

**From:** Michelle Graham [REDACTED]  
**Sent:** Monday, 1 July 2013 4:24 PM  
**To:** Transport Housing and Local Government Committee  
**Subject:** Submission: Inquiry into Cycling Issues

Dear madam or sir

The following is a submission to the Queensland Parliamentary Inquiry into Cycling Issues.

The focus of my submission is to highlight the urgent need for measures which better protect vulnerable road users from risks posed by motor vehicles, and how that is frequently underestimated by various parties responsible for the same, i.e. governments, police and road safety researchers.

The inquiry's overview makes specific reference to "the 1m [and other] rule[s], which govern[s] interaction between cyclists and other road users, as well as "short and long term trends in bicycle injuries and fatalities involving motor vehicles".

Road safety research recommendations and broader "evidence-based" policy are frequently influenced by statistics, including fatality and serious injury rates. While this is a powerful tool in reducing casualty rates, it fails to uncover some significant road safety problems. One example is the sub-culture among some drivers of using their vehicles to threaten vulnerable road users, particularly cyclists. The following video illustrates what appears to be such a case: [http://youtu.be/SSy\\_OZiOwC4](http://youtu.be/SSy_OZiOwC4)

The video shows a public transport bus overtaking a cyclist, in the same lane as the cyclist - despite an unoccupied lane to the immediate right - at high speed and in very close proximity. The driver appears to make no attempt to execute his overtaking of the cyclist in a safe manner. The outcome is a fine line between what will - in this and most cases - not show up in road safety statistics at all (i.e. appearance of safe behaviour) as a fatality or serious injury to the cyclist. Despite that, there have been numerous reported cases of the latter, with the drivers invariably failing to provide a meaningful explanation of the cause and leaving police (or a jury) to speculate on whether the cyclist somehow fell under their wheels or into their path.

While the footage in that particular video was not taken by or of myself, and was a particularly severe example, it represents a general scenario which is far too common for me and I am quite certain, most other road-going cyclists.

This behaviour - whether deliberate or the result of driver negligence - is akin to someone walking around in public, swinging a sword near people's heads. While the person may succeed in not actually striking anyone, this would not be accepted by any reasonable person as evidence of it being a safe practice. Yet policy towards the safety of cyclists' safety on our roads, perhaps inadvertently or perhaps due to a lack of political will or courage to raise minimum driving standards for what are a majority of motorists (most of whom do not engage in the type of dangerous driving described here) - amounts to accepting what is the road user equivalent of someone recklessly swinging a sword in public.

Due to their broad-brushed nature, there are no precise means of road safety rules allowing for courts or police to draw clear and accurate distinction between motorists' acts of deliberate aggression or gross negligence, and those which may reasonably be explained as 'genuine' lapses of judgment. No matter what the evidence or proposals presented to it, the Committee unavoidably faces choosing between two options in making its recommendations to Parliament:

1. To continue with the status quo of road safety rules and their enforcement (including court interpretation of charges such as dangerous driving). These are largely based on the principle of "innocent until proven guilty beyond reasonable doubt"; rules which have proven largely ineffective

in upholding any substantial penalties for drivers suspected of deliberately endangering or actually harming cyclists' safety. Their key benefit is reducing the risk of unduly penalising motorists whose driving has killed or injured other road users due to misadventure (or negligence on the part of the latter).

2. To impose higher standards on driver behaviour with respect to cyclists' (and perhaps all vulnerable road users') safety, including requirements for drivers to account for acts, the responsibility for which at present lie almost solely with cyclists - e.g. minor deviations from their line and into the path of motorists who have chosen to overtake them with minimal clearance.

The latter recommendation would surely be unpopular with many members of the motoring majority and require political courage, but would be ground-breaking in taking positive steps to improve road safety for cyclists.

Such changes do not and cannot come without a price. In this case, it would be in the form of requiring a change in behaviour by motorists to execute overtaking of cyclists with greater care and patience. In effect, this may be achieved by narrowing the interpretation of what constitutes misadventure in the context of overtaking cyclists (i.e. demanding greater vigilance and diligence by motorists).

In assessing the various options before it, I urge the Committee to consider its recommendations in this light - one which accepts that positive change, i.e. in the form of improved road safety, would impose inconvenience and higher duties of care on motorists - as opposed to merely assessing them by focusing on their drawbacks and difficulties.

Yours sincerely

Michelle Graham

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