

Mr Howard Hobbs MP
Chair
Transport, Housing and Local Government Committee
Parliament House
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**Submission to the Transport, Housing and Local Government Committee
Inquiry into Cycling issues**

Dear Mr Hobbs,

Thankyou for the opportunity to make a submission to your inquiry into cycling issues.

I have been riding a bicycle for transport within Brisbane for over 40 years, and have cycled in Europe, the United States and Canada. I offer the following comments in regard to the inquiry.

Sincerely

David Russell



Bicycle Registration

The purpose of registration for cyclists is not clear. For motor vehicles TMR states: “It ensures accurate and secure vehicle records are kept. This allows the Department of Transport and Main Roads to identify registered operators and manage, develop and improve road infrastructure. the department can identify and manage registered operators and support the safety and security of Queensland's road transport. [Registration fees](#) also provide essential funding for the development and maintenance of our road network.”

Two main purposes can be derived from the above:

- Vehicle security and safety
- Funding of road infrastructure.

Vehicle Safety and Security

Motor vehicles require a Road Worthy certificate in order to be registered. This is usually obtained at the time of purchase. Would an analogous system for bicycle registration operate in a similar manner? There are currently about 4,000 bicycles being offered for second hand sale in Queensland – some for as little as \$5. Will these require inspection and registration?

Funding Infrastructure

For bicycles, regarding funding the development and maintenance of the road network - The vast majority of those riding bicycles are substituting their bicycle trip for one which would otherwise be made in a car. That car would have been registered and the funding from that registration has effectively been paid by that cyclist.

The overwhelming majority of roads and paths used by cyclists are funded through Council rates. . State vehicle registration currently does not even fully fund the cost of roads funded by the State, so people who ride bicycles are already contributing significantly to funding the roads they ride on. Given the tiny impact that bicycles have on the road, it is likely cyclists are already contributing disproportionately to the costs of our roads, through their rates.

It is difficult to see how what might be seen as a fair registration fee would cover the cost of administration of the system. A fee that would cover the cost of administration including inspection of bicycles is likely discourage some reasonable portion of those currently cycling, and even more of those contemplating it. It is therefore not in keeping with current government policies looking to increase the proportion of the community that is cycling.

Penalties and Sanctions

There is a number of penalties that are differentially weighted depending on the road user. This is appropriate as the negative consequences of the sanctioned action are likely to fall disproportionately on the lighter and more vulnerable road user – the cyclist ie: the consequences of someone failing to observe a Stop Sign while riding a bicycle are likely to be very different than if they were driving a road train.

Existing Road Rules

There is a number of the current rules that discriminate against people riding bicycles by giving them a lower status on the road than other road users. These rules create confusion by having one rule for those who drive a car, and, for no apparent reason, another for people riding bicycles. Some rules make riding a bicycle unnecessarily inconvenient.

There is a community desire to ride bicycles for transport more often. This is evident from numerous surveys, and by the fact that bicycles have outsold cars consistently over many years.

Community needs have not been met as the proportion of people riding bicycles for transport has remained static over the last 30 years as evidenced by Census Journey to Work mode data. This is really the only reliable and consistent data source for measuring cycling rates as compared to other transport modes. Sample sizes in Household Travel Surveys are too low to reliably measure trends in cycling rates. Cycling participation rates do not offer a sufficiently robust measure to gauge the success of cycling strategies. A large increase in the number of children riding bikes in parks would be enough to increase the “participation rate”, however this would not be reflected on our roads.

The obvious drop-off in riding as children age has continued, and the number of children riding bicycles and walking to school has continued to decline. A striking example of this is the now largely empty bicycle racks at the Miami State High School. These secured hundreds of bicycles in the 1970s.

Cycling rates for communities essentially comparable with Australia in some parts of Europe are more than 10 times higher than in Australia. These disparities indicate the road rules are part of a transport system that is not meeting the needs and priorities of the community.

Governments have indicated through a number of strategic policy documents over many years that they have been aiming to increase the proportion of people riding bicycles. These targets have not been met.

Vehicle Standards Rules are currently inconsistent with the safe systems approach. The safe system approach relies “on strong economic analysis... and direct investment into those programs ... where

the greatest potential benefit to society exists.” It also aligns “safety management ... with broader societal decision making to meet economic goals and human and environmental health goals”. Death and injury rates for people riding bicycles are not falling in line with those of other road users, and are much higher than in exemplary OECD countries.

Numerous surveys of people who would consider riding bicycles for transport but do not show their primary reason for not doing so is fear for their personal safety on the road. The proportion of men riding bicycles for transport is about 3 times higher than it is for women, and the age profile of those riding does not reflect that of the general community.

The road rules have not encouraged any more bicycle riding over the last 30 years.

In a safe system these biases would not be evident. Safe systems are also “..underpinned by comprehensive ... communications structures ...”, under which rules would be understood by all.

Only 41% of those surveyed in the community in a recent Transport Commission Road Rules survey were very confident about rules involving cyclists. This was one of the lowest ratings, and needs to be addressed as part of a safe system approach.

I therefore suggest the following road rules be changed.

Suggested Modifications

Current Rule

Dictionary

Bicycle: means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor), and:(a) includes a pedicab, penny-farthing and tricycle; but

(b) does not include a wheelchair, wheeled recreational device, wheeled toy, or any vehicle with an auxiliary motor capable of generating a power output over 200 watts (whether or not the motor is operating).

Modification Required

The rule should be amended more in keeping with the EU along the lines of: “cycles with pedal assistance which are equipped with an auxiliary motor having a maximum continuous rated power of 0.25 kW, of which the output is progressively reduced and finally cut off as the vehicle reaches a speed of 25 km/h, or sooner, if the cyclist stops pedalling”.

Reasoning

The current 200 watts limit is too restrictive. For many of the newer types of utility bicycles such as cargo bikes, and tandems, 200 watts is too low to make a significant difference, especially when climbing hills or carrying a significant load. The suggested amendment would allow Australia to take advantage of developments in electric bicycles currently underway elsewhere in the world. Requiring a 25km/h cut-off would limit any danger from greater speeds while allowing all the benefits of the auxiliary motor.

Current Rule

25 Speed-limit elsewhere

(1) If a speed-limit sign does not apply to a length of road and the length of road is not in a speed-limited area, school zone or shared zone, the speed-limit applying to a driver for the length of road is the default speed-limit.

(2) The default speed-limit applying to a driver for a length of road in a built-up area is 50 kilometres per hour.

Modification Required

The default speed limit should be changed to 30km/h.

Reasoning

“Safe systems typically: Aim to ... accommodate human error ... through better management of crash energy, so that no user is exposed to crash forces likely to result in death or serious injury.” There is ample worldwide evidence to show that in a collision between a motor-vehicle and a vulnerable road user, the risk of serious injury or death increases disproportionately when the impact speed is over 30km/h.

One of the key safe system strategies is posting speed limits in response to the level of protection offered by the road infrastructure. Roads where the default speed limit applies are generally those that people prefer to ride bicycles on. They tend to offer the least levels of protection, especially to vulnerable road users. Vulnerable road users should be offered every protection possible by reducing the default speed-limit to 30km/h.

Current Rules

26-29 Left Turns

Modification Required

These rules should be amended to ensure drivers turning left give way to people riding bicycles in the left lane but travelling straight ahead.

Reasoning

The rider of a bicycle wishing to travel straight ahead through an intersection with a marked left turn lane, has to merge with the traffic travelling in the lane to their right. It is not uncommon that while the bicycle rider is merging into the right hand lane but has yet to exit the left hand lane, motorists will overtake them on their right. This is both frightening and dangerous, and can be resolved by changing the rule as suggested.

Current Rules

72 & 73 Giving way at an intersection

Modification Required

These rules should be amended to oblige drivers to give way to people riding bicycles as well as to pedestrians.

Reasoning

People riding bicycles are vulnerable road users like pedestrians and warrant the same status. The onus of safety needs to be placed on the most powerful and advantaged road user to give way to, and take care around vulnerable road users.

Current Rule

81 Giving way at a pedestrian crossing

(2) A driver must give way to any pedestrian on a pedestrian crossing.

Modification Required

This rule should be amended to oblige drivers to give way to people riding bicycles on a pedestrian crossing.

Reasoning

I am proposing an amendment to Rule 248 to enable people to ride bicycles across a pedestrian crossing, and Rule 81 will need to be amended to accommodate this.

Current Rule

83 Giving way to pedestrians in a shared zone

A driver driving in a shared zone must give way to any pedestrian in the zone.

Modification Required

This rule should be amended to oblige drivers to give way to people riding bicycles in a shared zone, it should also be amended to oblige people riding bicycles to give way to pedestrians.

Reasoning

People riding bicycles are vulnerable road users and the onus needs be placed on motorists to give way to them in a shared zone. Likewise, pedestrians are vulnerable and should be protected from faster moving people riding bicycles.

Current Rule

248 No riding across a road on a crossing

(1) The rider of a bicycle must not ride across a road, or a part of a road, on a children's crossing or a pedestrian crossing.

Modification Required

This rule should be removed.

Reasoning

Currently people riding bicycles are required to dismount whenever they need to cross a pedestrian crossing. Less confident riders prefer to ride on the footpath (legal in Queensland), and will be faced with many more pedestrian crossings than those riding bicycles on the road. Many people riding bicycles wear shoes designed solely for cycling. These generally have very slippery stiff plastic soles, with cleats for attaching the shoe to the pedal. The cleats generally sit proud of the sole such that when walking in cycling shoes, the front of the foot is significantly above the level of the heel. Walking in cycling shoes is consequentially difficult, and potentially unsafe.

The requirement to remove this rule is recognised through the increasing number of signalised intersections that are being retrofitted with bicycle lanterns. To retrofit, all signalised pedestrian crossing lanterns to include bicycles would be prohibitively expensive, time consuming and wasteful given that a simple rule change will have the same effect.

The requirement to remove this rule is also recognised by the frequency with which police bicycle squad members disregard it and ride across pedestrian crossings.

Most pedestrian crossings are controlled by traffic lights and crossing against the colour would be illegal. The few mid-block zebra crossings, are in locations where it is difficult to approach riding a bicycle at speed. Usually a person riding a bicycle must make a right angle turn from the footpath, and in many instances negotiate a gutter, to cross at a zebra, or mid-block pedestrian crossing.

The current rule does not apply where the pedestrian crossing facility is a mid-carriageway refuge, and where the situation is essentially the same as if it were a pedestrian crossing. In certain instances where zebra crossings are mixed with pedestrian crossings controlled by cycle lanterns the current rule is leading to confusion for motorists regarding the behaviour of those riding bicycles. They walk at the zebra crossing, but are permitted to ride at the bicycle lantern.

Provision within the rules should be made for people riding bicycles to be prohibited from riding across pedestrian crossings with very high numbers of pedestrians (eg: inner city all directions “scramble” crossings).

Current Rule

119 Giving way by the rider of a bicycle or animal to a vehicle leaving a roundabout The rider of a bicycle or animal who is riding in the far left marked lane of a roundabout with 2 or more marked lanes, or the far left line of traffic in a roundabout with room for 2 or more lines of traffic, other than animals, bicycles, motorbikes or motorised wheelchairs, must give way to any vehicle leaving the roundabout.

Modification Required

This rule should be amended to require drivers leaving the roundabout to give way to the rider of a bicycle.

Reasoning

This rule is clearly dangerous to people riding bicycles on multi-lane roundabouts. It requires the person riding the bicycle to be constantly looking backwards for a driver wishing to exit the roundabout, at the same time they need to be looking ahead for vehicles entering the roundabout in case they fail to give way.

Recognising the difficulty of negotiating a multi-lane roundabout on a bicycle, the rule should be amended to require motorists to give way to people riding bicycles (as is currently the case in the Netherlands).

Current Rule

187 Stopping in a bicycle lane, bus lane, tram lane, tramway, transit lane, truck lane or on tram tracks ...

(2) A driver must not stop in a bicycle lane unless:

(a) the driver:

(i) is driving a public bus, public minibus or taxi, and is dropping off or picking up, passengers;

(ii) is permitted to drive in the lane under the Australian Road Rules or another law of this jurisdiction; or

(b) the driver is permitted to stop or park in the bicycle lane under another law of this jurisdiction.

Modification Required

Parts 2 (a)(ii), and (b) should be removed in Queensland to bring the state into line with the rest of Australia.

Reasoning

Parking should not be permitted in a bicycle lane. Bicycle lanes are provided to encourage people to ride bicycles. Riding in a bicycle lane next to parked cars causes anxiety as there is the potential for a careless driver to open their door into the path of the rider.

Current Rule

Rule 245 Riding a bicycle

The rider of a bicycle must:

...

(c) if the bicycle is equipped with a seat — not ride the bicycle seated in any other position on the bicycle.

Modification Required

Part C should be amended to allow a bicycle rider to ride out of the saddle. The rule should also be amended to require the rider of a bicycle to have both feet on the pedals, unless they are stopping.

Parts 2 (a)(ii), and (b) should be removed in Queensland to bring the state into line with the rest of Australia.

Reasoning

Riding a bicycle up a hill will often require the rider to do so out of the saddle. Full control of a bicycle is best maintained with both feet on the pedals.

Current Rule

247 Riding in a bicycle lane on a road

(1) The rider of a bicycle riding on a length of road with a bicycle lane designed for bicycles travelling in the same direction as the rider must ride in the bicycle lane unless it is impracticable to do so.

Modification Required

This rule should be removed.

Reasoning

The need for the rule is unclear. Bicycle lanes are frequently short and discontinuous. In Queensland there is no road rule preventing parking cars in bicycle lanes so riding entirely within the lane brings with it the risk of having a car door opened into the path of the rider. In peak hour congestion it is often easy to travel at the same speed as the general traffic. A defensive riding position will often best be achieved by riding in the traffic – outside a bicycle lane.

Current Rules

125 Unreasonably obstructing drivers or pedestrians

253 Bicycle riders not to cause a traffic hazard

236 Pedestrians not to cause a traffic hazard or obstruction

Modification Required

These rules should be redrafted to place onus of care with those driving motor vehicles.

Reasoning

The current rules place a much higher requirement on those walking and riding bicycles, than on those driving a potentially lethal motor vehicle. Motorists have the greatest potential to cause harm to others, especially vulnerable road users. They should be required to take the greatest care.

Current Rule

Rule 300 Use of mobile phones

(1) The driver of a vehicle (except an emergency vehicle or police vehicle) must not use a mobile phone that the driver is holding in his or her hand while the vehicle is moving, or is stationary but not parked, unless the driver is exempt from this rule under another law of this jurisdiction.

Modification Required

The words “is holding in his or her hand” should be removed.

Reasoning

There is ample and increasing worldwide evidence that using a hands-free device is only slightly less distracting than using a hand held one. The safe system approach should be adopted. There is clearly an issue here when 61% of motorists surveyed for the community satisfaction survey admit to using their phones while driving.

Proposed New Rule

Minimum safe distance for a motor vehicle overtaking a person riding a bicycle

Reasoning

Motorists frequently pass people riding bicycles with an unacceptably small and unsafe gap. A number of European countries which have a significantly higher proportion of people riding bicycles have recognised the need for a minimum safe passing distance to be regulated. This minimum safe passing distance should be set at 1.5m. It should not negate the need for motor vehicle drivers to exercise appropriate care when overtaking a person riding a bicycle, especially at speeds over the default speed-limit.

This rule will more effectively recognise those riding bicycles as legitimate and vulnerable road users. Colliding with a person riding a bicycle would be prima face evidence that this rule has been violated. The current rule stating “A driver must not overtake a vehicle unless the driver can safely overtake the vehicle.” leaves room for argument, with all too tragic consequences. A significant proportion of people killed riding bicycles sideswiped.

Proposed New Rule

People riding bicycles permitted to roll through stop / give way signs.

Reasoning

A rule that allows people riding bicycles to not come to a complete stop at stop signs was introduced in the US state of Idaho about two decades ago. Bicycle riders must still give way to vehicles at the intersection, and they must proceed with caution through the intersection.

People tend to prefer to ride bicycles on less trafficked streets which generally have more stop signs. Momentum is very significant for someone riding a bicycle. The energy required to regain any lost momentum must come from physical exertion as opposed to an engine in a motor vehicle. Repeated full stopping for stop signs discourages people from riding