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Submission to Inquiry Into Cycling Issues

Please accept my submission to the Inquiry into cycling issues.

As background to my submission, I provide the following information about myself:

- Male, 38 years old, Married, Two primary school age children
- Single car household
- All weather, 5 days per week commuter cyclist, 27km per day round trip
- Commuter cycling since 2001
- Cycling also used for utility purposes, eg. taking daughter to Ballet, light shopping trips
- Recreational cyclist (mostly weekends or early hours of the morning)
- Approximately 10,000km cycling per year, and 11,000km of car use

Yours sincerely,

Ben Stanley

1. Introduction

My submission to the inquiry addresses factors external to the individual cyclist. I certainly acknowledge that the behaviour and choices of an individual cyclist also substantially contribute to their own safety – for example by obeying road rules, riding to the conditions and so on. A cyclist implicitly accepts increased or reduced risks based on their personal choices, in the same way that all individuals are willing to accept differing levels of risk in any type of activity. This submission is about reducing risks created by factors *outside* of the individual cyclist's direct control, because these factors affect the safety of *all* cyclists – from those who sometimes take risks to those (like me) who try to minimise risks. It should also be considered that the individual cyclist bears most of the negative consequences of any of their own risk taking, whereas drivers of vehicles, better protected inside steel cages, bare less risk to themselves - and yet pose a much higher risk of causing collateral damage to third parties. The more vulnerable users of public roads (pedestrians and cyclists) deserve protection under the road rules that takes their relative vulnerability into account.

My submission raises specific issues and recommendations to reduce risks. However I strongly believe the ultimate way of increasing cyclists' safety is to have *more people cycling, more often*. Removing disincentives to cycling, and reducing perceived and actual risks, are key ways to encourage increased uptake of cycling – and increasing cycling's share of transportation methods is government policy. Drivers are naturally more likely to drive safely around cyclists, be more understanding of the issues cyclists face, and be more alert to their potential presence on the road, when a relative or a friend is a cyclist.

Road safety issues for cyclists should also not entirely be considered outside the broader scope of road safety in general. Driving a vehicle is a huge responsibility, yet it is often not treated as such. To increase the safety of all road users, this attitude needs to be changed - driving must be considered a privilege, not a right. An attitude shift can be encouraged by making licenses harder to obtain and renew, and *much* easier to lose. The penalties for causing death or serious injury with a vehicle should be much more severe – and driving with a suspended license should invoke a mandatory jail sentence.

Drivers who treat driving with the same respect with which they would handle a deadly weapon are far less likely to be involved in an at-fault (or even not-at-fault) "accident". I am often reminded of the joke that the greatest vehicle safety device ever invented was a sharp metal spike embedded in the middle of the steering wheel! If road users were to face a metaphorical metal spike in the knowledge that the legal consequences of causing injury or death were far more severe than currently, this would surely help increase the level of responsible and safe driving in our state.

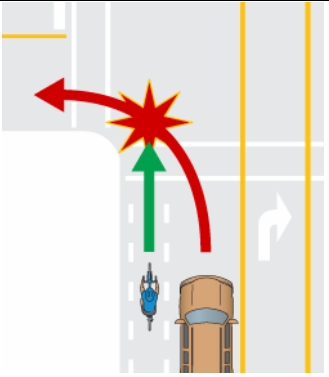
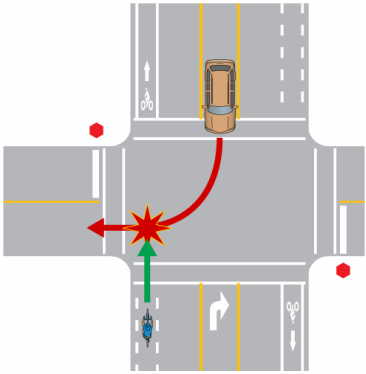
2. Summary

Due to the length of my submission I provide the follow summary points. (I apologise for the length but it is due to wanting to properly explain why certain things are a real issue for cyclists, including pictures and examples where appropriate).

1. Currently a bicycle needs to be actually hit by an overtaking vehicle for an offence to have occurred. Legislation is required to provide a mandatory minimum safe passing distance for bicycles, due to the high number of very dangerous close calls that cyclists endure. There is only a few mm difference between a close call and being dead.
2. Legislation is required to ban motor vehicles from overtaking a bicycle *in the same lane* on multi lane roads, where a bicycle lane is not provided
3. Bicycle Awareness Zones where parking is allowed create a lose-lose situation for cyclists and should be removed. Riders are not legally compelled to use a BAZ, and often choose not to due to the risk of colliding with a car door, yet are expected to get out of the way and ride in the BAZ by motorists.
4. Allowing cars to park in Bicycle Lanes makes a mockery of the concept of dedicated on-road infrastructure for cyclists, and creates dangerous interaction between bicycles and motor vehicles. Queensland is almost unique in Australia in allowing this. Our state is trying to have its cake (parking) and eat it (bicycle lane) too.
5. "Sharrow" markings should be used to indicate shared road space and legitimise safe road positioning for cyclists
6. Road Rule 146 needs to be enforced by the Queensland Police Service for vehicles overtaking bicycles
7. Roads and cycling infrastructure in Queensland often are not designed for bicycle safety, including many bicycle lanes which do not conform to Austroads guidelines, for example by placing bicycle lanes in car "dooring" zones.
8. Public education is required so that motorists understand the rightful place of a bicycle on the road, particularly including correcting common assumptions about what cyclists can and can't do
9. Penalties for causing injury or death (at fault) with a vehicle must be more significant to encourage more responsible on road driving

3. Common modes of risk

In my experience as a cyclist, I encounter a number of modes of behaviour that most commonly affect my safety. The table below identifies the most common risk modes in my experience. The remainder of my submission will then address these modes (referred to as M1, M2 and so on).

M1	<p>The "<i>Close shave</i>" - Insufficient lateral clearance provided by overtaking vehicles.</p> <p>Example videos of close shaves (video is my own): http://youtu.be/mE6N7i-iHjw http://youtu.be/zQXRjH_heR8</p> <p>One that isn't my own: http://youtu.be/SSy_OZiOwC4</p>
M2	<p>The "<i>Dooring</i>" - Vehicle occupants opening doors directly into cyclist's path. Common cause of serious injury or death.</p> <p>This link provides a video showing how surprisingly violent and dangerous a dooring. I strongly recommend all participants in the inquiry view this video to understand why experienced cyclists will refuse to ride in a dooring zone, and why most bicycle infrastructure in this state is considered to be so poor: http://commuteorlando.com/ontheroad/doored/video.mp4</p> <p>This link provides a crash test dummy video of a dooring: http://youtu.be/BJKbXH2cAyI</p> <p>Another example showing how the cyclist is thrown into the path of overtaking traffic: http://youtu.be/1v3Ne23CNLQ</p>
M3	<p>The "<i>Pull out</i>" - Vehicle turning left out of a sidestreet or driveway fails to give way to cyclist travelling straight.</p> <p>A variant of this mode includes a vehicle entering a roundabout pulling out on top of a cyclist already in the roundabout.</p>
M4	<p>The "<i>Left Hook</i>" where an overtaking vehicle either immediately brakes and turns left across a cyclist's path, or turns left over the top of the cyclist before completing the overtaking manoeuvre. This includes turning left at an intersection, or turning left into a driveway or carpark.</p> <p>A variant of this mode includes a vehicle overtaking just before, or in, a traffic calming measure.</p> <p>Video example of a left hook: http://youtu.be/mpnpEyflP6M</p> <p>The infamous Jim's Mowing left hook: http://youtu.be/4m2q2u2WA3s</p> 
M5	<p>The "<i>Right Hook</i>" where an oncoming vehicle turns right across a cyclist's path</p> <p>Video example of a right hook: http://youtu.be/6qycF0raqpg</p> 
M6	<p>Tailgating by impatient vehicles, including horn abuse, on some occasions at speeds of 50-55kmh in a 60kmh zone</p> <p>Horn abuse and close passes (video is mine): http://youtu.be/JskjBqekyIc</p> <p>Example video of verbal abuse and close pass (video is mine): http://youtu.be/ODWVctD8tfw</p>

4. Road rules relevant to risk modes

Below I list road rules relevant to each mode of danger, quoted from the *Transport Operations (Road Use Management-Road Rules) Regulation 2009*.

M1 (The Close Shave)	<p>140 No overtaking unless safe to do so A driver must not overtake a vehicle unless— (a) the driver has a clear view of any approaching traffic; and (b) the driver can safely overtake the vehicle.</p> <p>144 Keeping a safe distance when overtaking A driver overtaking a vehicle— (a) must pass the vehicle at a sufficient distance to avoid a collision with the vehicle or obstructing the path of the vehicle; and (b) must not return to the marked lane or line of traffic where the vehicle is travelling until the driver is a sufficient distance past the vehicle to avoid a collision with the vehicle or obstructing the path of the vehicle.</p> <p>148A Giving way when moving within a single marked lane If a driver diverges to the left or right within a marked lane, the driver must give way to any vehicle that is in the lane.</p>
M2 (The Dooring)	<p>269 Opening doors and getting out of a vehicle etc. (3) A person must not cause a hazard to any person or vehicle by opening a door of a vehicle, leaving a door of a vehicle open, or getting off, or out of, a vehicle.</p>
M3 (The Pull Out)	Many rules, eg 74 (entering road), 114(1) (entering roundabout)
M4 (The Left Hook)	<p>144 Keeping a safe distance when overtaking A driver overtaking a vehicle— ... (b) must not return to the marked lane or line of traffic where the vehicle is travelling until the driver is a sufficient distance past the vehicle to avoid a collision with the vehicle or obstructing the path of the vehicle.</p> <p>148A Giving way when moving within a single marked lane If a driver diverges to the left or right within a marked lane, the driver must give way to any vehicle that is in the lane.</p>
M5 (The Right Hook)	<p>72 Giving way at an intersection (except a T-intersection or roundabout) ... (5) If the driver is turning right, the driver must give way to— ... (b) any oncoming vehicle that is going straight ahead or turning left at the intersection (except a vehicle turning left using a slip lane or a vehicle approaching or at a place with a stop sign, stop line, give way sign, or give way line); and</p>
M6 (Tailgating, abuse)	<p>126 Keeping a safe distance behind vehicles A driver must drive a sufficient distance behind a vehicle travelling in front of the driver so the driver can, if necessary, stop safely to avoid a collision with the vehicle.</p> <p>224 Using horns and similar warning devices A driver must not use, or allow to be used, a horn, or similar warning device, fitted to or in the driver's vehicle unless— (a) it is necessary to use the horn, or warning device, to warn other road users or animals of the approach or position of the vehicle;</p>

5. Common causes of risk modes

Danger Mode	Cause	Description
M1 (The Close Shave)	Impatience	"Must get in front" attitude even if its not safe to overtake yet
	Aggression	"Cyclist should not be on the road, this will teach them a lesson" "Cyclist has to be on the footpath/shoulder/bike lane, this will teach them their place" (usually where "bike lane" is not a bike lane and is a "bicycle awareness zone" – drivers do not understand the difference).
	Poor skills	Unaware of how close they are to the cyclist
	Inattention	Not paying due attention and seeing the cyclist too late to overtake safely
	Education	Not aware of how dangerous it is to drive very close to a cyclist – cyclists need room to manoeuvre around small obstacles on the road, "suction" effect of fast passing vehicle, bicycles normally do not follow an exactly straight line with pedalling action, and the startling affect of a close pass
	Education	Driver not aware bicycle may be legally riding where they are, assumption of illegality of rider's behaviour leads to risk taking on the part of the driver
	Road design	Design of bike lane or bicycle awareness zone "dumps" riders into vulnerable positions.
	My experience has been that the worst cases have been caused by aggressiveness, followed by impatience. The aggressive close shaves are often preceded by tailgating and/or horn abuse and are often unnecessary (failing to use an empty lane travelling in the same direction)	
M2 (The Dooring)	Education	Vehicle occupant does not understand the danger opening a door into the path of a cyclist poses. Vehicle occupant does not know they are legally required to check for approaching cyclists (road rule 269)
	Carelessness / Inattention	Occupant doesn't bother to check, or doesn't check <i>properly</i> as they are not considering the possible outcome their action may have on others Occupant forgets to check for presence of cyclist
	Road design	Bicycle lane or bicycle awareness zone is placed inside the dooring zone. This is incredibly common. A good example is the bicycle lane on Sylvan Rd, Toowong, Brisbane. Hailed by the council as excellent bicycle infrastructure, much of the lane is in the dooring zone of parked cars...
M3 (The Pull Out)	Carelessness	"Sorry mate didn't see you" event. Usually this indicates the driver did not check properly – driver uses a quick glance only, or does not check behind the vehicle's "A" pillar, or does not check for smaller vehicles. Bicycles travelling on the left side of the road or the shoulder are not in the region drivers will directly check for a vehicle.
	Impatience	Driver sees cyclist but pulls out anyway – "must get in front" attitude, driver assumes all bicycles are travelling slowly
	Aggression	Driver sees cyclist but pulls out anyway as its "only a cyclist - they should get off the road"
	Inattention	Driver does not check properly as they are distracted
	Road design	Cyclists are forced into a far-left position where they are less visible. Intersections involving bicycle lanes or bicycle awareness zones do not re-enforce the presence of a bike lane through different road surface heights or surface colour.
	Education	Driver believes bicycle should give way to their vehicle
M4 (The Left Hook)	Impatience	Driver has "must get in front" attitude, overtakes when there is not enough time to do so, driver assumes all bicycles travel slowly
	Poor driving skills	Inability to judge distance they require to overtake, and then slow down for the corner vs the speed of the bicycle
	Aggression	Driver sees bicycle, "bicycle shouldn't be on the road", "get out of my way I'm bigger than you"
	Education	Driver believes bicycle should give way to their vehicle
M5 (The Right Hook)	Carelessness	Driver does not check the road for oncoming objects smaller than a car
	Impatience	Driver assumes they will make it across in time as driver assumes all bicycles travel slowly
	Aggression	Driver sees oncoming bicycle, turns anyway – "get out of my way I'm bigger than you"
	Education	Driver believes bicycle should give way to their vehicle
M6 (Tailgating, abuse)	Aggression	Driver believes bicycle should not be on the road - should be on the footpath or on the shoulder or in a "bicycle awareness zone", horn abuse to try to bully rider out of the way
	Education	Driver does not understand road rules and rights of rider on the road

6. Specific Issues

6.1. Bicycle Awareness Zones (BAZ's)

Yellow bicycle awareness zones (pictured right) are advisory only and have no legal meaning. Many BAZs are positioned on shoulders where parking is allowed. These BAZs have the unfortunate effect of being mistaken for and being confused with Bicycle Lanes. This has four unfortunate effects:

1. It encourages inexperienced cyclists to ride *in* the "dooring" zone (risk mode M2), where car doors are opened into cyclists without warning, leading to serious injuries or death. Riding in the dooring zone is unsafe and *must* be avoided by cyclists hoping to ride safely.
2. It creates an expectation in motorists's minds that cyclists should ride on the shoulder, even though there is no legal requirement to do so. When a cyclist rightly chooses to ride on the left side of the road lane proper, rather than inside the BAZ, they are often the recipient of aggressive or impatient behaviour from other drivers, including close shaves or collisions (risk mode M1).
3. Riders using the BAZ have to swerve into the road lane to travel around parked cars. Legally they are required to give way to any traffic, however many don't, and this results in close calls, and stress/anger on the part of other drivers.
4. Riding on the shoulder out of the traffic lane in urban areas significantly reduces the visibility of cyclists, increasing the chances of pull-outs (risk mode M3), left hooks (M4), and right hooks (M5).

**Recommendation:**

Remove all "parking lane" Bicycle Awareness Zones that contain on-road parking and create a false impression that they are a compulsory use bike lane. Replace such BAZs with "sharrows" (see below).

6.2. Sharrows

"Sharrows" (see images to right) are painted markings that indicate an area of shared road space, where bicycles may be expected, in the same way that a Bicycle Awareness Zone does. However, sharrows are placed just outside the dooring zone. Typically the white line demarcating the shoulder is moved closer to the parked cars. Sharrows have the following positive effects:



1. Inexperienced or insecure riders are encouraged *out* of the dangerous "dooring" zone – M2 risk reduced
2. Indicates the space is *shared* much better than a BAZ which tends to indicate the *opposite*
3. Riders following the sharrows are more likely to be accepted by drivers as they are riding where the markings say they can/should. This reduces the chance of aggressive close passes – M1, M6 risk reduced
4. Riders following the sharrows maintain a consistent and straight line, rather than a line that deviates in and out around parked cars
5. Riders following the sharrows are much more visible to overtaking drivers as they are riding where the road markings say to expect cyclists – M3, M4, M5 risk reduced
6. Riders following the sharrows are much more visible to other drivers as they are riding wider where they are more easily seen, compared to riding on the road shoulder – M3, M4, M5 risk reduced

Recommendation:

Use sharrows to replace dangerous "parking lane" BAZs.

Use sharrows in some situations on multi-lane Roads (see below)

An advantage of sharrows is that no change in road legislation would be required, they would have the same legal non-status as a BAZ. All that is needed is paint.

6.3. Narrow Multi-Lane Roads and close shaves

Urban multi-lane roads with no bicycle lane or viable shoulder present a particular challenge to rider safety. Many of my most dangerous close passes (M1) and tailgating/horn abuse (M6) occur on these roads. The rider is presented with two choices, both legal:

1. keeping to the far left/gutter where
 - a. they invite vehicles to share the lane and pass too close (M1) if the road is narrow
 - b. they have no room to manoeuvre further away from close passing vehicles or around obstacles (pot holes, debris, drainage gates)
 - c. they are far less visible to all other vehicles, as they are not in a road position where vehicles normally travel
2. "claiming the lane" ie. Riding near the middle of a lane, where
 - a. Drivers will regularly tailgate/abuse (M6),
 - b. perform aggressive and deliberate close shaves (M1 aggressive incidents marginally increased) to teach the rider a lesson,
 - c. but are much less likely to receive the much more common careless close shaves (M1 impatient/careless/lack of driving skills reduced)
 - d. and are much more visible to both overtaking and turning traffic (M3,M4,M5)

Here is an example of a road where I claim the lane for my own safety. This truck initially got quite close and wanted me to move over to share the lane but there is no space to safely do so. My speed along this section of 60kmh road is around 50kmh. My road position convinced the driver that sharing was not an option, and the truck then dropped back, moved into the next lane and overtook cleanly and safely. A small minority of dangerous drivers will do a deliberate close "punishment" pass in this situation, while splitting the lanes. Sharrows in the middle of the lane would legitimise my road position in the minds of drivers.



It should be noted that in the death of Richard Pollet on Moggil Road in 2011 (and many other deaths), the riders had chosen Option 1 above. In many situations it is not the safest option, and this decision can cost riders their lives. Option 2 causes more aggression, but the overall balance provides a safer ride in many circumstances. The main cause of the aggression is the popular (but incorrect) belief that roads "belong" to motor vehicles, and bicycles should "get out of their way". Option 2 needs to be legitimised and encouraged. While claiming a lane, I have had no M3 (left hook), M4 (right hook), or M5 (pull out) incidents, and a reduced number of M1 (close shave) incidents, leaving only an increased number of M6 (tailgating/aggression), and a relatively small number of M1 aggressive close shaves. My experience is only with urban roads with a speed limit of 60kmh or less.

I have presented multiple instances of video footage of close passes while riding on multi-lane roads, including aggressive close passes that included tailgating or horn abuse to the Queensland Police Service. I made multiple formal written complaints. The police state that there is nothing they can do as far as issuing a traffic infringement unless the driver admits their guilt, or actually collide with me (thus providing the evidence they passed too close). Even after escalating my complaints to the Assistant Commissioner Metro North, they are unable to take action against drivers.

Recommendation:

The left lane plus any shoulder width is either wide enough for a bicycle and a vehicle to safely share that space, or it is not. So:

1. Where the road is wide enough for a bicycle and car to safely share the space, reduce the width of the road lane (if necessary) and create a dedicated bicycle lane or shoulder of an appropriate width. This lane should not continually pop into and out of existence depending on the width of the road.
2. Where the width was **not** enough for a bicycle and car to safely share that space:
 - a) make it illegal to do so - change the road rules to ban motor vehicles from overtaking bicycles in the same lane on a multi-lane road – and enforce existing rules banning lane splitting – see [6.4 Road Rule 146 – lane splitting while overtaking bicycles] below; and
 - b) place sharrows in the centre of the left lane if the speed limit is 60kmh or less. This helps educate drivers that cyclists can/should ride there, and that they should be on the lookout for cyclists on this route.
3. Advertisement campaign that includes information regarding cyclist's ability to claim a lane
4. Include a question about this on drivers license theory exams

6.4. Road Rule 146 – lane splitting while overtaking bicycles

Road rule 146 states:

146 Driving within a single marked lane or line of traffic

(1) A driver on a multi-lane road must drive so the driver's vehicle is completely in a marked lane, unless the driver is—

- (a) entering a part of the road of 1 kind from a part of the road of another kind (for example, moving to or from a service road or a shoulder of the road); or
- (b) entering or leaving the road; or
- (c) moving from 1 marked lane to another marked lane; or
- (d) avoiding an obstruction; or
- (e) obeying a traffic control device applying to the marked lane; or
- (f) permitted to drive in more than 1 marked lane under this regulation.

I have presented video footage of multiple aggressive close passes, where this rule is broken, to the police. Drivers will move partially into the next lane to their right to overtake, before sliding back into the same lane after overtaking. This is an infringement of rule 146 as the driver did not move from one marked lane to another marked lane. As the police would not charge drivers for aggressive close passes, I attempted to get them to use this rule (of which the video evidence was clear), in the same way that Al Capone was done for tax avoidance. I took this issue to the level of the Assistant Commissioner, Metro North. However I was informed that the police are ok with vehicles breaking this road rule to overtake a cyclist, as they may exercise discretion in issuing traffic infringements, and that they would always exercise their discretion in this situation. This is in direct contradiction to this rule as overtaking cyclists is **not** an exception listed in this rule. It should be noted that a bicycle does **not** fit the definition of an obstruction in the road rules, so 146(d) is not relevant.

Recommendation:

1. This road rule should be advertised and then enforced; this requires a top down directive to the Queensland Police Service.

2. The rule can be clarified so that lane splitting a cyclist's lane while overtaking on a multi-lane road is explicitly made illegal. This would require motor vehicles to fully change to a different lane (thus leaving a safe passing clearance) when overtaking on a multi-lane road.

If the lane is wide enough to allow sharing, a bicycle lane (or wide shoulder) can be created. If the lane is not wide enough to allow safe sharing, it follows that such sharing must be disallowed. This would remove a lot of close passes (risk mode M1) that occur on multi-lane roads.

If this measure seems too "strong" to the inquiry, it could at least be applied to larger vehicles, for example any vehicle over 2 tonnes cannot overtake in the same lane as a cyclist.

6.5. Road Rule 187 – stopping in bicycle lanes

Unlike NSW, SA, WA, the NT, the ACT, and Tasmania, the Queensland Road Rules did not adopt the full text of Rule 187 of the Australian Road Rules. The Australian Road Rules place significant restrictions on stopping a vehicle in a Bicycle Lane. The Queensland version of this rule does not place any restrictions on this as the words "Bicycle Lane" were removed from the types of lane the rule applies to.

In Queensland, this means vehicles may park in bicycle lanes, which negates any advantages of having the bicycle lane in the first place. Vehicles parked in the bicycle lane force cyclists to continually move out into the next lane of traffic, which increases the number of bicycle to vehicle interactions, thus increasing the chances of an accident. Drivers are also less likely to accept bicycles riding in a standard lane when there is a bicycle lane, even though the bicycle lane is blocked by one or more stopped vehicles. This results in close passes and aggression (M1, M6).



The picture above shows a stunningly pointless bicycle lane on the Gold Coast, completely full of parked cars, with video here: <http://youtu.be/tIjoJWLTMK4>. The council will claim that this is dedicated bicycle infrastructure, and no doubt this car park will be paid for by the "bicycle infrastructure" part of the budget. What they have actually achieved is waste some green paint on a car parking area – and increased the danger for cyclists using this section of road.

Recommendation:

1. Adopt the Australian Road Rules version of Rule 187, to place restrictions on stopping in bicycle lanes.
2. If road space used by a bicycle lane is absolutely required for car parking use, the bicycle lane should be *removed* and replaced with sharrows or a new bicycle lane outside of the "dooring" zone. You can't really have your cake (parking) and eat it (bike lane) too.

6.6. Road Rule 144 – safe passing clearance when overtaking

Rule 144 only specifies that vehicles overtake at a “sufficient distance to avoid a collision” (Rule 144). This means that it is technically legal to overtake a cyclist with 1mm clearance with a speed differential of up to 100kmh with a B-double truck. To break this road rule you need to actually hit the cyclist. The recent court case about the death of Richard Pollet indicates that even hitting a cyclist is just fine, as long as you believed you had enough space.

Cyclists need more passing clearance than what is required to not directly collide with the cyclist, as:

- Cyclists need some space to manoeuvre around road obstacles such as debris (glass, sand, gravel, rocks, oil, sticks...), drainage grates, potholes and cracks/grooves (many of which may not be visible to the driver).
- Cyclists cannot maintain a precisely straight line due to their pedalling action (particularly when standing and climbing a hill)
- The action of crosswinds affect the bicycle’s steering and ability to maintain a precise line
- The slipstream of overtaking vehicles causes a buffeting action on a cyclist, with a similar result to crosswinds
- Large or fast vehicles can “suck” the cyclist inwards towards the vehicle.
- The shock of a very close pass can startle a cyclist into losing control or swerving towards the vehicle or into an obstruction on the side of the road
- A bicycle may not maintain a precisely straight line while the rider is doing a shoulder check (looking over their shoulder to check approaching traffic)
- The cyclist is unprotected and completely vulnerable to passing vehicles

Clearly, even though a vehicle may not directly run into a cyclist while overtaking, passing closely is very dangerous and may anyway lead to the cyclist impacting the vehicle’s side, going under its wheels, or losing control. Current road rules are totally inadequate, and modifications are required to legislate for safe passing clearances for cyclists.

Recommendation regarding overtaking bicycles in a lane on a multi-lane road:

The first part of my solution is to refer to my recommendations in [6.3 Narrow Multi-Lane Roads] and [6.4 Road Rule 146 – lane splitting while overtaking bicycles]. This would resolve the issue on multi-lane roads by ensuring that vehicles and bicycles do not attempt to share narrow lanes on multi-lane roads. This would have saved Richard Pollet’s life, by requiring the cement truck driver to change to a different lane rather than attempting to share a lane that was too narrow for both vehicles.

The issue is slightly more complex in other situations, because of the difficulty of adequately enforcing a minimum safe passing distance. However many road rules do specify precise distances in meters (eg. 127, 138, 150, 151, 153, 158, 170, 171, 172, 173, 174, 175, 190, 193, 194, 195, 196, 198, 199, 208, 209, 213, 295, 303) so a minimum safe passing distance for cyclists would not at all be a unique case. I suggest an approach where a wider safe passing distance is *strongly recommended*, and then an actual minimum is specified and enforced. This gives drivers a margin of error before they have definitively passed closer than allowed. Even simply knowing that such a rule exists would also have a psychological affect on drivers, encouraging them to leave a larger clearance than they otherwise would. As most drivers don’t set out to hit a cyclist, this will result in an increase in safety which is the main goal here.

A mandatory safe passing distance would not affect the ability of cyclists to overtake on the left (Rule 141), as in these instances the *cyclist is overtaking*, rather than the *other vehicle* overtaking the cyclist. The cyclist would still be required under Rule 144 to overtake at a distance to avoid a collision, and not to move back into the vehicle’s path until it is a sufficient distance away to avoid obstructing its path.

Law enforcement agencies **must** be empowered and directed to charge drivers based on video evidence where it is "obvious" that the minimum distance was broken, without needing to precisely know exactly how many cm of clearance were provided. As you can see from my videos linked to in [3 Common modes of risk] and [8 Example of a close pass], Queensland Police will **not** currently charge drivers for unsafe overtaking, no matter how close, even if combined with other offences such as horn abuse, or breaking rule 146 or 148A. **Current rules allow an "anything goes" environment when it comes to overtaking cyclists. Cyclists will continue to needlessly die in overtaking situations until legislation is enacted to apply a mandatory safe passing distance.**

Recommendation for safe overtaking:

1. Modify rule 144 to require the following:

A motor vehicle overtaking a bicycle is recommended to leave a safe lateral passing clearance of 1.5 meters, and must provide the following absolute minimum clearance:

a) Where the overtaking vehicle is travelling greater than 20kmh but at or less than 60kmh: 1m

b) Where the overtaking vehicle is travelling faster than 60kmh: 1.5m

This rule does not apply when the overtaking vehicle and bicycle are travelling in different lanes on a multi-lane road.

2. Empower or direct the Queensland Police Service to charge drivers who obviously pass closer than the required distance. Witness testimony from the cyclist or a 3rd party, combined with video evidence must be made acceptable proof of infringing this rule.

6.7. Bicycle Registration

The inquiry scope mentions bicycle registration. There are many negatives to bicycle registration; however one in particular is far more critical than the others so it is the only one I will discuss.

Bicycle Registration will reduce cycling participation. This means *fewer people riding, less often* – the exact opposite of what is needed. This will make cycling *more dangerous*, not less. Additional side affects of less cycling are obvious – increased reliance on cars and public transport, a less healthy population, and so on.

6.8. Road design

Most roads in Queensland do not adequately consider cyclist safety. Even specific "bicycle" infrastructure is often poorly designed.

Recommendation:

Road standards that apply to bicycles (such as Austroads Guide to Road Design, and Austroads Guide to Safety) need to be more adequately followed, rather than just followed when budgets allow, or when motorists would not be inconvenienced.

Cyclists could provide thousands of examples from all over Queensland but following are just two examples of poor infrastructure.

Example 1:

This Bicycle Awareness Zone on Herston Road, Herston, suddenly ends in the back of a car, with insufficient space for a cyclist to ride around it without entering the road lane. Note the parked car in this image is a small model, and is right up against the gutter. Larger or less well parked vehicles take the entire BAZ. Cyclists are not required to use the BAZ, however its presence leads drivers to expect cyclists to use it, and many will close shave cyclists having the gall to not use it. Additionally, what little BAZ space there is, is in the "dooring zone". This is a very popular route from Brisbane's northern suburbs to the city as it provides access to the Bikeway behind Victoria Park Golf Course and alongside the ICB.

**Example 2:**

Sylvan Road in Toowong. This ~800 meter long bicycle lane is a key link between two excellent pieces of Infrastructure – the Western Freeway bikeway and the Bicentennial Bikeway. It is one of the busiest pieces of cycling infrastructure in Brisbane. Yet many parts of it are fully or mostly in the "dooring" zone, as car parking is deemed more important than cyclist safety in one of the most highly trafficked pieces of cycling infrastructure in Brisbane. It is negligent design, and it does not meet Austroads Guidelines.



7. Education

Many drivers (and it has to be said, cyclists) operate with only a partial understanding of the road rules. Road education is key here. At the time of writing, even many of the submissions to this inquiry display a lack of understanding of the road rules – for example submissions 4 (passing on left, riding on footpaths), submission 7 (lights are already required), submission 8 (not giving way to a vehicle already in a roundabout), submission 9 (all enforcement suggestions are not in current road rules), and submission 10 (rule only applies to multi-lane roundabouts where cyclist is choosing to turn right from the left lane, rather than entering in the right lane).

Even some police officers have a motor vehicle-centric view of the roads. The first time I reported a close pass, with video footage, to The Gap Police Station on 15/2/2012, the Senior Constable (and his supervisor in the station) who handled my complaint threatened to charge me with unreasonably obstructing traffic, as “I should have been on the footpath” – even though I was riding at 30-50kmh on the road. His interpretation was that as I “could have been on the footpath” I was “unreasonably” holding up traffic. If this was the correct interpretation of the rules, bicycles would never be allowed on the road, and it demonstrates a common basic misunderstanding – bicycles *are* traffic. As the Senior Constable was supported by his supervisor, I had to write to the Assistant Commissioner Metro North (4/6/2012), requesting education for officers in the station, which was then provided...

Recommendation:

1. Run public safety campaigns to educate the public about the rights of cyclists – including clearing up common road rule misconceptions.
2. Increase number of questions relating to bicycles on drivers license exams
3. License holders to resit license theory exam every or every second renewal

Here is a list of a few road rules that are commonly not understood:

1. Bicycles are allowed to travel two abreast in a lane, or three abreast if one cyclist is overtaking
2. Bicycles do not *have* to use the road shoulder as that is a road related area (Rule 129(3))
3. Bicycles do not *have* to use bicycle awareness zones as they are also a road related area
4. Bicycles only need to keep as “near as practicable” to the left side of the road on a single lane road – where road means an actual road lane, not the shoulder, and where the cyclist may determine it is not practicable to ride in the dooring zone (Rule 129(3))
5. Bicycles are allowed to “claim a lane” on a multi-lane road
6. Bicycles may not pass a vehicle on the left that is indicating left and turning left

8. Example of a close pass

This extremely close "punishment for being on the road" pass happened to me on 23rd October 2012 at 06:14am. The clearance distance was approximately 10cm. I was doing approximately 45kmh at the time. The police claim to be unable to take any action against the driver. The photos are freeze frames from my video camera which were submitted to The Gap Police station, the roof of which is just visible in the images, as the incident happened barely 100 meters past the station.

It is very important to keep in mind that my camera was mounted on the centreline of my bike underneath my seat, so the right side of my body and my handlebars are about 35cm **closer** to the car than the camera viewpoint!



Note arrow pointing at side mirror:

