tel: (780) 466-4301

Fax: (780) 468-2068