

## PUBLICATION

### Cyclists to be cautious when using public roads this spring

Kristy L. Williams, PhD

April 2, 2019

Spring has clearly arrived in Calgary. As many cyclists and cycle commuters tune-up their bikes and get back on the paths and roads, it is a good time to remember that even without snow and ice, there are risks in sharing the roads with motor vehicles.

All users of public roads owe a duty to take reasonable care for themselves and for others around them. For cyclists, their duty to take care for themselves includes ensuring they are visible (bright clothing, using lights) and obeying the rules of the road (stopping at stop signs). Regardless of how much care a cyclist takes, a collision with a motor vehicle sometimes unavoidable from the cyclists perspective.

There are many things a cyclist should know if injured in a collision with a motor vehicle:

#### No-Fault Benefits

Regardless of *who* is at fault for the collision, all injured parties are entitled to receive no-fault accident benefits through either the insurance company for the driver that struck you, or through your own motor vehicle policy. No-fault benefits include:

1. Disability payments if you are completely off work as a result of your injuries;
2. Treatment costs (physiotherapy, chiropractic care, acupuncture, or massage therapy); and
3. Medically necessary treatment or services recommended by your family doctor

#### Personal Injury Claim against the at-fault party

In Alberta, when a motor vehicle is involved in a collision with a pedestrian or cyclist, there is a presumption that the motor vehicle was at fault. Practically this means that instead of the cyclist having to show that the driver of the vehicle was at fault, the operator of the motor vehicle must demonstrate that they were not at fault.

If you have been injured in a collision with a motor vehicle you can contact any of our [Personal Injury lawyers](#). We will help you learn more about your rights and offer a free initial consultation.