

**Submission
No 39**

NON-REGISTERED MOTORISED VEHICLES

Organisation: Pedestrian Council of Australia

Name: Mr Harold Scruby

Date Received: 6/05/2013

Dear Sir

STAYSAFE Inquiry into Non-Registered Motor Vehicles (NRMVs)

Thank you for the invitation to comment on this important issue.

First, we wish to make it clear that we believe motorised mobility scooters are a vital mode of transport in NSW, especially for the elderly and people with disabilities.

One of our directors is a quadriplegic and without his scooter his very difficult life would be unthinkable.

As a former director of ParaQuad, I was associated with many people needing NRMVs. They are absolutely essential.

Apart from the general suffering and loneliness, one can only begin to imagine the costs to the community if all the people with NRMVs were confined to their homes and unable to do their shopping or visit their doctors, health carers, friends and relatives.

But these devices are gaining in popularity and new technologies continue to emerge.

Our footpaths are under threat and it must be remembered, with a rapidly ageing population, the greatest cause of death after the age of 50 is from a fall.

Mobility Scooters.

Late last year I was invited by Channel 7's Today Tonight, to interview and film users of mobility scooters following a serious crash where 2 elderly people had been seriously injured in Ballina.

We filmed for 2 days and interviewed over 25 people, all of whom felt there would be no problems if their vehicles were "governed" to a maximum speed of 10 km/h.

Some actually stated they were concerned at the speed other users of mobility scooters travelled.

We will not discuss the issue of deaths and injuries as a result of the use of these vehicles because STAYASAFE will have access to far better data.

However, one of the main concerns we discovered was that people using these scooters are legally defined in NSW as pedestrians, unlike cyclists who are legally described as riding a "vehicle".

In NSW there is no maximum BAC for a pedestrian. As such, it appears that people can actually ride these machines on public footpaths and roads, being way over the maximum .05 BAC allowed for motorists and cyclists, and not be committing an offence.

Indeed, we interviewed one gentleman who was just returning from his club.

We had no way of measuring his BAC, but it was quite possible that he was over the .05 BAC limit.

This issue must be addressed and resolved, especially because the law as it stands would allow anyone who has lost his or her licence for drink-driving, to simply procure a mobility

scooter and travel at very high and potentially lethal speeds. This would include those recidivist drink-drivers who are often alcoholics.

Just like bicycles on Shared Paths (which we will address later) there appears to be no speed limit on footpaths for these machines.

This too must be addressed, but of course an engineered solution of governing these machines to 10 km/h would be far more effective than having to enforce a speed limit. Nevertheless we recommend that there be a state wide speed limit of 10 km/h for any and all vehicles permitted to travel on the footpaths of NSW. We are currently working with NSW Police, Transport for NSW and Bicycle NSW in an attempt to regulate the speed of cyclists on Shared Paths to a maximum of 10 km/h.

Electric Bicycles and Shared Paths

Attached is a presentation we made to the recent International Road Safety Conference in Sydney.

The first section deals with the utter confusion caused by the misnomer "Shared" Zone (which also applies to Shared Paths).

The second part deals with bicycles on shared paths and examines all the major issues and concerns.

While bicycles are not mentioned in your terms of reference, electric bicycles most certainly are.

So this presentation is absolutely relevant with the imminent advent of the 250 watt electric bicycle which is capable of 25 km/h and will be permitted on Shared Paths.

Please read the presentation and simply substitute bicycle with "electric bicycle"

In the meantime the PCA is calling a moratorium on ALL Shared Paths until the following laws, regulations and systems are in place:

- A maximum speed limit of 10km/h throughout Australia and serious penalties for speeding on a bicycle (there's no such offence in NSW)
- Compulsory third party insurance
- Number-plates (recently supported by VECCI) or some compulsory form of identification
- Realistic (not farcical and unenforceable) Penalties and Demerit Points – the maximum penalty for all bicycle offences in NSW is \$60 (ranging from no bell to reckless riding)
- Rigorous enforcement by police and council rangers (only police can enforce Shared Paths – and they do not have the time, resources or inclination to enforce them ... (eg) the overwhelming majority of cyclists in Manly don't wear helmets)
- Strict compliance with the Austroads Guidelines with final approval required by qualified independent risk assessors
- Full consideration for all people with disabilities, especially people who are vision and hearing impaired, as required under Disability Discrimination legislation
- No electric or motorised bikes on Shared Paths (the Federal Government is expected soon to approve a 250 watt electric bicycle in the near future, capable of 25 km/h and currently permitted on Shared Paths)
- Continuing education campaigns reminding cyclists that on a Shared Path, cyclists must keep to the left, slow down and give way to pedestrians at all times, even if that means coming to a stop

- The use of bells only in emergencies, not for intimidating, frightening or coercing pedestrians to get out of the way
- Dedicated bike paths - Shared Paths only as a last resort

In Victoria, following the death of an elderly man who was knocked down and killed by a cyclist who ran a red light (the maximum penalty the magistrate was able to issue was \$400) the penalties have increased significantly.

It's now a maximum of \$68,052 or five years in prison if a person is killed or seriously injured by a cyclist and the rider does not immediately stop and offer assistance.

These laws and penalties should be emulated by all state and territory governments.

Earlier this year, Victoria Walks made a submission to the Federal Department of Infrastructure.

Victoria Walks is funded by VicHealth which is a part of the Victorian Government. And there are many more cyclists per capita in Victoria than in NSW.

<http://www.victoriawalks.org.au/>

(QUOTE): Victoria Walks is aware that some cyclists and cycling bodies advocate for laws to be changed to allow bicycles to be ridden on footpaths, particularly secondary students. Victoria Walks supports legislation that allows children under 12 years and accompanying adults to ride on footpaths. Footpaths are for feet, they are for walking, but also stopping, playing, talking and interacting. That is, they are the basis of public and community space and should not be turned into vehicular transport routes (bicycle or otherwise). Walking for transport has great capacity for uptake for short trips and walking for leisure and health has the greatest capacity for uptake as a regular form of physical activity and incidental exercise (walking is the most prevalent form of medium intensity physical activity of Australian adults). Accessible, safe and well maintained footpaths are essential for increasing walking for transport, health and/or leisure, particularly for children, older people and people with a disability. Road Rules should not be modified (to) allow bicycle riders over 12 years of age to be permitted to ride on footpaths.

Councils should be extremely cautious about creating Shared Paths and inviting cyclists over the age of 12 to ride on the footpath.

While pedestrians will generally tolerate rough and uneven footpaths which are not well-maintained, cyclists require smooth, well-lit, well maintained, well connected Shared Paths to ride safely. The maintenance and legal costs can be very high. Cyclists are now suing Councils for not doing so and in particular for not complying religiously with the Austroads Guidelines. And they are winning in the courts: Attached is a copy of the Monty vs. Bayside City Council case.

The judge found against the Council because the Shared Path was only 2.5 metres wide when it should have met the Austroads Guidelines and been 3 metres. (Note: The Spit Bridge Shared Path is 1.2 metres at the squeeze points)

The judge awarded the cyclist over \$250,000 and found:

64 I find that Bayside City Council breached the duty of care it owed to the plaintiff by approving the installation of the bluestone kerb at the edge of the bike path in a situation in

which this meant there was zero lateral clearance on the eastern edge of the path, the bike path was only 2.5 metres wide.

In December last year, we accompanied a journalist from the Sunday Telegraph and a gentleman expert in the use of Lidar speed technology.

Speeds of up to 47 km/h were measured of cyclists as they approached a blind pedestrian access point at the western end.

A copy of the article is attached.

We ask the Committee to view the video to understand the enormous potential for harm when vehicles (be they pedal or electric powered) are permitted to use our footpaths.

Most were travelling at over 30 km/h. One was travelling at 47 km/h.

<http://www.youtube.com/watch?v=fZBHRKZGixE&feature=youtu.be>

We have attached a copy of this article, along with video footage taken at the time of the report. We have also included a copy of the Slater & Gordon advice pertaining to Shared Paths.

<http://www.walk.com.au/pedestriancouncil/page.asp?PageID=3125&SiteID=1>

They advised (QUOTE): ... *The expert engineer was also of the opinion that the speed travelled by the bicyclist of 20km per hour was unsafe for a Shared Bicycle Path.*

The civil proceedings commenced by Maria Guliano in the Supreme Court of NSW were settled for a substantial amount of money with the result that the Court did not have to determine whether any breach of duty of care arose in the circumstances. This civil claim nevertheless identified a number of deficiencies in the existing design guidelines and regulation of Shared Bicycle Paths and that roads authorities may be liable in negligence to pedestrians injured by Bicyclists on Shared Bicycle Paths even though the existing requirements are satisfied.

I am therefore of the opinion that local government road authorities may be found to be in breach of duty of care for failing to impose safe speed limits for bicyclists on Shared Bicycle Paths although any such finding of breach of duty of care must necessarily depend upon the particular facts of the case before the Court. Allegations of breach of duty of care based upon the design or configuration of Shared Bicycle Paths may also be successful even though those paths apparently conform to existing design guidelines in circumstances where they offend general transport engineering principles in relation to acceptable sign distances for users and other engineering requirements.

The area just below the ANZAC statue is a blind corner. It almost perfectly emulates the scenario where Mrs Guliano was hit and permanently brain damaged by a cyclist in 2002. She successfully sued the RTA and Leichhardt Council for damages.

The expert witness gave evidence that the cyclist in this incident was travelling at less than 20 km/h.

You therefore don't need a great imagination to realise the potential for harm on the ANZAC Bridge.

When you watch the video, please observe the young man who, while talking on a mobile phone, walks onto the Shared Path, completely oblivious to the fact that 3 cyclists are approaching, just around the corner, being clocked at 39 km/h.

He was only narrowly missed. We are amazed that cyclists haven't killed or seriously injured themselves on the brown and yellow post at this location which has been strategically positioned in the centre of this velodrome.

Immediately following this article we wrote to the CEO of the RMS, Mr Peter Duncan pointing out the very serious potential for harm on the Anzac Bridge Shared Path. To date we've received no acknowledgment, nor reply. And we've seen no evidence of any action to try to reduce the potential for harm such as chicanes.

The most incredible part of this story is that the cyclists were not breaking the law, because there are no speed limits for cyclists on Shared Paths in NSW.

If Bicycle NSW agrees that the maximum speed limit on a Shared Path should be 10 km/h, then why aren't we rushing to regulate.

Segways

Anyone considering legalising these machines for use on the footpath (or the road) anywhere in Australia must watch these videos first and he or she will be cured of such insanity forever:

<https://www.youtube.com/watch?v=pmLLGYn9Fo8>

<https://www.youtube.com/watch?v=JuQYpSfKKnA>

2 weeks ago the Qld Minister for Transport issued the following Media Release:

(QUOTE): All the way with Segway

In an Australian first, the Newman Government will allow the use of Segways on footpaths and bikeways from later this year.

Transport and Main Roads Minister Scott Emerson said it made sense to allow the use of Segways given how popular they were around the rest of the world.

"Queensland will be the first state or territory in Australia to allow the public to use Segways on road-related areas such as footpaths, and users will have to wear an approved helmet,...#157; Mr Emerson said.

"Opening up the use of Segways will provide additional opportunities for tourism operators to hire the vehicle out as a mode of transport around popular tourist locations and attractions.

"Segways are two-wheeled, self-balancing vehicles and currently in Queensland, their use is limited to private property only.

"Currently some tourist operators in Queensland use a Segway for guided tours however our changes will mean anyone at any time is able to use a Segway on footpaths and bikeways."

Queensland Tourism Industry Council CEO Daniel Gschwind welcomed the announcement as a boost for the state's tourism.

"Opening up the use of Segways will provide additional opportunities for tourism operators to hire the vehicle out as a mode of transport around popular tourist locations and attractions," Mr Gschwind said.

Mr Emerson said this was another way the government was looking to innovative opportunities to encourage people to travel to Queensland.

"This mode of travel is an environmentally-friendly way to travel given it produces zero emissions," he said.

Changes to the regulations will be introduced in the second half of 2013.

[ENDS] 23 April 2013

Media Contact: Stephanie Shield 0418 186 625 (END QUOTE)

From our inquiries, few if any people in the Road Safety industry were consulted about this decision.

The PCA will be lobbying the Premier of Queensland to reverse this unprecedented decision. It sets a very dangerous precedent and we feel certain it was not thought through.

These machines weigh over 50 kgs and can travel at 20 km/h.

There are 100 reasons these should never be permitted on our footpaths, many of which have been addressed in the presentation attached, but probably the most compelling reason is that Australians are rapidly becoming the fattest people in the developed world.

Sedentary behaviour and poor diet are the 2 main causes.

The obesity epidemic will cost our nation a veritable fortune.

Regular walking is the best exercise for most Australians.

But Australians will not walk unless there is a safe, inviting, well connected footpath systems.

Since Roman times and until very recently, the footpath was built for and confined to pedestrians.

The footpath is most definitely under threat and it is vital that we all fight to ensure it remains only for vehicles for use by people who need them, not want them.

That is, the only vehicles we believe should be on our footpaths are mobility scooters strictly confined to those who need them, not for people who can walk.

And we also believe, as does Victoria Walks, that bicycles (except for children under 12) have no place on our footpaths.

One only has to imagine what the footpath system will be like in places like Queensland, where Segways and Electric Bicycles will rule supreme and walking becomes something previous generations once did.

This inquiry is most timely. We appeal to the STAYSAFE Committee Members to accept how serious the threat to our footpaths and walking really is and issue a report that ensures that they are retained forever for the use they were designed for: pedestrians and walking.

In the words of Prince Charles, our future Head-of-State:

“So by putting the pedestrian first, you create these liveable places I think, with more attraction and interest and character ... liveability.”

<http://www.walk.com.au/pedestriancouncil/page.asp?PageID=4090>

Thank you.

Regards

Harold Scruby
Chairman/CEO



Pedestrian Council of Australia Limited

The Walking Class

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Pedestrian Council of Australia

The Walking Class



THE ROAD (AND FOOTPATH) IS TOO DANGEROUS TO SHARE

4th Road Safety International Conference
“Road Safety is the Future Global Solution”

Sydney 4th & 5th March 2013

However, first we would like to present you with an idea which the Pedestrian Council and the Royal Australasian College of Surgeons (Road Trauma Committee) has been working on for some time.

It is based on the Swedish model, Vision Zero, but has an added component we believe fits well with the idea of a Decade of Action for Road Safety.

The concept is simple and somewhat radical.

Most jurisdictions aim to reduce the road toll to a certain number of deaths per hundred thousand.

For instance, the NSW State Plan states that they aim to reduce the number of fatalities to 4.5 deaths per hundred thousand by the year 2020 .

But that's a plan which acknowledges we will kill around 300 human beings per annum on NSW roads alone.

We believe we should “plan” for no deaths – ZERO deaths.

That's why we've developed this idea ...



2020-VISION

ZERO

AND WE WILL BE SEEKING YOUR

ACTIVE

SUPPORT

(during the “decade of action for road safety)

A Decade of Action for Road Safety?

**Or will this be a decade of
talk and inaction?**



PEDESTRIANS
We were here first

It took human beings a million years to learn how to walk



... and just one generation to forget

Prince Charles
60 Minutes - Sunday 6 November 2005



(Quote) “The whole of the 20th Century has always put the car at the centre, so by putting the pedestrian first, you create these liveable places, I think, with more attraction and interest and character and liveability.”

http://www.youtube.com/watch?feature=player_embedded&v=AV35EO3dmZA

Walking is the first thing an infant wants to do and the last thing an old person wants to give up.

Walking is the exercise that does not need a gym.

It is the prescription without medicine, the weight control without diet, and the cosmetic that can't be found in a chemist.

It is the tranquilliser without a pill, the therapy without a psychoanalyst, and the holiday that does not cost a penny.

What's more, it does not pollute, consumes few natural resources and is highly efficient.

Walking is convenient, it needs no special equipment, is self-regulating and inherently safe.

Walking is as natural as breathing.





Pedestrian Council of Australia

The Walking Class

AUSTRALIAN ROAD TOLL

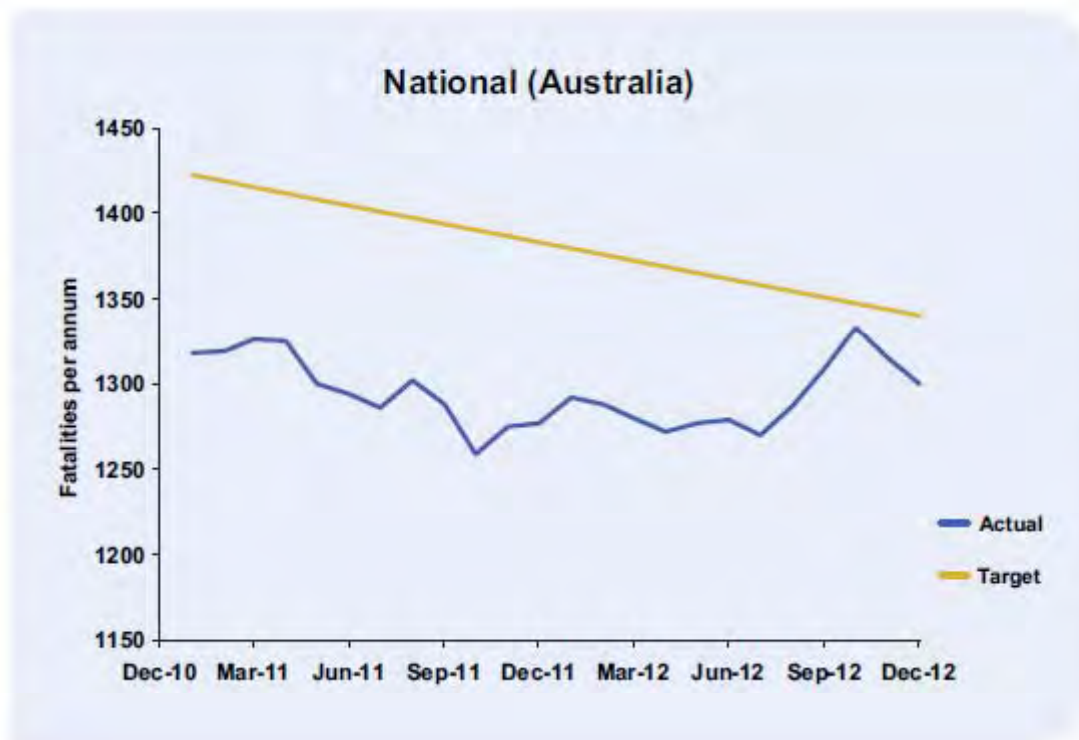
LATEST DATA

↘ National Snapshot

Status: **AMBER**

The NRSS aims to achieve a 30 per cent reduction in road fatalities and serious injuries by 2020. Since the road safety strategy commenced, we have seen a 3.8 per cent decline in the 12 month road toll which is behind the rate required to achieve the 2020 target.

In 2012, there were 1,300 fatalities on Australian roads, up from 1,277 the previous year. There were 339 fatalities in the quarter ending December 2012, a 3.4 per cent increase on the 328 recorded in the quarter ending September 2012.



Courtesy AAA

Table 1 Deaths by jurisdiction and road user

	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Australia
<i>All road users^a</i>									
2002	561	397	322	154	179	37	55	10	1,715
2003	539	330	310	157	180	41	53	11	1,621
2004	510	343	311	139	178	58	35	9	1,583
2005	508	346	330	148	163	51	55	26	1,627
2006	496	337	335	117	200	55	45	13	1,598
2007	435	332	360	124	235	45	58	14	1,603
2008	374	303	328	99	205	39	75	14	1,437
2009	453	290	331	119	190	63	30	12	1,488
2010	405	288	249	118	193	31	49	19	1,352
2011	377	287	269	103	180	25	44	6	1,291
% change 2010-2011	-8.9	-0.3	8.0	-12.7	-6.7	-19.4	-10.2	-68.4	-4.5
Ave. change 2002-2011 ^b	-4.3	-3.1	-1.7	-4.5	1.0	-3.6	-1.3	-0.7	-2.7
<i>Drivers</i>									
2002	276	186	137	71	78	17	15	5	785
2003	239	163	141	77	85	20	18	4	747
2004	229	171	146	80	85	27	17	5	760
2005	235	164	157	73	86	29	24	8	775
2006	249	155	158	58	92	26	15	6	757
2007	215	173	171	60	113	21	24	8	785
2008	194	140	141	46	104	19	24	3	671
2009	210	142	155	60	92	29	16	4	708
2010	185	130	114	57	99	16	24	10	635
2011	190	121	108	40	86	14	17	3	579
% change 2010-2011	2.7	-8.9	-5.3	-29.8	-13.1	-12.5	-29.2	-70.0	-8.8
Ave. change 2002-2011 ^b	-3.8	-4.0	-2.1	-5.9	1.9	-2.6	2.0	-1.2	-2.8
<i>Passengers</i>									
2002	123	90	90	40	47	4	25	3	422
2003	137	82	70	46	53	7	21	4	420
2004	122	77	73	22	42	18	8	0	362
2005	100	78	65	39	35	10	16	4	347
2006	102	63	66	21	52	20	11	1	336
2007	77	67	64	36	61	11	18	2	336
2008	67	52	78	23	43	11	24	4	302
2009	102	54	68	33	42	21	6	4	330
2010	89	62	50	24	39	5	13	2	284
2011	73	60	73	23	36	3	18	0	286
% change 2010-2011	-18.0	-3.2	46.0	-4.2	-7.7	-40.0	38.5	-100.0	0.7
Ave. change 2002-2011 ^b	-5.9	-5.0	-2.4	-5.1	-2.3	-2.7	-3.6	-	-4.2

a Comprises drivers, passengers, pedestrians, motorcyclists, pedal cyclists and those with unstated or unknown road user type.

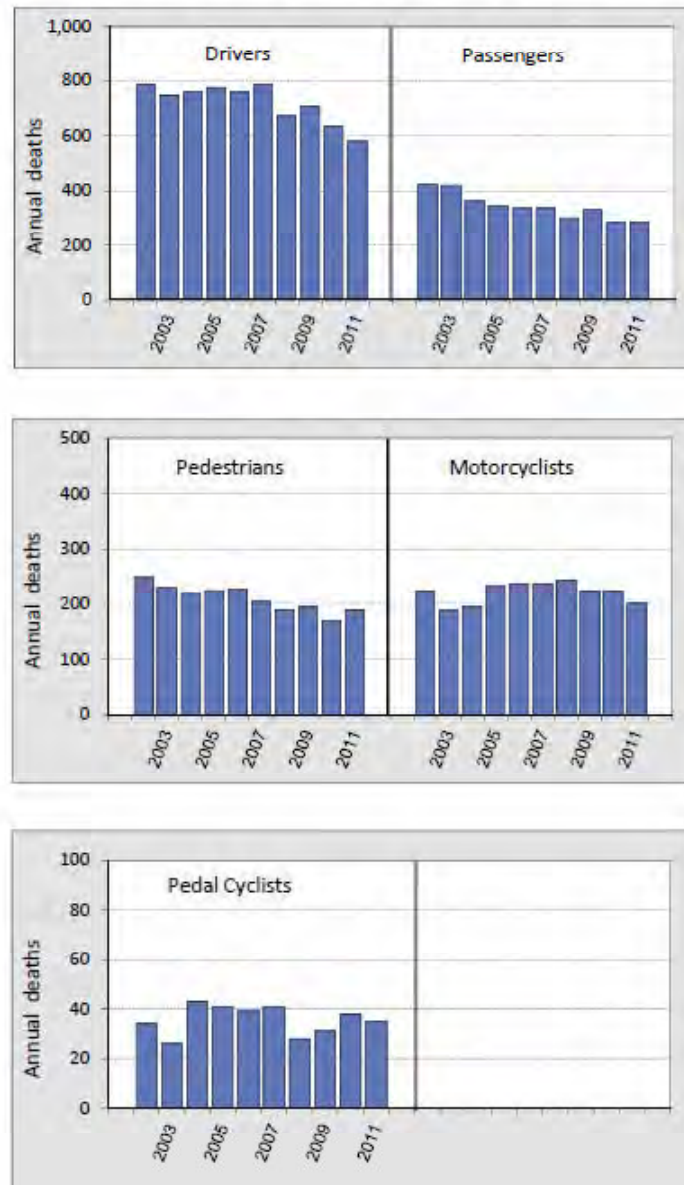
b All average annual percentage changes are based on an estimated exponential trend over the last ten 12-month periods (using 10 data points). A dash implies that no exponential trend was estimated.

Table 1 Deaths by jurisdiction and road user (continued)

	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Australia
Pedestrians									
2002	94	58	37	18	24	6	11	1	249
2003	94	41	50	16	18	3	8	2	232
2004	85	49	34	11	26	4	9	2	220
2005	96	49	38	12	16	2	8	5	226
2006	72	58	46	12	22	3	13	2	228
2007	68	41	42	15	20	4	13	1	204
2008	49	59	30	12	18	1	17	3	189
2009	59	50	40	9	25	3	6	2	194
2010	59	39	28	16	15	6	7	0	170
2011	52	49	33	17	26	5	7	0	189
% change 2010-2011	-11.9	25.6	17.9	6.3	73.3	-16.7	0.0	-	11.2
Ave. change 2002-2011	-7.3	-0.9	-3.0	-0.8	-0.3	0.0	-2.8	-	-3.5
Motorcyclists^c									
2002	55	56	53	22	23	10	4	1	224
2003	59	39	42	13	23	11	0	1	188
2004	58	37	48	21	22	7	0	2	195
2005	64	48	64	19	21	7	2	8	233
2006	66	47	58	22	31	5	6	3	238
2007	61	45	73	8	37	7	3	3	237
2008	55	43	72	17	36	8	10	4	245
2009	69	38	60	15	31	8	1	2	224
2010	61	49	50	16	35	3	5	5	224
2011	52	49	45	20	29	1	2	3	201
% change 2010-2011	-14.8	0.0	-10.0	25.0	-17.1	-86.7	-60.0	-40.0	-10.3
Ave. change 2002-2011	0.0	0.1	0.9	-1.5	5.3	-15.8	-	12.3	0.7
Pedal Cyclists									
2002	13	7	5	3	6	0	0	0	34
2003	9	4	7	5	1	0	0	0	26
2004	16	9	9	3	3	2	1	0	43
2005	13	7	5	3	5	4	3	1	41
2006	7	14	9	4	3	1	0	1	39
2007	14	6	10	5	4	2	0	0	41
2008	8	9	7	1	3	0	0	0	28
2009	13	6	8	2	0	2	0	0	31
2010	11	8	7	5	4	1	0	2	38
2011	10	8	9	3	3	2	0	0	35
% change 2010-2011	-9.1	0.0	28.6	-40.0	-25.0	100.0	-	-100.0	-7.9
Ave. change 2002-2011	-1.7	2.4	3.6	-3.0	-	-	-	-	0.1

c. Includes pillion passengers.

Figure 3 Road deaths by road user group — 2002 to 2011



Analysis: Road Deaths by Population



Courtesy AAA



Pedestrians

Status: **AMBER**

- There have been 172 pedestrian deaths on Australian roads over the 12 months to September 2012, compared with 185 deaths over the same period to September 2011.
- This represents a decrease of 7 per cent.

Courtesy AAA



Pedestrian Council of Australia
The Walking Class

Barriers to Walking

10 km/h Shared Zones

NRSSP

National Road Safety Strategy Panel

Sydney

Friday 5 September 2008

SHARED ZONES

NATIONAL SURVEY – ISSUES – RECOMMENDATIONS

At the last meeting of the NRSSP on 16 February 2008, it was resolved that the Shared Zone Questionnaire should be prepared by the PCA in consultation with Prof Raph Grzebieta - Chair of Road Safety - NSW Injury Risk Management Research Centre (IRMRC).

The aim of the Questionnaire was to conduct a National Survey of people aged 18 years and over to address awareness and interpretation of the term 'Shared Zone'.



Awareness and interpretation of 'Shared Zones'

Prepared for:

Pedestrian Council of Australia

June 2008
3956

*Australia Market Research Pty Ltd
trading as AMR Interactive
ACN 092 541 896
ABN 85 092 541 896*

*Level 14, 235-243 Jones St
ULTIMO NSW 2007
Ph: 61-2-9020 6700
Fax: 61-2 9020 6789*

*Network Offices in Australia, Asia,
Europe and the USA*

The Survey

- A telephone survey was conducted in May 2008 with a national sample of 411 people aged 18 years. The survey address awareness and interpretation of the term 'Shared Zone'. The survey did not address the signage used around a Shared Zone. Information was collected on area of residence, age and gender.
- The key questions were:
 - A. **I am now going to ask you some questions about road rules for motorists and pedestrians. Have you heard of the term "Shared Zone"?**
 - 1 Yes
 - 2 No
 - B. **IF AWARE: I am going to read out three statements. Please tell me which one you think best describes how a "Shared Zone" works?**
IF NOT AWARE: Just thinking about the term "Shared Zone". I am going to read out three statements. Please tell me which one you think would best describe how a "Shared Zone" would work.

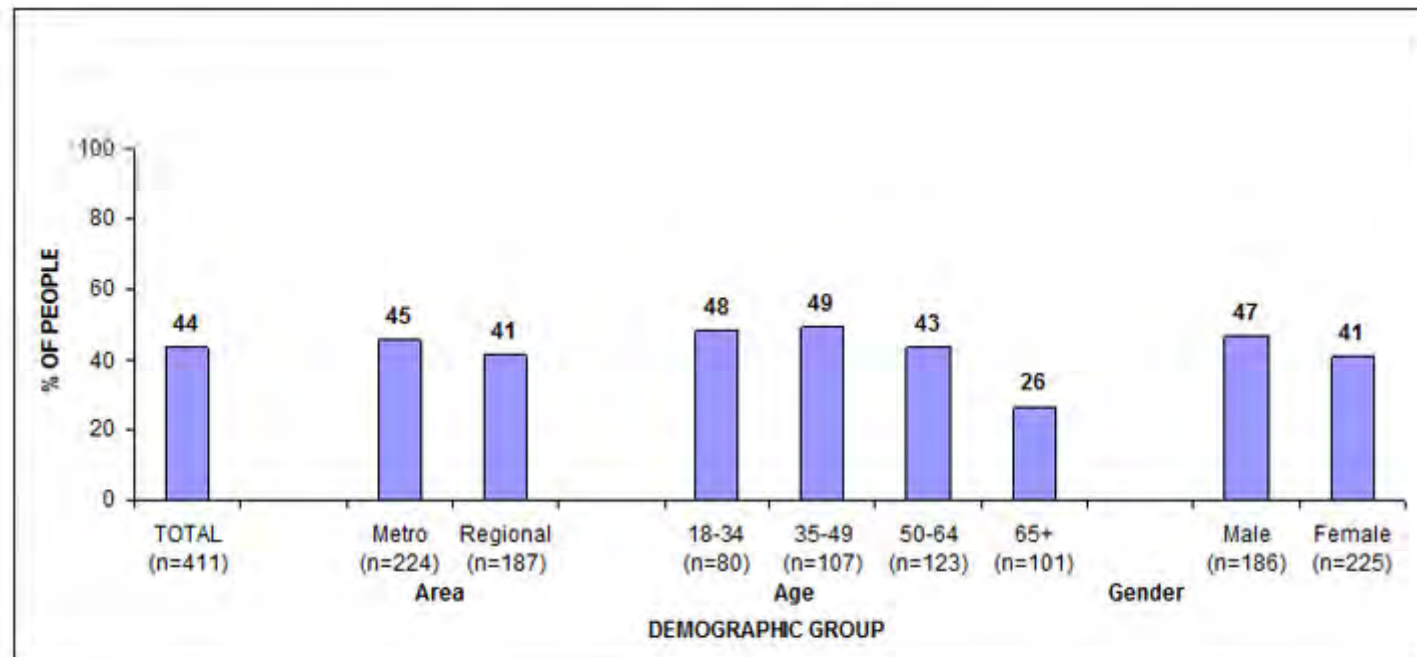
**READ OUT ALL – PAUSE BETWEEN EACH TO CLEARLY SEPARATE
RANDOMISE ORDER 1/3**
 - 1 Motorists have right of way over pedestrians in a Shared Zone
 - 2 Pedestrians have right of way over motorists in a Shared Zone
 - 3 Motorists and Pedestrians have equal right of way in a Shared Zone
 - 4 DO NOT READ OUT: Don't know
- The results were weighted to the Australian adult population by area of residence (state, metropolitan, regional), age (18-34, 35-49, 50-64, 65+ years) and gender. The large majority (87%) of the sample currently held a full driver's licence.
- Results are reported for a number of demographic groups. The sample size (unweighted) for each group has been included in the charts for reference.

The Results

Awareness

- 44% of people were aware of the term 'Shared Zone'. The main demographic difference was for a much lower awareness among those aged 65+ years (26% compared with 43-49% among the other age groups).

Chart 1. Awareness of the term 'Shared Zone' (sample sizes shown for each group)

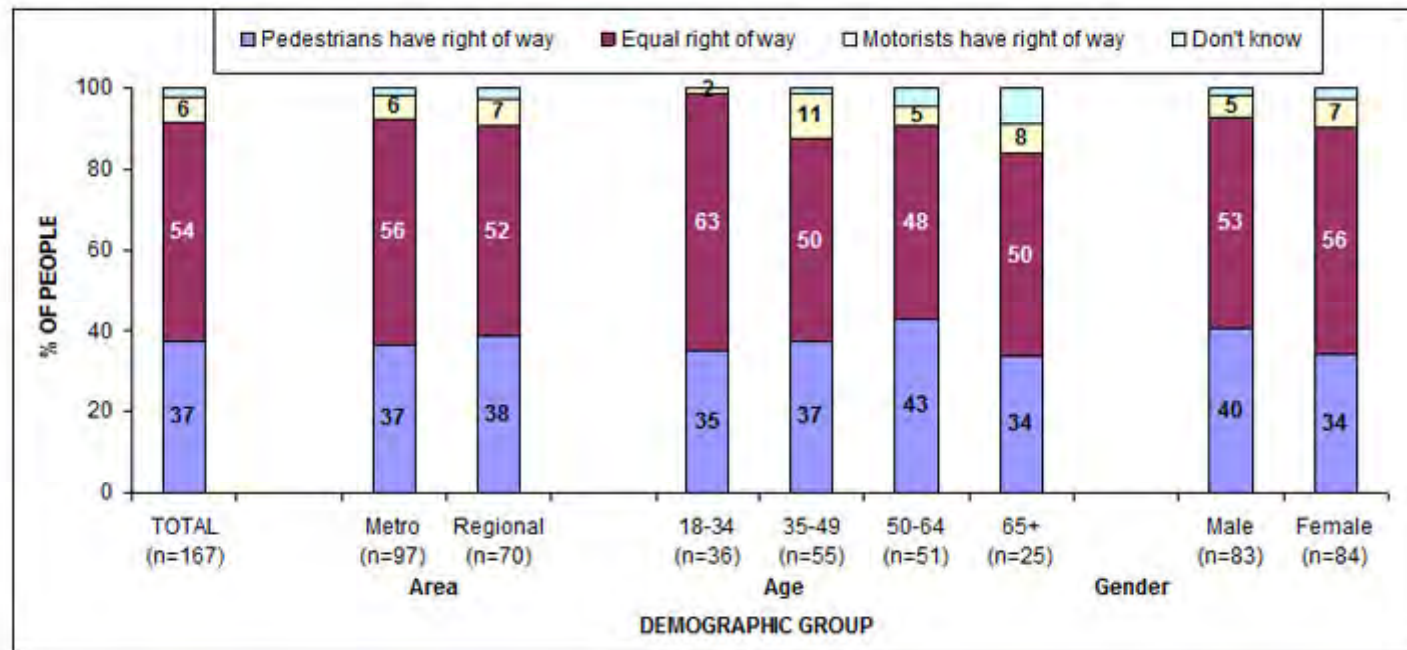


Interpretation of 'Shared Zone'

If aware...

- Interpretation of the term 'Shared Zone' was assessed separately among those aware of the term and those unaware.
- Among those who had heard of the term 'Shared Zone', only about a third (37%) of people correctly interpreted it as meaning 'pedestrians have right of way'. About half (54%) considered the pedestrians and motorists had 'equal right of way'.
- There was little difference in the correct interpretation among the demographic groups.

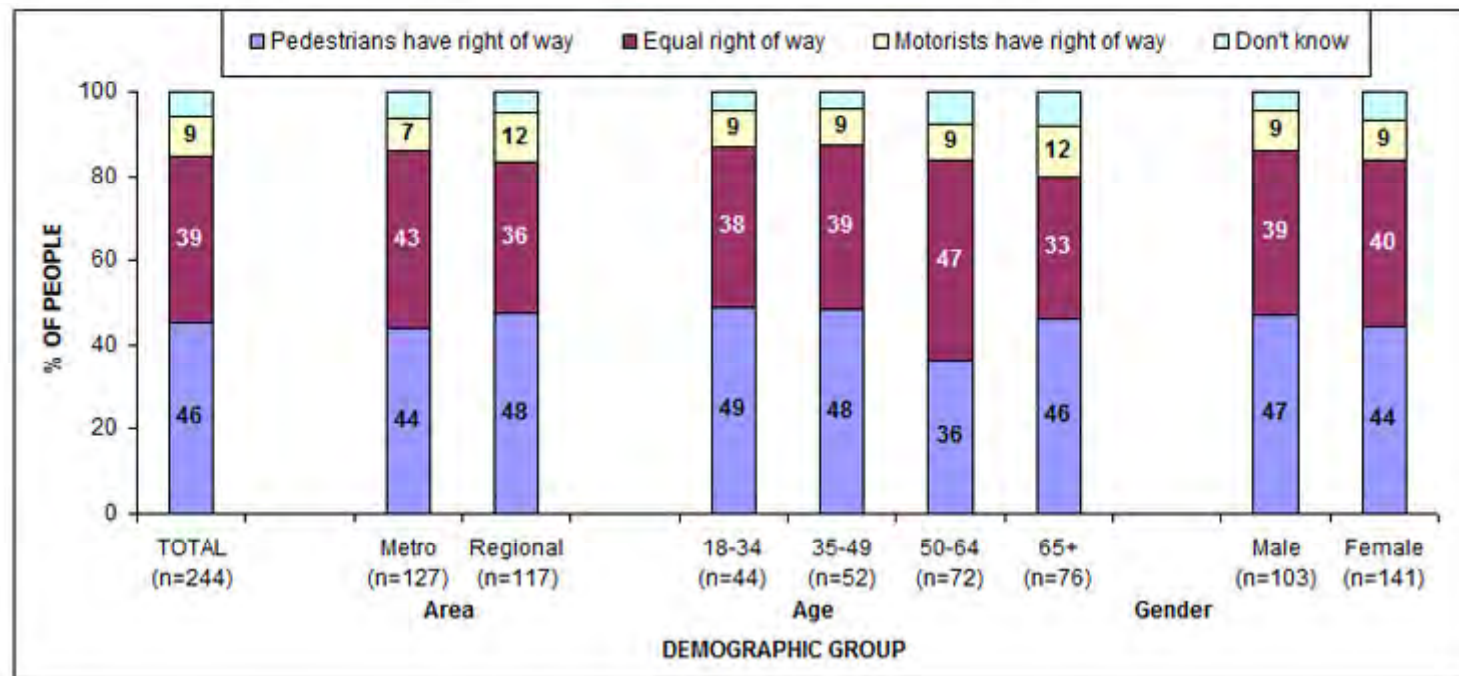
Chart 2. Interpretation of 'Shared Zone' if heard of term (sample sizes shown for each group)



If not aware....

- Those people who were unaware of the term 'Shared Zone' were more marginally likely to consider that 'pedestrians have right of way' (46% vs 37% if aware); and fewer considered the pedestrians and motorists had 'equal right of way' (39% vs 54% if aware).
- There was, again, little difference between the demographic groups.

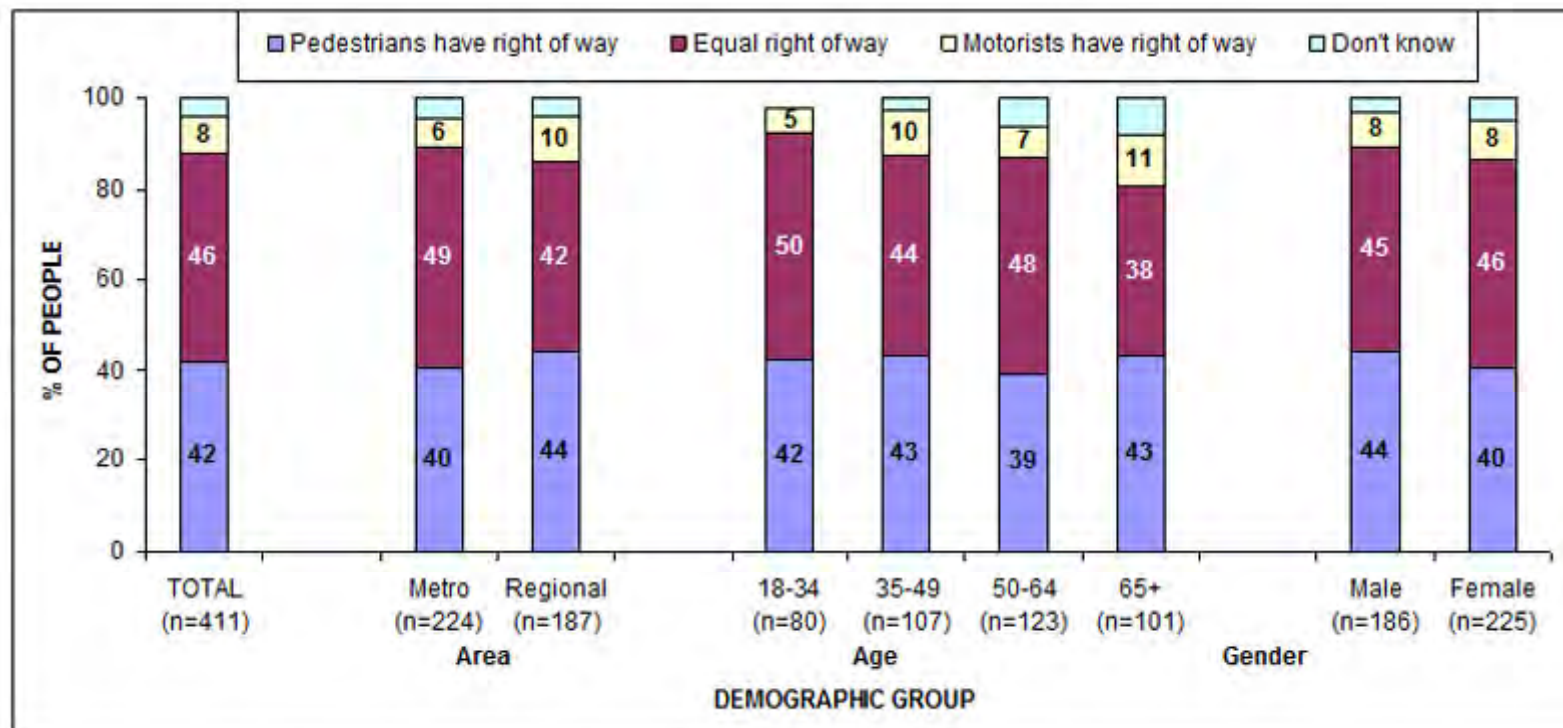
Chart 3. Interpretation of 'Shared Zone' if not heard of term (sample sizes shown for each group)



All people...

- Pooling the results, for those aware and unaware, showed that only about two fifths (42%) of people considered that that term 'Shared Zone' meant that 'pedestrians have right of way'.
- A similar proportion (46%) considered the pedestrians and motorists had 'equal right of way'.

Chart 4. Interpretation of 'Shared Zone' among all people (sample sizes shown for each group)



Conclusion

- The focus of the survey was on interpretation of the term 'Shared Zone', in the context of road rules for motorists and pedestrians. That is, what is being communicated by the actual term.
- In this context, the term 'Shared Zone' does not unequivocally communicate that pedestrians have right of way, even among those who had heard of the term before.
- The survey did not assess the communicative effectiveness of the sign that is shown around a Shared Zone.

AUSTRALIAN ROAD RULES

19 October 1999

Division 5 Crossings and shared zones

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.

Offence provision.

Note 1 Shared zone is defined in rule 24.

Note 2 For this rule, give way means the driver must slow down and, if necessary, stop to avoid a collision — see the definition in the dictionary.

Macquarie Dictionary

share¹

/ (say shair)

--verb (*t*)

3. to divide and distribute in shares; apportion.

4. to use, participate in, enjoy, etc., jointly.

--verb (*i*)

5. (sometimes followed by *in*) to have a share or part; take part.

--phrase

6. share and share alike, to divide things or benefits equally.

[Middle English; Old English *scearu* cutting, division. See [shear](#) (verb)]

--**sharer**, *noun*



Shared Zones

Double Jeopardy: Apart from the confusing name, the logo features a young girl running away from a driverless car.



RECOGNISE this sign? You'll find it in particularly busy areas such as Horden Lane behind the Bridgepoint shopping centre at Spit Junction, in Awaba St at Countess Park, at the Neutral Bay shopping car park and the top of Mount St, North Sydney, to name a few.

But the most important

thing is: Pedestrians have right of way. Sergeant Tony Ferguson of Harbourside Police says there has been some confusion about the zones.

"The main thing to remember," Tony says, "is that these areas may have people walking on them and to slow down and give way to them."



IN SHARED ZONES PEDESTRIANS HAVE

ABSOLUTE RIGHT OF WAY.

Shared Zones are being introduced throughout Australia where there is a high level of pedestrian activity, yet the need to allow motor vehicle access.

Hordern Place (adjoining Bridgepoint) is a Shared Zone. The speed limit is 10 kilometres per hour.

Research suggests that very few people are aware of their obligations in Shared Zones.

The RTA, Motor Accidents Authority of NSW, Mosman Council, Berry's Retravision, Franklins, Harris Farm Markets, OPSM and the Pedestrian Council of Australia have sponsored this awareness campaign in order to educate motorists and pedestrians alike of their rights and obligations in Shared Zones.

Please, obey the speed limit and **GIVE WAY** to pedestrians in Shared Zones.





IN SHARED ZONES PEDESTRIANS HAVE

ABSOLUTE RIGHT OF WAY.

Shared Zones are being introduced throughout Australia where there is a high level of pedestrian activity, yet the need to allow motor vehicle access.

The car park adjacent to Woolworths, Neutral Bay is a Shared Zone. The speed limit is 10 kilometres per hour.

There have been several accidents involving pedestrians in the car park recently.

Research suggests that very few people are aware of their obligations in Shared Zones. The RTA, Motor Accidents Authority of NSW, North Sydney Council, Woolworths and the Pedestrian Council of Australia have sponsored this awareness campaign in order to educate motorists and pedestrians alike of their rights and obligations in Shared Zones.

Please, obey the speed limit and GIVE WAY to pedestrians in Shared Zones.







To: Chief Executive
From: Director, Road Safety and Traffic Management
Subject: Various Issues raised by the Pedestrian Council of Australia - Update for meeting scheduled for 5/6/98.
Date: 4/6/98

Briefing notes are provided regarding various issues raised by the Pedestrian Council of Australia (PCA).

Issue 13:

Pedestrian right of way in Council car parks and removal of shared zones.

Comment:

Council car parks are defined under the *Traffic Act* and *Motor Traffic Regulations* as "public streets". That is, all of the regulations which apply to road users on roads also apply in car parks.

The most effective way of providing pedestrian priority in car parks is to make the car park a *Shared Zone*. AUSTROADS says, "*The most common uses of shared zones are in commercial, tourist and heritage areas.....Shared Zones can also be used to advantage in typically mixed use areas, such as parking areas, college and university campuses and caravan parks. The designation of these areas as shared traffic zones, by the necessary signs in addition to speed reduction techniques, where necessary, will provide pedestrians with a legal environment more in keeping with community expectations in these areas*" (AUSTROADS Guide to Traffic Engineering Practice - Part 13, p70).

The basic premise of a 'shared zone' is that pedestrians have equal rights with motor vehicles to use the road space. Motor vehicles can use 'shared zones', but at a greatly reduced speed of 10 km/h which does not present a safety hazard to pedestrians and are obliged to avoid colliding with pedestrians. Whilst continuing to provide vehicular access to properties and on-street parking, the street can be redesigned to be safer, quieter and more aesthetically attractive.

There are a number of shared zones currently successfully operating around the State. Due to the benefits to pedestrians and other vulnerable road users, the RTA does not intend to remove these shared zones. However, there may be some merit in investigating the potential for changing the name of "Shared Zones" to one which conveys to drivers the priority which pedestrians have in those zones.

Our Reference: CE03/1694
97M2618



15 JUL 2003

Mr Harold Scruby
Chairman/CEO
Pedestrian Council of Australia Limited
PO Box 500
NEUTRAL BAY NSW 2089

Roads and Traffic
Authority

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Surry Hills NSW 2010
Telephone (02) 9218 6209
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Haymarket NSW 1238
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Dear Harold

Thank you for your electronic mail message dated 19 June, 2003 regarding *Shared Zones*.

For the third time, the RTA raised the issue of renaming *Shared Zones* to *Pedestrian Priority Zones* or *Pedestrian Zones* with the Australian Road Rules (ARR) Maintenance Group at its meeting on 3 July, 2003. However, all States, with the exception of NSW, voted against the change of name to *Pedestrian Priority Zone* on the basis that the ARR do not refer anywhere to anyone or any thing having 'priority'. The Maintenance Group rejected the proposal to change the name of *Shared Zones* to *Pedestrian Zones* on the basis of roads generally being for vehicles, where as in a *Shared Zone*, a driver must share the space with pedestrians and give way to any pedestrian in the zone. Additionally, the Group felt that the term *Pedestrian Zone* would indicate that the area was for pedestrians only and that drivers should not drive in such a zone. The Group further reinforced that the erection of *Give Way to Pedestrians* supplementary plates in conjunction with *Shared Zone* signs reinforces a driver's obligation to give way to pedestrians in a *Shared Zone*.

It would not be appropriate for the RTA to change the name of *Shared Zones* in the absence of a national approach to the issue. The RTA will continue to erect *Give Way to Pedestrians* supplementary plates in conjunction with *Shared Zone* signs.

As stated in previous correspondence, as vehicle speeds increase, the risk of serious injury or death to pedestrians involved in a collision with vehicles increases. In order to minimise the risk to pedestrians in *Shared Zones*, the RTA has mandated that a speed limit of 10 km/h will apply. This speed closely represents the walking speed of pedestrians (85th percentile speed of 4.3 km/h) in contrast to a speed limit of 20 km/h. A speed limit of 20 km/h in a *Shared Zone* would introduce a difference five times in magnitude in 85th percentile speed between vehicles and pedestrians.

Once again, I appreciate your comments on vehicle speedometers. However, in the interest of pedestrian safety and amenity, the RTA does not support the introduction of speed limits higher than 10 km/h for *Shared Zones*.

The allocation of demerit points and an increase in the penalty to drivers who fail to give way to pedestrians in a *Shared Zone* is being considered as part of the current review of traffic penalties.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Forward', written over a light blue horizontal line.

Paul Forward
Chief Executive

Enlarged excerpts from RTA letter – 15 July 2003

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20 kmh Shared Zones? Not in NSW.



In Queensland they are now substituting 20 metre Shared Zones for Pedestrian Crossings. This is a “more cars faster – damn the pedestrian” mentality and culture. It’s incredibly dangerous because it allows motorists to stop in the middle of these zones (unlike pedestrian crossings where it’s illegal), blocking line of sight. Senior police have also advised us that it would be impossible to enforce the speed limit in these zones, due to the lack of distance travelled.

RECOMMENDATION

That the NRSSP recommends to the ARR Maintenance Group that Shared Zones be renamed Pedestrian Priority Zones and that the logo be re-designed to reflect the fact that Pedestrians have Right-of-Way in these zones.



**New
Logo**



Pedestrian Council of Australia
The Walking Class



Barriers to Walking Shared Paths (Bicycles)

All Share – No Responsibility



SHARED PATHS (Bicycles)

The first time since Roman times that vehicles have been allowed on the footpath.

On these paths, even though the law states that cyclists must give way to pedestrians at all times, even if that means coming to a stop:

- * There's no insurance**
 - *No speed limits**
 - *No risk assessment**
 - * No enforcement**
 - * Pathetic penalties**
- * No identification or licence**
 - * No training**
 - * No number-plates**
- * Cyclists must wear helmets, so if they hit a pedestrian, they are more protected**

There are many instances of people being seriously injured by cyclists on Shared Paths and taking years in the courts to get any compensation.

IT'S LYCRA LUNACY

The Australian Road Rules state categorically that when on a Shared Path:

(2) The rider of a bicycle riding on a footpath or shared path must:

(a) keep to the left of the footpath or shared path unless it is impracticable to do so, and

(b) give way to any pedestrian on the footpath or shared path.

Note 2. For subrule (2), give way means the rider must slow down and, if necessary, stop to avoid a collision

Shared paths

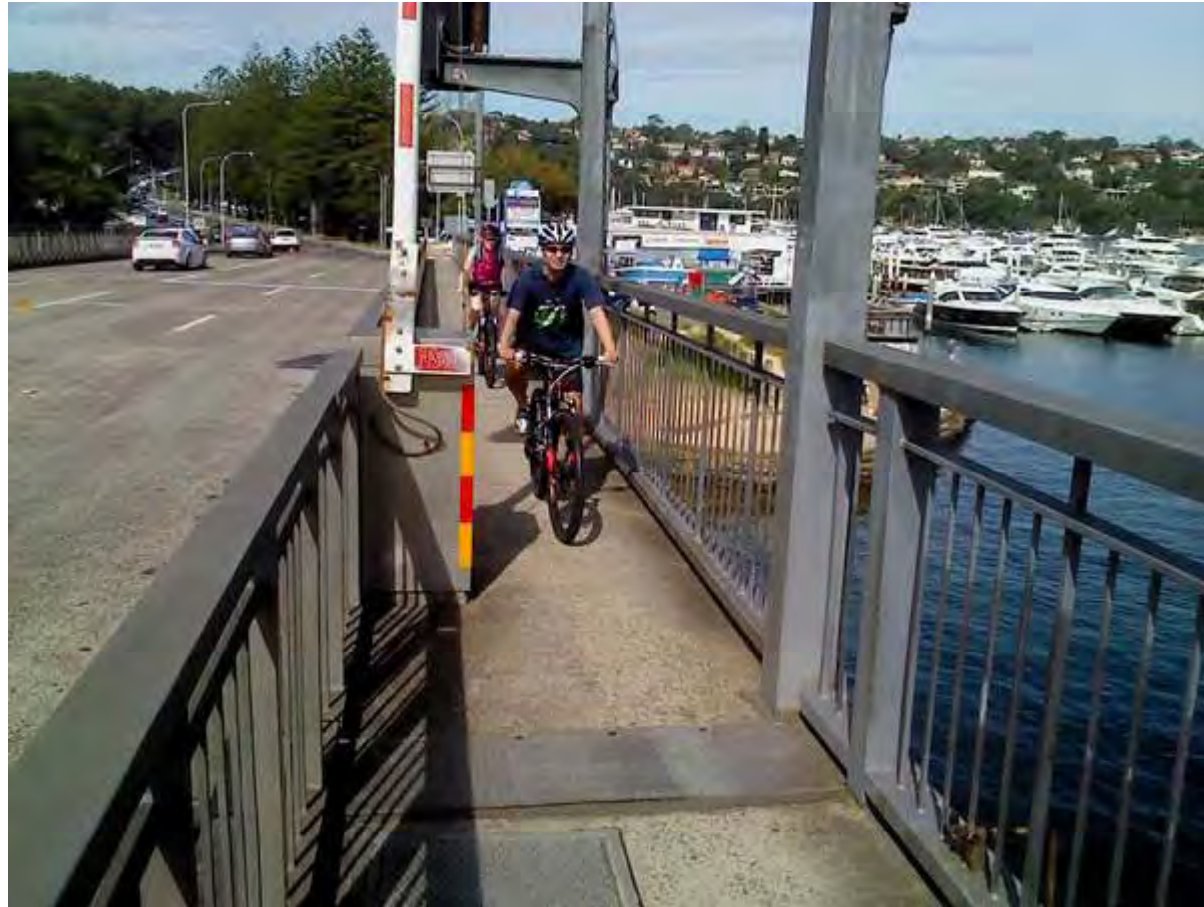
Table 7.5 shows desirable widths and acceptable ranges of width for shared use paths. As for bicycle paths, the upper limit of the acceptable range in the table should not discourage designers from providing a greater width where it is needed (e.g. very high demand that may also result in overtaking in both directions).

Table 7.5: Shared path widths

	Path width (m)		
	Local access path	Commuter path	Recreational path
Desirable minimum width	2.5	3.0	3.5
Minimum width – typical maximum	2.5 ⁽¹⁾ – 3.0 ⁽²⁾	2.5 ⁽¹⁾ – 4.0 ⁽²⁾	3.0 ⁽¹⁾ – 4.0 ⁽²⁾

- 1 A lesser width should only to be adopted where cyclist volumes and operational speeds will remain low.
- 2 A greater width may be required where the numbers of cyclists and pedestrians are very high or there is a high probability of conflict between users (e.g. people walking dogs, roller bladers and skaters etc.).

Source: Figure 7.4 of Austroads (2009m).



This “Shared Path” on the Spit Bridge in Sydney is 1.2 metres wide. The Austroads Guidelines state that the minimum desirable width for a “commuter path” should be 3 metres.



On this Spit Bridge Shared Path, the Australian Road Rules require cyclists to keep to the left. It's a 2-way path without sufficient room for cyclists to pass without touching, while pedestrians and cyclists are within centimetres of buses and trucks.



The law requires cyclists to give way to pedestrians at all times, even if that means coming to a stop. So why do the signs not state: Cyclists Watch out and Give Way to Pedestrians.



After a vehicle crashed through the fence, leaving a 3 metre drop, the authorities left the area in this state for over a month. Imagine a cyclist hitting this at night. Authorities throughout Australia seem to believe they can simply proclaim these Shared Zones without the need for continuing maintenance and Duty of Care.





Cyclists emerge from behind these bushes at high speed, across an intersection, where there's no line of site.



Footpaths are for pedestrians –
not vehicles



Pyrmont Bridge Sydney

All Share – No Responsibility

The speed limit is unenforceable

The signs are also unlawful and unenforceable

These signs actually invite motor vehicles to enter these zones.

Shared path sign



End no bicycles sign



Pymont Bridge Sydney
All Share – No Responsibility

These are the lawful signs required by the Australian Road Rules



Pyrmont Bridge Sydney
All Share – No Responsibility

Fluoro clad men with Darth Vader sticks pretending to enforce the law



THE GOOD NEWS

At a Transport for NSW Masterplan meeting held in Sydney on 20 September 2012, the President of Bicycle NSW, Alex Unwin, stated that **Shared Paths should be a maximum of 10 km/h.**

Shared path sign



End no bicycles sign



REPEAT

These are the lawful signs required by the Australian Road Rules



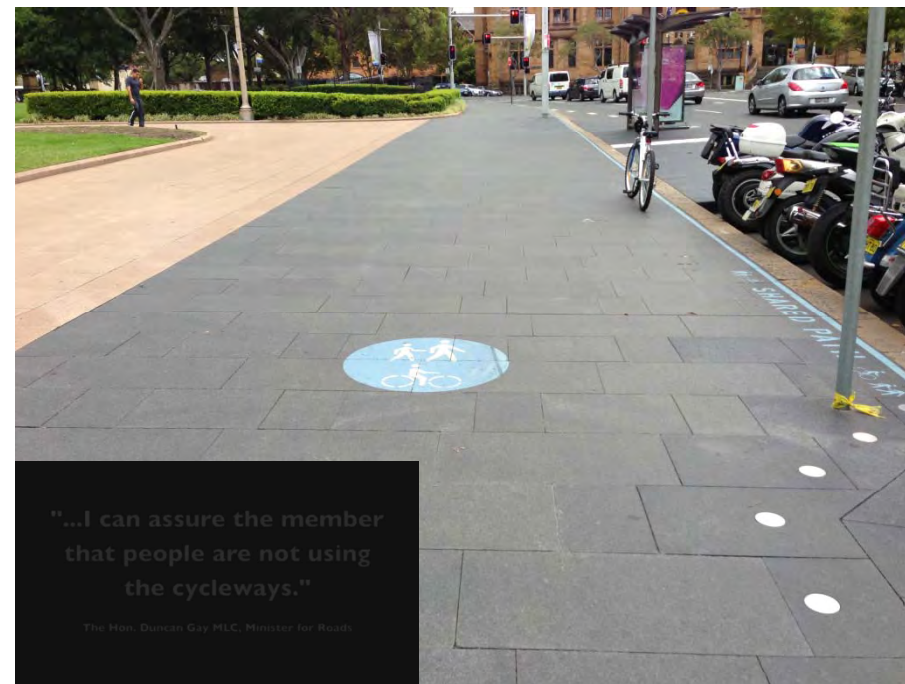
So why is Sydney's Lord Mayor, Clover Moore, introducing a completely new Shared Path logo throughout Sydney?

What if every Council in Australia did this?

We believe these signs are unlawful and unenforceable.

And where there's confusion, there's potential for harm.

Note: The logo of the cyclist in the upright position is designed to give the false impression that cyclists on Sydney's Shared Paths ride passively like in Copenhagen. (That's probably why the cyclist is not wearing a helmet.) In fact the vast majority of Sydney cyclists commute wearing Lycra, arched over the handlebars, in Tour de France fashion.



"...I can assure the member
that people are not using
the cycleways."

The Hon. Duncan Gay MLC, Minister for Roads

More of Lord Mayor Clover Moore's confusing Shared Path logos. Cyclists exit the dedicated cycle paths at high speed and rarely slow down once on the Hyde Park Shared Path.

There's no insurance, no speed limits, little if any enforcement, pathetic penalties, no identification, if there's a collision, the cyclist is better protected because he or she is wearing a helmet ... and in Australia, the greatest cause of death for people over 50 is from a fall.

IT'S LYCRA LUNACY

(see the proof)

<http://catefaehrmann.org/2011/07/on-your-bike-sydney/>

**Risk Management Plan -
Risk Assessment Report
Shared Cyclists/Pedestrians
Path System**

(This Plan is based upon
AS/NZS4360:2004 – Risk
Management)

September 2009

Spackman Mossop Michaels (SMM)



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NCSI Certified Quality System ISO 9001

**In 2010, the PCA issued a FoI
(Freedom of Information) and
obtained a copy of the City of
Sydney's Risk Assessment and
Management Plan for their
Shared Paths System.**

**This is the document which
forms the template for all
Shared Paths in the City of
Sydney.**

On Page 2 of this document there are two definitions:

1.2.7 Pedestrian

A person walking, and including people in wheelchairs, on roller skates or riding on “toy vehicles” such as skate boards or other vehicles, other than a bicycle, powered by human effort or a motor and with maximum speed of 7 km/h.

1.2.8 Cyclist

Rider of a bicycle or a human powered vehicle, with maximum speed of 15 km/h.

Since obtaining this document, the PCA has written to Parsons Brinckerhoff on 4 occasions asking them to show how and upon what evidence they arrived at this conclusion. They have never even acknowledged our correspondence.

Because there are no speed limits in NSW on Shared Paths, and because the CoS Shared Path Risk Assessment is predicated on a Maximum Speed of 15 km/h, it is our view that the entire CoS system is fundamentally and fatally flawed.

In 2002, Mrs Maria Guliano was struck on a Shared Path in Balmain (Sydney). She was permanently brain damaged and required a full-time carer. The cyclist left the scene. An expert witness testified that the cyclist was travelling at less than 20 km/h. It took her husband 6 years in court to sue the RTA and Leichhardt Council. They finally settled out of court.

There is no insurance for pedestrians hit by cyclists on Shared Paths.



**ANZAC Bridge (West) – Shared Path
Sydney**



In December 2012 an expert Lidar speed-gun operator, and a journalist and a photographer from the Sunday Telegraph clocked the speeds of cyclists on the ANZAC Bridge Shared Path



There's a blind corner at the western end, which is a pedestrian access point to the bridge



**Just as a pedestrian was about to walk around this
blind corner ...**



Three cyclists emerged travelling at 39 km/h ...



Cyclists ride on wild side

JORDAN BAKER

The Sunday Telegraph - December 16, 2012

”CYCLISTS are clocking speeds of up to 47km/h on paths shared with pedestrians, and walkers are terrified. ... Most were travelling between 30km/h and 40km/h, but more than a dozen clocked more than 40km/h and the fastest flew past at 47km/h.”



Watch the video clip.

<http://www.youtube.com/watch?v=fZBHrKZGixE&feature=youtu.be>

ZERO

(A DO-NOTHING FINGERS CROSSED POLICY)

Over two and a half months later, in spite of the widespread publicity, and the precedent set by the Guliano case, the RMS (formerly the RTA) has done absolutely nothing to minimise the potential for harm.

Question:

How are blind people to know they are on a Shared Path?

How are people who are deaf expected to know there are cyclists behind them ringing their bells (as instructed by many authorities)?

**People who are blind can't
drive.**

**They must use the footpath to
reach public transport and/or
their destination.**

**The PCA intends taking these
very serious issues of
discrimination to the Human
Rights and Equal
Opportunities Commission.**

Governments across Australia are about to approve 250 watt electric bicycles. They are capable of speeds up to 25 km/h. They will be permitted on Shared Paths.



It is compulsory throughout Australia to wear a helmet when riding a bicycle. In a crash between a pedestrian and a cyclist, the cyclist is better protected.

Recommendation:

That there be an urgent and independent inquiry into Shared Paths by the Federal Dept of Infrastructure to consider speed limits, insurance, risk assessment, enforcement, national standards, identification of cyclists, penalties etc..

A WARNING TO ALL COUNCILS AND GOVERNMENTS

The courts are now proving that Councils must be very careful to comply with the Austroads Guidelines when proclaiming Shared Paths.

Once proclaimed, they have a Duty of Care to maintain them.

Unlike pedestrians, cyclists require a far smoother, regularly maintained , well lit, shared path, if injuries are to be avoided.

Over time, they will also be required to ensure the laws are vigorously enforced.

With a rapidly ageing population, Councils must be reminded that the greatest cause of death for people over 75 is from a fall.

MONTY vs. BAYSIDE COUNCIL - 2010

Cyclist, John Monty, sued BCC and was awarded \$229,000 in damages when he was permanently injured after a fall from his bike on a Shared Path

Judge Phillip Coish found:

I find that BCC breached the duty of care it owed to the plaintiff by approving the installation of the bluestone kerb at the edge of the bike path in a situation in which this meant there was zero lateral clearance on the eastern edge of the path, the bike path was only 2.5 metres wide

MONTY vs. BAYSIDE COUNCIL - 2010



Injured cyclist John Monty at the scene of his accident.

Bayside's director of city strategy, Guy Wilson-Browne, said the council would now examine safety of the entire path in addition to regular six-month inspections.

Quiet Corner remains unchanged.

Bicycle Victoria spokesman Garry Brennan said it was incumbent on councils to identify, assess and remove safety risks on bike paths.



In New Zealand they correctly and sensibly call Shared Paths “Pedestrian Priority” zones. “The misnomer, “Shared” creates the impression of equal rights, not pedestrian priority.



Pedestrian Council of Australia

The Walking Class



Let's remove "Shared" from the Road Safety lexicon.

Let's

DEDICATE

&

SEPARATE



Pedestrian Council of Australia
The Walking Class



**Stupid
Pedestrians**

**LAMBS TO THE
SLAUGHTER**



PRESS

**WAIT FOR
THE GREEN**



PEDESTRIAN COUNCIL OF AUSTRALIA

**LAMBS
TO THE
SLAUGHTER**



**WAIT
FOR THE
GREEN**



PEDESTRIAN COUNCIL OF AUSTRALIA

BILLBOARD



DON'T TUNE OUT

STOP LOOK LISTEN THINK



PEDESTRIAN COUNCIL
OF AUSTRALIA
walk.com.au



Pedestrian Council of Australia
The Walking Class



Inebriated Pedestrians

**More than 20% of pedestrians
killed on our roads have a
blood alcohol content (BAC)
exceeding 0.15**

**NEVER LET A
MATE WALK
HOME DRUNK**



**PEDESTRIAN COUNCIL
OF AUSTRALIA**

Our latest TV and viral advertisement

More

<http://www.youtube.com/watch?v=jERpYxBwmIU&feature=youtu.be>



Pedestrian Council of Australia

The Walking Class Heroes

walk.com.au