

The Research Director
Transport, Housing and Local Government Committee
Parliament House
George Street
Brisbane QLD 4000

20 July 2013

Dear Sir/Madam,

Please find attached my submission to the Transport, Housing and Local Government Committee's inquiry into cycling issues.

I am a 39 year old Specialist Anaesthetist residing in Brisbane with my family. I drive a car, ride a motorcycle and ride (many) bicycles for transport as well as sport & recreation. I have been riding for 35 years and have never had a serious incident. I currently compete in Ironman triathlons as an age-group competitor and did race road bikes some 20 years ago for fun. The vast majority of my cycling these days is for transport at slow, jogging speeds, with the remainder being training for my sport.

Throughout my life I have been fortunate to travel the world and experience life in many different countries & cultures; I try my best to note what they do well and what they do not, from an urban planning perspective.

This has allowed me to appreciate what a wonderful place Australia is, particularly the natural environment, but unfortunately also what a hostile place it has become to the people who travel within it. Our built environment, and the way in which we prioritise private motor vehicles over all other forms of transport, is something which needs to be addressed urgently.

Disappointingly, over the past twenty years cycling in Australia has been largely relegated to the status of a sporting or recreational pursuit or simply something 'only children do' before they can legally operate a motor vehicle. As a result we have a serious perception problem in the eyes of the average citizen (and even most 'cyclists'), those who govern and those who police us.

The sort of cycling that is being seriously neglected in this country has an even smaller voice than the current cycling body of 'avid cyclists'; that of utility or transport cycling.

Some of my suggestions are not specifically State Government issues, however there is a real need in this country for greater cross-pollination of ideas, particularly those affecting where we live and how we live. Fortunately the umbrella of 'Transport, Housing and Local Government' covers most of my points.

Improving things for 'cyclists' is actually about improving things for people in general. It makes for a better society.

I have attempted to keep this submission succinct. Unfortunately, due to my busy schedule I was not able to include references but I can supply them should the committee require further information.

Sincerely,

Specialist Anaesthetist
MBBS, FANZCA

Bicycle Registration

The issue of bicycle registration must be denounced and little time should be devoted to discussing it. It is tiresome enough to see this being raised by the most ignorant (and aggressive) in society but even more so when politicians raise it.

Vehicle registration is effectively a *tax on the damage a vehicle does to the environment, both natural & built*. For a bicycle this is either 'nothing' or 'negative'. In other words, cyclists should be *paid* to ride instead of drive. It makes no economic sense to register bicycles (or other predominantly human powered devices), nor their riders.

This denouncement needs to go hand-in-hand with an education campaign explaining how our roads are *actually* funded: through general revenue (income taxes, rates, etc) which we all pay directly or indirectly. There are many roads where bicycles are prohibited currently. Perhaps this information can be included with a licence renewal notice?

Vehicle registration doesn't come close to covering our road maintenance bills let alone new construction, in much the same way that cigarette taxes do not cover the cost of smoking related disease. Registration should *never* be seen as the 'ticket' to have the right to use the roads at the expense of others. The roads are *public* space, not motorists' space, but you'd be forgiven for thinking otherwise. This attitude needs correcting.

Vehicle registration also doesn't prevent law-breaking (another reason why it is often demanded for cyclists). This is quite apparent with motor vehicle registration & the application of number plates. Registration for cyclists is simply 'anti-cycling' dog-whistling politics.

A possible solution could be to abandon the cost of vehicle registration & CTP (and possibly even Comprehensive Insurance) entirely and roll it into the price of fuel, based on an average motorist's usage. Vehicles would still require 'paper registration' for identification & roadworthiness purposes.

This could benefit those with many cars which are rarely driven (collectors) and those who drive very little (pensioners). However, those who choose to drive excessively pay a greater price - entirely their choice. I believe this is fair and equitable.

This reduction in the fixed charges of owning a motor vehicle could also make people less likely to use a car for unnecessary trips to 'get their money's worth' from hefty fixed charges.

Bicycle Specific Legislative Changes

Pedestrian Crossings

In Queensland it is legal to ride a bicycle on a footpath. Yet oddly, it is illegal to ride from one footpath to another on a signaled pedestrian crossing or zebra crossing. I have witnessed 'crackdowns' by the police at zebra crossings which are almost exclusively used by cyclists due to their location, all in the name of safety. This is simply *safety theatre and a waste of police resources*.

Please consider amending the law to allow a cyclist to ride across a zebra crossing or signaled pedestrian crossing without dismounting, with care and giving way to pedestrians at all times.

Stop Signs

Currently it is a legal requirement for a cyclist to come to a complete stop at a stop sign, even if the way is clear and there is no conflict. As the momentum lost by stopping is derived from human exertion, this can be hard work for someone on a bicycle, particularly if the stop sign is on an uphill.

Again, I have witnessed the police conducting 'blitzes' on cyclists failing to stop completely at a stop sign on streets where traffic is virtually absent and no conflict present. This is an absurd waste of the police's time and creates hostility towards police officers due to the petty nature of the offense.

For more information on this, research 'Idaho Stop' to understand how this can work. It has also just been recently introduced in Paris.

Please consider allowing cyclists to not be required to stop at stop signs. Instead, they could be permitted to treat them as give way signs (unless otherwise signed). They must, however, stop & give way to all other traffic, including pedestrians, if present.

Red Lights

Frustratingly, many bicycles do not trigger induction loops for traffic signals. Most of the time this isn't an issue as another vehicle will trigger the sensor. Sometimes however, it can be extremely frustrating. I have a few such intersections on my ride to work in the early hours of the morning. I am faced with a dilemma: do I wait until a car approaches (I have waited 10 minutes or more in the past) or do I safely ride through the red light, if clear?

I usually choose to ride safely through the red signal when the way is clear. This is not 'running a red' as most people seem to froth at the mouth over and is yet another aspect of the environment favouring motor vehicles.

Please consider allowing cyclists to treat red lights as stop signs are currently treated (unless otherwise signed) and cycle through the intersection after stopping, but only if safe to do so (including giving way to all traffic, including pedestrians).

Bicycle riders could also be legally permitted to turn left on a red light at any time, with care (unless otherwise signed), as is being proposed currently for motorists.

Discrimination at Roadworks

I have been forced to dismount my bicycle at roadworks for no good reason on numerous occasions. The only explanation I have been given is that it 'impedes' motor vehicle flow. This is offensive.

Unless we insist that motorists stop and push their cars & motorcycles through roadworks, cyclists should never be required to dismount their bicycles through roadworks. If the path through roadworks is of such poor quality it is dangerous for cyclists then adequate provision for cyclists ideally should be provided for the diversion.

Bicycle Helmets

I have a number of concerns about bicycle helmets & bicycle helmet legislation.

Firstly, the law specifies that we must wear an 'approved' bicycle helmet. This means a bicycle helmet that conforms to the Australian Standard (AS/NZS2063:2008) and no other.

The law does not recognise the almost identical European Standard (EN1078), nor the US Standard (Snell B95) for cyclists in Australia, with the exception of cyclists competing in races here in Australia, when they suddenly become legal!

The cynic in me would suggest this is industry protectionism (particularly for the Australian Standards testing authority). My racing helmet conforms to the EN1078 standard yet is illegal for me to use while riding in Australia, except when racing. This makes no sense at all. Many European Standards are perfectly acceptable in Australia, particularly with motorcycle accessories.

Please consider allowing bicycle helmet standards that are deemed good enough for the UCI (Union Cyclist Internationale) or the ITU (International Triathlon Union) to be legal for use in Australia on roads & road related areas. Specifically, the European (EN1078) and US (Snell B95) Standards.

In Australia, we have been burdened by an all-age, enforced, national bicycle helmet law (with the exception of the Northern Territory) for twenty years. It was introduced as part of a package the states had to accept to secure black spot road funding from the Federal Labor Government. In that time we have seen the demographics of cycling change significantly from one of utility & transport to one of predominately sport & recreation, where few people cycle in normal clothes for short transport trips.

The head injury rate for cyclists had been trending down in the years prior to the helmet laws' introduction, at the same rate that car occupant & pedestrian head injuries had been trending down. In other words, the helmet law has made no difference to safety.

Interestingly, the Northern Territory allows adults cyclists to ride without helmets on foot- and cycle-paths and they have the highest bicycle mode share, greater utility or transport cyclist numbers and a greater percentage of women riding than *any other state or territory*.

While we have seen cycling numbers rise over the years in absolute term, in relative terms (that is, per capita; the figure that *really* matters), cycling participation is as low as it's ever been in the past 20 years, particularly as a means of transport. This is particularly evident when seeing how children arrive at school. Bike racks are mostly empty (if they exist at all) and plenty of children now arrive by scooter (not burdened by helmet laws), if they are not driven in SUVs.

The helmet law is also an impediment to our public bicycle hire scheme, CityCycle. There are only two bicycle hire schemes in the world that exist in jurisdictions with bicycle helmet laws: Melbourne & Brisbane. Both have usage statistics several orders of magnitude lower than other schemes. Many excuses are used but when other schemes are examined in detail, it is clear that these excuses hold no merit. Both Mexico City & Tel Aviv repealed their bicycle helmet laws to enable their bike share schemes to flourish. They have.

Another aspect of bicycle helmet legislation is that the worldwide evidence doesn't support it. The only evidence supporting helmet laws comes from Australia and many of the 'studies' look at helmet efficacy (a different subject) and then comment on helmet laws. They fail to correct for drunk cyclists and other confounding factors and when discussing head injuries, they include even the most minor of bumps in the definition. This is unhelpful & confusing.

Most of these studies are not peer reviewed, nor published in reputable journals. The recent CARRS-Q Monograph was a non-peer-reviewed Labor Government funded 'brochure' which made conclusions without analysing the evidence. It would never be published in a journal.

The more recent study from Dr Michael Dinh in the Medical Journal of Australia was also not a peer-reviewed study. It was simply a *letter to the editor*, something nobody, including the media who reported it, noticed. It's a sneaky way to have a citation in a journal. The numbers were so homeopathically small, it is not possible to draw any conclusions from the data. Not to mention the fact that they did not correct for confounders.

Bicycle helmet laws are an impediment to cycling. Not to sport cycling, but to slow, transport cycling which is very safe indeed. Any impediment to cycling is a bad thing considering even moderate cycling (to the shops for example) has a net benefit to society and the individual.

Cycling without a helmet is safer than not cycling at all.

Please consider repealing or amending the bicycle helmet law. Simply make it a legal choice, instead of a punishable crime as it currently stands (the fine is \$110). There are myriad places where cycling without a helmet is perfectly safe & reasonable.

If this is unpalatable (despite worldwide evidence they're a waste of time) it could initially be repealed on roads with speed limits of 50km/h or less and on foot- and cycle-paths. This is consistent with users of wheeled recreational devices limited to such locations and not being required to wear helmets by law.

I would also recommend considering an exemption for our public bicycle hire scheme regardless.

Penalties

The punishment should fit the crime.

Infringement penalties should accurately reflect the potential harm caused by the infringement. It makes no sense that the penalty for a cyclist failing to stop at a stop sign is the same as a truck driver failing to stop at a stop sign when it is clear that the consequences for a third party would be vastly different if hit by one or the other. Add to the fact that the cyclist is vulnerable and is likely to be just as injured (or more so) than the third party.

Ultimately, fines should be there to punish behaviour which may harm another individual with the fine amount indicative of the relative potential harm that may result.

The flip-side of this is that behaviour which endangers the lives of other road users, particularly pedestrians & cyclists, should be punished more severely.

Please consider ensuring fines are appropriately structured to reflect the potential harm to others that may occur as a result of the breach.

This could include increasing the fines & punishment for drivers of motor vehicles who drink drive or speed excessively, particularly repeat offenders. Where the risk to society be deemed great, punishment should include the destruction of the vehicle (whether it is theirs or not as any 'friend' would know what they're engaging in).

Liability Changes

I have seen many people struggle to simply obtain a replacement bicycle or pay for medical bills after having to 'prove' that they did absolutely nothing wrong when hit by a motorist. This has caused considerable mental & physical suffering, while the motorist simply requires some touch-up paint.

Occasionally the cyclist has been charged for the crime of 'obstructing a motor vehicle' when the sole cause of the crash was the driver failing to give way as they are required to do by law. This is absurd.

The burden of proof for civil liability should be changed such that a motorist must be able to prove that a cyclist was breaking the law which resulted in the collision, otherwise they are liable for damages.

Why is it acceptable for the cyclist to prove that they were not doing anything wrong? They have everything to lose.

The Built Environment

Signal Buttons

A common complaint by pedestrians & cyclists is the lack of priority given when 'requesting' to cross the road at a signalled crossing. My experience is that in the absence of any cars also wishing to cross, pedestrians and cyclists have to wait a considerable time for the signal to change, even if there are no conflicting vehicles. As soon as a vehicle arrives, also wishing to cross, the signals magically change within 30 seconds.

It is quite clear that crossings prioritise motor vehicles over everyone else. This is one of the main reasons why pedestrians choose to jaywalk and why cyclists 'run' red lights. The reality is that both groups cross with care having grown tired of waiting their turn.

Please consider allowing pedestrian & cyclist crossing requests be acted upon within 30 seconds of a button press.

Speed Limits

The cause of death and injury on our roads, particularly to vulnerable road users, is almost exclusively due to motorised traffic.

There is a very clear, well described relationship between the survivability after being hit by a motor vehicle and the speed at which the the motor vehicle was traveling. A vehicle traveling at 65km/h results in an 85% chance of death for a pedestrian. At 50km/h this drops to 45%, but at 30km/h this drops to 5% (with 30% totally uninjured)

Simply lowering the posted speed limits is insufficient in isolation if we are going to insist on draconian engineering solutions which recommend roads that allow people to drive at greater speeds 'safely' - safer for whom precisely? Speed limit changes therefore need to occur *in conjunction with 'filtered permeability'* (see below).

Slower speed limits make it safer to cycle & walk, safer to cross the road and surprisingly easier for motorists to join the traffic flow as gaps in traffic are more manageable. Average speeds across the city for motor vehicles are not much above 30km/h anyway.

Please consider lowering speed limits in residential areas and the CBD to 30km/h and busier through- (or feeder-) roads have a speed limit of 50km/h. Higher limits should be reserved for dual carriageways & motorways only.

Anybody who believes this is a bad idea is effectively implying that a 45-85% death rate for cyclists/pedestrians, after being hit by a car, is acceptable.

This really needs to occur in conjunction with road layout changes (see filtered permeability, below)

Filtered permeability

Our street system allows anyone traveling from A to B to use a multitude of different routes, many of which run through residential streets, almost always not the residential streets of these drivers. This process is widely known as rat-running.

Rat-running motorists, often speeding through residential areas, place a significant burden on local neighbourhood streets. The increased traffic flow damages roads, decreases the amenity of the neighbourhood particularly with regard to noise pollution and increases the risk of accidents and it makes the streets 'no-go zones' for most people. The sight of children playing in neighbourhood streets is a *good thing*, yet we have lost sight of this. Those rat-running have little regard for the areas they drive through although they seem to complain about people rat-running through 'their' streets.

Simply placing 'traffic calming' devices on these streets does little to prevent the rat-running and in some cases makes cycling on them more dangerous (eg. pinch points & chicanes) by obscuring sight lines and narrowing wide roads.

Filtered permeability is the process where the residential road network is accessible to everyone but through-access is limited to those traveling by bicycle or by foot. It can be achieved simply by the placement of trees or bollards and costs little to implement. Some newer suburbs have something similar but it is as restricting to pedestrians & cyclists which effectively destroys the benefit.

More sophisticated treatments in key areas (for council buses, emergency vehicles or garbage trucks) can use remotely controlled, retractable bollards if necessary.

Please consider modernising our residential road networks to increase amenity for those that live there instead of increasing the 'choice of route' for motorists who speed through them. Countries like The Netherlands do this very well. It means that many streets do not need special treatments for cycling. They are naturally safer & more pleasant to cycle on.

Bicycle Paths & Lanes

If the above speed limit & filtered permeability changes are implemented it then becomes apparent that bicycle specific infrastructure is not required 'everywhere' as the environment has been tamed to make cycling and walking subjectively & objectively safer. People often confuse 'provisions for cyclists' with 'expensive infrastructure' and recoil at the suggestion, particularly as they don't cycle, but if the environment is designed carefully, it is often not necessary to change much at all.

Where streets have speed limits of 50km/h or above, provision should be made for high quality, wide physically separated cycle paths of sufficient standard that two cyclists can ride side-by-side comfortably - 'conversational cycling'.

On such streets, on-street parking should be removed and if bicycle 'lanes' are implemented they need to be wide and never in the door zone. It should also be illegal to park in a bicycle lane. Currently this is legal in Queensland. A single vehicle blocking a bicycle lane renders the entire lane ineffective and greatly increases the risk of conflict.

CBD Congestion Charging

Many vehicles in Brisbane's CBD are simply transiting the area. A recent survey also showed that the vast majority of people traveling to the city do not use private motor vehicles to get there.

This unnecessarily increases traffic volumes & noise and degrades the public space. We have our tolling system backwards in this country. Instead of tolling all the bypass roads we should make them free, tolling the CBD instead.

Unfortunately the public-private partnerships used to construct & run our bypass tollways makes this potentially difficult, but not impossible, to implement.

Please consider a CBD congestion charge for transiting private motor vehicles, provided the currently tolled bypass roads (Gateway & Logan Motorways) & all tunnels are toll free. This is not a ban on CBD driving, simply the imposition of a cost on doing so.

Zoning Changes

One significant downside of our over-reliance on the private motor vehicle has been the design of our suburbs. Instead of a healthy mix of commercial & residential enterprises (and I mean more than simply cafes & hairdressers...), we have large swathes of residential areas with little or no commercial (of utility) contained within them.

The result is that people often need to drive to perform simple shopping tasks. The great cities of the world do things differently and part of the problem is our restrictive zoning regulations.

Please consider more flexibility in construction of our neighbourhoods, including encouraging more mixed commercial & residential properties, particularly within suburban unit complexes. Ground floor tenancies should be commercial if possible with more bicycle parking than car parking (if any). If the density is adequate and the commercial space close by, people do not need to drive.

Bicycle Parking Facilities

In countries with a high bicycle modal share, large scale public bicycle parking facilities are seen as a net benefit to society. In Australia it seems as though we need to have everything run as a profit-making enterprise (including public transport!?) while we fail to notice that the 'profit' is often an externality that cannot be easily measured at the cash register. Bicycle parking centres such as the QUT & King George Square facilities have pricing structures that are only slightly cheaper than if one were to use public transport to travel to the city. Probably no coincidence.

The focus on 'end of trip facilities' for buildings is great for those that work in that building but they are of little use to visitors. Casual parking in secure facilities is often prohibitively expensive.

Secure bicycle parking should be free (or very cheap) to encourage usage; they should not be run as a profit-making business as the net benefit to society is large; they should be open almost 24 hours per day, 7 days per week. They do not need to be constantly staffed to be secure.

Density changes

It seems that many politicians & developers believe the solution to our 'sprawl' problem is to go the other way, and to the extreme.

The solution to our low density outer suburbs is *not* extremely high density properties in a few inner suburbs. This creates problems of its own providing services to such high numbers of new residences, particularly as our zoning laws restrict what can and can not be built in these areas.

Please consider a greater focus on more medium density dwellings in the inner suburbs and for high rise buildings in these suburbs to be limited to 4 stories. This will mean allowing height restrictions to be eased in some areas. Encouraging more quality and not just quantity is important.

On road bicycle treatments

I have often complained about many treatments on roads for cyclists and I'm simply told that they meet the 'standards' and that's the end of the discussion. This includes absurd bicycle lanes on roundabouts where bicycles have to give way to exiting vehicles (!); green strips of paint leading up to intersections, sandwiched between two lanes of vehicles traveling at 60km/h; and narrow bicycle lanes adjacent to parked cars or gutters full of glass & other detritus. Such treatments 'meeting the standard' have not helped prevent several high profile deaths of cyclists in Queensland. This is not good enough.

If it is not safe enough for an 80 year old or an 8 year old to use comfortably and without ambiguity, it's really not good enough. I have noted that the standards in use do include what would be considered 'Gold Standard' treatments for cycling infrastructure (like many

treatments in the Dutch CROW manual) but depressingly, they also contain the other end of the spectrum - dangerous rubbish.

Please consider overhauling the design standards such that politicians & engineers cannot simply state that because a design meets a 'standard' that it is good enough. We can do better than this.

Broader Issues

Transport Funding

Funding for transport in Australia is reactive, not proactive. As a result usage statistics stagnate. For the last decade, numerous 'Cycling Strategies' have come and gone. They all trumpet the same goals (albeit with different fonts & pictures) but the result is the same: no change. Most changes happen in spite of the poor funding. This applies to public transport funding too.

Public transport, combined with cycling (to the local station) is an extremely powerful combination but we encourage people to drive to the station more than we encourage them to cycle. Many of my other suggestions will help fix this (filtered permeability, lower speed limits, better bicycle parking).

If we expect to see X% modal share for a given transport type (public transport, cycling, etc) then we really need to spend X% of the transport budget on that mode.

Only by being proactive will we see real change. This requires visionary and bold individuals.

Driver's Licencing

Unlike many European countries, obtaining a drivers licence (for all classes) in Australia is exceedingly easy (and cheap) and it is exceptionally difficult to lose it once you have it. This probably helps reinforce this misconception that it is a 'right' when it is very much a privilege (much like a gun licence - an apt parallel).

Please consider incorporating bicycle training/riding into the learner's permit so that people appreciate how different it is when not encased in steel & glass. Many motorists obtaining their licence have either never ridden a bicycle or the last time they did was in circles with trainer wheels as a child. This is a problem.

Please also consider compulsory retesting (for a nominal fee) every few years for all driver's licence holders. The form of the test could be based on their history since the last test. It may be simply a test of the road rules (including recently changed laws) or, if they have received infringements, a practical driving test.

END