

25 July 2013

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

To whom it may concern,

I submit the following for consideration by the committee inquiry in to cycling related issues. The following is my own opinion based on my experiences as a regular commuting and recreational cyclist in Brisbane, Logan and the Sunshine Coast.

My submission responds to the following particular issues to improve the interaction of cyclists with other road users:

- *evaluation, considering factors such as effectiveness, enforceability and impacts on other road users of existing and any other alternative road rules, such as the 1m rule, which govern interaction between cyclists and other road users;*
- *current penalties and sanctions, including where there are differential fine rates for cyclists compared to other road users; and*
- *the potential benefits and impacts of bicycle registration.*

While I consider the above issues are a good start to address various issues related to cycling, I have provided additional ideas for consideration by the committee for improving cyclist safety, based on my own experience as a regular cyclist.

1) My background

I am a 37yr old regular commuting and recreational cyclist who has commuted by bicycle to/from work 3-5 days per week for the past 12 years (typically a mixture of on-road and off-road cycle paths or shared paths), and occasional off-road mountain biking on weekends.

Over the past 12 years I have typically cycled 3000-4000km per year in various areas of Brisbane, Logan and the Sunshine Coast, generally on roads signed ≤ 80 km/h.

I also drive 10-15,000km/year by car and also hold a motorcycle license.

2) My experiences on the road

During my time cycling I have sustained several injuries that required attendance at hospital due to single-vehicle bicycle crashes that were my own fault, but I have never sustained an injury due to collision with another vehicle. I have been hit once by an overtaking car (wing mirror) along Waterworks Road, Red Hill, but I remained in control of the bike and suffered no injury.

I have been lucky to avoid serious injury while cycling, but in a large number of cases I have managed to avoid a collision with motorists only through my own prudence, experience and sudden intervention, typically due to the failure of a motorist to comply with the road rules.

On many occasions while riding my bike it has been necessary for me to take sudden, evasive action to protect my own safety to avoid a collision with another vehicle, despite my being in the 'right'. This has occurred to a much greater extent while riding my bicycle than when driving my car.

Common dangerous incidents

Over the past 12 years I have experienced various common incidents that have endangered my life:

- **Dooring:** While riding along a line of parked cars, I have experienced the driver side door suddenly opened in front of me on several occasions, necessitating my sudden emergency braking (or rapid swerving into the traffic lane) to avoid collision with the open door. In many cases I have made a sudden swerve into the traffic lane instinctively (without checking for approaching traffic). I have been lucky there were no cars passing at the same time or a collision on these occasions would certainly have occurred.
- **Motorist failing to give-way:** A motorist pulling out of a side street, or turning across my path without giving way, necessitating my sudden braking or swerving to avoid collision.
- **Motorist failing to overtake with sufficient clearance:** I have been hit once by a motorist who failed to provide sufficient clearance while overtaking (wing-mirror), but I remained in control and suffered no injury.
- **Overtaken by car that then suddenly cuts in-front and brakes while turning left into a drive-way or side-street,** requiring my sudden braking to avoid collision.

My supposition is that the majority of the above incidents stem from either: Motorist distraction; motorists' lack of knowledge of the road-rules, or; motorists' failure to appreciate the particular dynamics and practicalities of cycling on the road, rather than intentional malice intended to cause me harm. Nonetheless, in many cases I could have easily been involved in a collision had I not taken sudden, immediate steps to ensure my own safety eg rapid braking, swerving, or foregoing my right of way when the other vehicle has not yielded.

Irrespective of whether a collision between a cyclist and vehicle is as a result of a motorists' unintentional misjudgment, or distraction, or intentional malice, the result is the often the same, and often fatal. I support the implementation of laws and infrastructure to protect the extreme vulnerability of cyclists.

In addition to the above, I have experienced various forms of verbal abuse while cycling, often for no apparent reason, and often when I am not even riding on the road! Examples include:

- Sudden yelling from the passenger of a passing car while I'm riding along the footpath, presumably to startle me in an attempt to make me crash.
- Abusive language from a pedestrian waiting at a bus-stop for no apparent reason, on a quiet back-street as I rode past (on the road).
- Abusive language from a passing motorist for riding 2-abrest as they are held up until it is safe for them to overtake.

In general, I attribute this type of abuse to lower socio-economic 'bogans', based on their lack of empathy, vocabulary, physical appearance, car make/age/condition and driving style.

While the above verbal incidents have not affected my cycling, I have included them to highlight the abuse that cyclists experience for often no valid reason, and for which I can only attribute to either:

- Poor self-esteem (cyclists are an easy, vulnerable target for abuse with little chance of retribution. An outlet for whatever personal issues they have bottled up);
- Ignorance of the road rules and the rights of cyclists;
- Jealousy (if I am cycling past and they are stuck in traffic not moving);
- A perceived opinion that I am on 'their road' that they believe they have paid for with their car registration, whereas they believe I have paid nothing and therefore I am not entitled to ride on 'their road';
- Lack of empathy, not seeing cyclists as human beings;

I believe the best solutions for improving cyclist safety include:

1. increasing cycling participation;
2. increasing education of motorists on the rights of cyclists and the dynamics and practicalities of cycling on the road;
3. improving cycling infrastructure design;
4. improving legislation to protect cyclist rights, and
5. improving enforcement to ensure perpetrators against cyclists are punished appropriately.

Until cycling participation rates increase significantly, cyclists will continue to be seen as a minority group, which for many motorists do not 'belong' on the road network.

3) My recommendations

The following recommendations are provided in response to the specific issues of the inquiry, as well as broader issues that I consider are relevant to improving the safety of cyclists.

Legislation

Minimum overtaking distance legislation.

I support the implementation of minimum overtaking distance legislation. I recommend a sliding scale based on speed environment. 1m is insufficient for high-speed (>60km/h) environments. I appreciate that enforcement of the minimum distance may be problematic, but it would at least provide motorists with a number to work with, rather than a motorist relying on their own interpretation of what constitutes a 'safe' overtaking distance.

I would also like to see the following issues considered by the committee for implementation to improve cyclist safety:

- Compulsory questions relating to bicycle rights/needs as part of driving license testing;
- Compulsory periodic road-rule re-testing as part of driving license renewals;
- The philosophy of strict-liability when determining liability in an incident between a cyclist and a motorist.

Enforcement & Penalties

I support differential penalties for cyclists compared to motorists for similar infringements. The potential consequences of an infringement by a motorist compared with an infringement by a cyclist are significantly different. Infringements by cyclists rarely affect anyone other than themselves. Infringements by motorists can have a significantly worse consequence, due to the much greater mass and speed of a car/truck compared with a bicycle.

I was exceedingly saddened and disheartened to hear the outcomes of two recent cases involving the death of a cyclist: 1) Richard Pollett; 2) Rex Sizeland. I can relate to the general particulars of these cases based on my own experiences on the road. The penalty for a motorist causing the death of a cyclist appears to be grossly inappropriate when compared to the ultimate penalty paid by the victim, their family and friends. I am saddened that the lack of a substantial penalty implies that it is socially acceptable to kill using a motor vehicle. It is sad that motorized transport is so ingrained in contemporary society that death by motor vehicle is accepted as 'business-as-usual'.

I would like to see the following issues considered for implementation to improve cyclist safety:

- On-line system for easy reporting of incidents of dangerous driving against cyclists;
- Increased penalties for driving infringements by motorists against cyclists. Infringements by motorists that may have little to no consequence for other motorists (due to modern vehicle design and safety systems) can have significantly worse outcome for a cyclist who has no protection;
- Tougher punishment for driving infringements related to distraction while driving eg mobile phone use. Cyclists often rely on a motorist's constant attention to avoid collision, especially when there are high-speed differentials. A fraction of a second distraction by the motorist can easily cause a fatal injury to cyclists.
- Significantly longer license suspensions (and lifetime bans in certain cases) for incidents by motorists against cyclists. There needs to be a strong reminder that driving is not a right, but a privilege.

Education

In my opinion, the best solution to improving cyclist safety is through improved education. Specifically:

- The education of cyclists and motorists on the road rules relating to cyclists;
- The education of motorists on the specific needs and dynamics of cyclists;
- The education of motorists on the proportion of road capital expenditure that is actually derived from vehicle registration.

The best solution to educate motorists in the particular dynamics, practicalities, and dangers of cycling on the road would be to force ALL drivers to undergo practical cycling training on the road as part of the learning driver process. (This is equally relevant for motorcyclists who experience many of the same issues as cyclists, in particular SMIDSY incidents 'Sorry mate I didn't see you', when motorists fail to give-way unintentionally, or SMIDGAF incidents 'Sorry mate I don't give a f#\$k', when motorists fail to give way intentionally.)

Engineering

Poor on-road or off-road bicycle infrastructure can contribute to dangerous cycling conditions, and often provide a worse outcome than if no infrastructure was provided at all.

Bicycle Awareness Zones (BAZ)

I strongly agree with the findings of the Department of Transport and Main Roads (DTMR) in relation to Bicycle Awareness Zones (BAZ). In particular, Appendix A of the DTMR Traffic and Road Use Management Manual – Bicycle Awareness Zones, 31 July 2009. My own experience strongly agrees with the findings therein, and I would like to see the implementation of formal bicycle facilities in lieu of BAZ zones.

Refer Figure 1 (from QLD DTMR, 'Traffic and Road Use Management Manual – Bicycle Awareness Zones', 31 July 2009). The painted orange bicycle on the edge line gives the impression to inexperienced cyclists that they should be riding on the edge line (or to the left of the edgeline), and it gives the impression to motorists that is where cyclists should be riding.



In a lot of cases BAZ's are combined with on-street carparking.

The position of the edgeline and the painted bicycle is often directly within the dooring 'death zone' where collision with an opening door is likely. An experienced cyclist knows that to avoid 'dooring' they often need to ride well to the right of the edge-line, within the traffic lane.

The bicycle symbol should be painted in the center of the traffic lane, not on the edge line.

Figure 1 (DTMR, 'Traffic and Road Use Management Manual – Bicycle Awareness Zones', 31 July 2009)

Refer Figure 2 and Figure 3. The BAZs on Enoggera Tce and Herston Rd are good examples of high-volume cycling routes where cyclists are forced to ride in the traffic lane to avoid dooring.



Figure 2 Enoggera Tce BAZ/ Parking Lane



Figure 3 Herston Road BAZ / Parking Lane

While I generally support the principles of the Austroads design guides for cycling infrastructure design, I think the retrospective implementation on existing streets is fraught with danger. I think that the absolute minimum distances in the Austroads design guides are often insufficient to provide adequate cycling safety. I would like to see safety audits conducted on on-road cycling routes (particularly in relation to situations where parking lanes are combined with BAZs or on-road cycling lanes).

Encouragement

Increasing participation in cycling will increase motorist awareness of cyclists in general. As motorist/cyclist interaction steadily increases, motorists will become more used to 'sharing' the road with cyclists.

I support any initiative that increases cycling participation rates.

I would like to see the following issues considered by the committee for implementation to improve cycling participation rates:

- Tax-deductions for cycling equipment (similar to personal vehicle use for business purposes).
- Active discouragement of motor-vehicle use in high-density inner-city areas, by lowering speed limits on high-volume cycling routes, and providing disincentives to driving/parking eg congestion charging.
- Encouragement of public-transport usage to reduce traffic volume in cities.

4) Registration of bicycles/cyclists

I am against the registration of cyclists or bicycles. I believe that any system of registration would have significant negatives associated with it which would grossly outweigh any benefit obtained.

Purpose of Registration?

Has a registration system been successfully implemented anywhere else in the world?

What is the purpose of a registration system for cyclists or bicycles? To identify law breakers? To recover stolen bicycles? An attempt to show to motorists that cyclists are somehow 'paying their way' to use the road (however deluded)?

Negatives

I envisage that a registration system for bicycles (or cyclists) would provide negligible benefits to the community, and the negatives of a registration system would grossly outweigh any benefits.

A registration system will impose significant cost on the wider community in administration for no tangible benefit.

A registration system will actively discourage cycling participation by imposing an additional cost and time in administration for cyclists.

Enforcement of cyclist or bicycle registration will consume police resources better allocated elsewhere.

I do not believe that a registration system will increase cyclist compliance with road-rules. Cyclists who currently break road-rules are unlikely to comply simply because of a registration system. Regular road-riding cyclists are well aware that ignoring road rules can result in fatal injury. A monetary fine imposed for rule infraction is relatively meaningless when compared with the potential consequences of collision with motor vehicles.

Positives

The only reason I can think of 'for' a registration system, is that it may imply to motorists that cyclists are now somehow 'paying' to use the road, irrespective of how misguided this may be.

5) References

Austroads, 'Cycling Aspects of Austroads Guides', March 2011

QLD Department of Transport and Main Roads, 'Traffic and Road Use Management Manual – Bicycle Awareness Zones', 31 July 2009.

I thank the committee for their consideration.

Regards,

Matthew Foote

