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To the Committee Transport, Housing and Local Government

The following submission is offered in response to the Transport, Housing and Local Government Committee inquiry into;

- Short and long terms trends in bicycle injuries and fatalities involving motor vehicles;
- Evaluation, considering factors such as effectiveness, enforceability and impacts on other road users of existing and any other alternative road rules, such as a 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.

This submission is made from the perspective of a resident Sunshine Coast cyclist (road and mountain biking) and past cyclist in Brisbane metropolitan south area with over 20 years riding experience and professional involvement in providing infrastructure for cyclists and pedestrians.

1. Short and long terms trends in bicycle injuries and fatalities involving motor vehicles

There is much research on cycle crash statistics and characteristics and it is assumed that such research is to be thoroughly reviewed in the Committee 's deliberations. The Committee is encouraged to focus on the area of "how do we reduce the number of crashes and injury severity to cyclists?" The answer to this will be through focussing on;

- *Improved land use planning*
- *Improved road design that prioritises cyclists and pedestrians over motor vehicles*
- *Introduction of intelligent road design systems that provide greater driver and cyclists information and warning to avoid collisions*
- *Enhancements to cyclists visibility through better lighting, enforcement of bicycle lighting and education on high visibility clothing and bike colour choice.*
- *Changes to vehicle design (both cars and trucks)*
- *Improved legislation and enforcement that favours the most vulnerable road user*

- *Improved education and training of both cyclists and motorists*
- *Improved driver licensing testing and continuous testing and training throughout the period which a licence is held.*
- *Protective devices such as helmets for persons under 18 years of age*

How the above measures come together to create a transport system which supports and protects cycle activity in Queensland is critical. In practical terms this could result in:

- *Reducing traffic speeds eg 30-40km's hr in city or town centres and precincts areas surrounding schools*
- *Improved traffic calming measures that favour cycling activity and restrict vehicle speeds in urban areas as above*
- *A review in penalties for causing death or injury with a vehicle to be reviewed with a view of more significant protections to vulnerable road users that will encourage more responsible driving.*
- *Restriction on motor vehicle use in already congested inner city environments to encourage safer cycling and pedestrian activity.*
- *Improved legislation that requires new developments to provide a higher standard of cycling infrastructure and end of trip facilities as part of development approval process.*
- *Separating cars and trucks from bicycles through separated cycling facilities, on road cycle lanes or wide shoulders on high speed rural arterial roads and off road cycleways that are designed and constructed to a higher standard than present Austroads guidelines.*
- *Particular attention to provision of cycling underpass and overpass facilities across major arterial intersections that divide communities.*
- *Provision of a fully connected on road cycling network with comprehensive intersection treatments that provide a high level of service to cyclists and pedestrians and greater 'rights of way' to cyclists on the road network.*
- *Introduction of driver training program that focuses on how to interact with cyclists, their use of the road and the relevant road rules. This is particularly important on teaching drivers how to deal with sport or bunch cyclists that pose a challenge to motorists who do not understand the dynamics of a cycling 'bunch' or 'peloton'.*
- *Introduction of a comprehensive state wide cycle education program targeting young cyclists and other travel behaviour initiatives.*
- *Adjustments to existing Queensland Road Rules that reduce ambiguity pertaining to overtaking cyclists, use of a bicycle lane, bicycle storage areas and requirement of a cyclist to 'give way' to vehicles exiting a multi lane roundabout, when a cyclist is within the circulating traffic lane.*

- *Improved maintenance to cycling facilities such as regular weeping of on road cycle lanes.*

Much of the above is already happening, however, there are significant gaps in the physical infrastructure provisions for cyclists across the State. The current investment in cycle related infrastructure, education and enforcement must be expanded to reduce cycle accidents. The proper design of cycle related infrastructure is lacking across the State with poor standards that do not meet the needs of the more vulnerable user.

Of concern is the current loss in cycle planning and cycle infrastructure delivery capacity within the State Government (including local government sector) and these impacts are being felt in the regions and impacts on the ability to deliver on the recommendations listed above. The loss of key staff through recent State Government redundancies who were 'champions' for cycling will have a significant effect in watering down provisions for cycling infrastructure within key road network projects. This has already been seen in the Sunshine Coast region with budget cuts, lack of suitable expertise to deliver positive cycling outcomes and discussion on rolling back cycling facilities on DTMR controlled corridors to provide for motor vehicles. This trend is being duplicated in local governments who are reducing investment in active transport infrastructure as a result of budget constraints, such reductions are happening within the Sunshine Coast Region.

There is also a lack of understanding on what constitutes 'good cycling facilities' as cycling is often the poor cousin when it comes to road planning and delivery. It is recommended that Transport and Department of Transport and Main Roads review how cycling is positioned within its existing structure in the short to medium term and address its human resource shortfalls in this area and look at a program of positively investing in cycling. The investment in the Principal Cycle Network through the Local Government Cycle Network Grants Program is applauded but continued funding is required as well as human resources to manage this program in order to deliver world class cycling facilities across the regions in conjunction with local authorities.

2. Evaluation, considering factors such as effectiveness, enforceability and impacts on other road users of existing and any other alternative road rules, such as a 1m rule, which govern interaction between cyclists and other road users;

More urgent measures are required to protect vulnerable road users from motor vehicles. The frequency of 'near misses' or deliberate acts of aggression or gross negligence towards cyclists by motorists is ever present. The difficulty is documenting and gathering statistics to quantify the extent of the problem. Anecdotal evidence through discussions with fellow cyclists across the Sunshine Coast region shows that encounters are frequent and aggression from motorists towards cycling is growing, especially on social media sites. The car insurance industry readily acknowledges that in Australia cyclists are among the most vulnerable road users and that cyclists have the highest reported 'near misses' which is reported to be higher than that of motorists.

It is accepted that such encounters are largely not one sided and certain behaviours from either road user can often lead to an escalation in aggressive or dangerous behaviours, hence the need for improved education for both motorists and cyclists.

On the Sunshine Coast the growth in cycling has largely been from sport or recreational cycling and there has been a significant growth in the number of 'bunch' groups riding on public roads in the region. This growth has led to an escalation in animosity especially encounters on the coastal corridors and on rural roads with limited road shoulders, poor visibility, limited overtaking room and high posted vehicle speeds. The main issues from motorists towards these groups appears to be;

- Inability to overtake, especially on rural roads with unbroken centre lines restricting overtaking
- length of bunch groups and frequency of delays with encountering multiple bunches, especially on weekends
- riders perceived to be three or four abreast or greater (which in fact they can be with current 'peel off' rotation of riders moving from front to back of group or a faster group passing a slower group.
- aggressive and reckless riding behaviours when caught up with vehicles and trying to 'chase' lead group of riders, especially on approaches and within coastal town centres
- use of public road as a 'race circuit' as part of normal bunch riding behaviour to obtain 'personal records' or 'kudos'. (The advent of Strava and other personal training smart phone applications has seen an escalation in reckless cycling behaviours towards motorists and fellow cyclists to obtain Personal Records or 'Trophies' on leader boards).
- non use of on road bike lane facilities and riding in traffic lane and poor lane discipline from riders when using these facilities.
- Lack of signalling intentions and flaunting of traffic rules ie. running red lights and not giving way to vehicles within a roundabout

The Sunshine Coast Regional Council responded with an education campaign in 2011 called 'Share with Care' that focused on improved behaviours from both motorists and cyclists. The campaign created links and a partnering with the Amy Gillett Foundation and use of the Metre Matters slogan on marketing collateral. The campaigns also focused on direct discussions with selected bunch groups, council officers and members of Regional Cycle Reference Group to discuss how local bunches could internally improve their riding behaviours to reduce motorist aggression towards them. The use of the Metre Matters message has resonated with the local cycling groups and they have been supportive of the Council / advocacy partnership. However, it is hard to gauge the effectiveness of such a campaign and whether it has saved a life or reduced the frequency or severity of accidents within the region.

The question being asked by the Committee is whether the 1m passing distance should be legislated. Such legislation will be difficult to enforce, however, it is seen as a good initial step to strengthen protection provided to cyclists.

It is recommended that the Committee consider the introduction of Strict Liability legislation within Queensland either civil or criminal so that cyclists and pedestrians who are involved in a motor vehicle accident are afforded greater protections. The Dutch system of strict liability is offered as a good reference and consideration should be given to the model of limiting strict liability to children under 14 years of age and adults are afforded greater protection but the motorist is not automatically in the wrong. This age limit could be increased to 18 years, however further research should occur to look at the advantages /disadvantages of selecting an upper limit.

It is recognised that motorists and insurance companies will not welcome such a change but if we are to create a cycling culture within Queensland a progressive approach is required that affords greater protections to the more vulnerable road user.

From personal experience in planning for active transport the biggest impact on improving behaviours and reducing likelihood of aggressive behaviours towards cyclists has been through improved on and off road cycling infrastructure. The former Noosa Council from 2003 to 2008 set in place an infrastructure program to ensure that every arterial, sub arterial, collector and distributor road had on road cycling facilities in the form of bike lanes 1.2m to 2m in width where applicable. These facilities included advanced storage boxes at roundabouts on major cycling routes including green bike lane treatments at signalised intersections and at key T-intersections and slip lanes. The program included the upgrade of Bicycle Awareness (BAZ) facilities to dedicated on road cycle lanes and restriction of car parking that unduly blocked the through movement of cyclists. This program was underpinned with the establishment of a network of off road pathways 2.5m-3m in width, improved crossing facilities, raised threshold crossings, shared zones and an extensive travel behaviour change program aimed at school aged children, their parents, teachers and the general community. The Council also introduced a regular bicycle lane sweeping regime that covered the Coastal network and ensured that key cycling facilities were swept on a regular basis.

The integration of both infrastructure and behaviour change programs has seen a growth in cycling activity within the Noosa region, improved driver / cyclist interactions and greater delineation and awareness of cycling facilities. Noosa has become a cycling destination for regional, interstate and international visitors and is building a cycling culture which sustains six bicycle retail outlets and two bicycle hire companies. The model adopted by the former Noosa Council was supported by staff at the Director and senior management level and required elected member support. There is still much improvement that can be made for cycling in the Noosa region and there are still accidents occurring on the Noosa network, however, there are lessons from this model that can be incorporated into the way cycling is provided for across the State that will help grow cycling.

3. Current penalties and sanctions, including where there are differential fine rates for cyclists compared to other road users;

A range of amendments to current Queensland Road Rules should be considered to remove hindrances to and encourage greater cycling activity. These include;

1. Permit cyclists to ride across a road or a zebra crossing without having to dismount as it is difficult for cyclists with cleats or clip in pedals to disengage and walk.
2. Permit cyclists travelling in a dedicated bicycle lane to be allowed to leave that lane to make a turning manoeuvre or to enter / exit a driveway
3. Permit cyclists travelling in a dedicated bicycle lane to be allowed to leave that lane to enter a bicycle storage area at both signalised and un-signalised intersections
4. Adjust the rules for multilane roundabouts to require that motorists must give way to cyclists who are circulating within or attempting to exit the roundabout
5. Remove the requirement for cyclist to wear a helmet post the age of 18 years. However, approved helmets must be worn for all competitive cycling events conducted on a public road controlled by a permit system.
6. Include the requirement that motorist must give way to cyclists in a shared zone and not just pedestrians
7. Include a rule that restricts motorists parking in a bicycle lane
8. Introduce a rolling stop / give way rule for cyclists as it is difficult for cyclists with cleats and clip in pedals to disengage and walk.

A key area that needs attention is the ineffectiveness of law enforcement in Queensland to take action against deliberate and reckless driving behaviours towards cyclists. The current road rules have provisions to impose fines or more severe penalties but unfortunately there seems a reluctance from the Queensland police service to take any action against a motorist who breaches a range of current traffic rules even when a formal complaint is made and evidence is provided in the form of a video recording. The current system needs to protect the more vulnerable road user and this will come from new legislative changes that either provide mandatory safe passing distance or strict liability legislation.

It is also recommended that there is scope to increase the penalty severity for causing injury or death where a motorist is at fault as this may encourage more responsible driving behaviours.

4. The potential benefits and impacts of bicycle registration

The concept of introducing and managing a bicycle registration system is not supported due to the following reasons;

- Cycling rates in Qld and Australia in general compared to other western countries are very low. Cycle activity has well documented health benefits and cycling plays an important role in reducing the nations health budget due to helping reduce diseases of inactivity such as diabetes, obesity and heart disease. It is argued that a registration system to ride a bicycle will not increase cycle participation numbers but result in a significant decrease. The policy would have unintended consequences of lowering rates of cycling and increasing private car use.
- The advent of helmet legislation has had a negative effect on cycling participation and the requirement for helmets as part of public bike schemes has resulted in their poor performance (i.e Brisbane bike scheme is one of the worst performers in the western world). If registration of bicycles is required also this combination would make such schemes costly and difficult to implement. It is argued that the combination of both policies would create additional barriers to participation and cost recovery, and any benefits from such bike schemes would be negated.
- The registration from cyclists is unlikely to contribute towards a 'user pays' system. The bicycle registration revenue is likely to fall well short of maintaining and providing new facilities for cyclists. The current motor vehicles registration fee that is paid to the State Government does not cover the full costs of maintaining the road network and it is through our payment of our rates to local government that we see the greatest contribution to maintaining our roads. It is likely that the majority of revenue collected will be 'lost' covering administration of the registration process.
- Bicycles contribute to minimal wear and tear of the road network compared to heavy vehicles. The imposition of a charge on a mode that weighs 100 times less than a normal car to cover road maintenance is not good policy.
- A large proportion of cyclists (approx. 80%) own a car and pay vehicle registration. Their use of a bicycle is actually saving the general community and they are not receiving the full benefit from their registration. Those that own and pay vehicle registration and who decide to not make trips with their private vehicle should in theory be given a reward for lessening their wear to the road network, reducing their greenhouse gas emissions and reducing their burden on the health system. It does not seem reasonable to penalise their smart choice of travel and ask them to contribute even further via a bicycle registration.
- The registration of cyclists is unlikely to improve poor cycling behaviours. The registration of motor vehicles has not resulted in removing poor driving behaviours in motorists.
- The notion that by having bicycles with registration plates will provide a means to report cyclists breaking the law so they can be fined is flawed. This currently does not work for motorists. The average person cannot ring up after they see a motorist commit a traffic offence and have the motorist reprimanded or fined. A system such as this isn't feasible and is open to abuse.

- The practical management of a bike registration system would be costly and complex. If a person has more than one bike are they required to register all of them? How would a registration plate be fixed to a bicycle? What happens if the bike is sold or lost? What happens if the person stops cycling? What do you do with children and young adults?
- If we are to register bicycles the argument can be extended to a range of users of our transport network such as pedestrians, skateboarders and any other wheeled recreational device that may be used for transport. This is not practical.
- Roads historically have been used by bicycles and much of the road network as we know it today was lobbied for by various cycling organisations and passionate cyclists to improve surfaces to accommodate bicycles for transport. The advent of the motor vehicle and its popularity has altered the road space to cater for motor vehicles. We have seen the marginalisation or removal of cycling from the road network. The registration of bicycles may appear to legitimise bicycles a 'place' on the road network but it was a place that they previously enjoyed and dominated prior to the car.
- If a bicycle registration fee is charged with that should go greater protections through civil and criminal legislation. This will have an impact on insurance and costs of cycling in general.
- A registration fee should in turn see the same standard of infrastructure as provided to the motoring public. e.g dedicated on and off road cycle facilities and bike parking.

In conclusion the introduction of a registration fee for bicycles in Queensland would not provide any tangible benefits. We would be a leader in worlds worst practice of transport management and penalise a mode of transport that helps reduced congestion, noise pollution, greenhouse gas emissions and contributes to the health and well being of individuals. The policy would undermine participation targets set in Federal, State and Local cycling strategies without improving road safety outcomes.

Yours sincerely

Nigel Walker