

INQUIRY INTO VULNERABLE ROAD USERS

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Staysafe (Road Safety) Committee's Inquiry into Vulnerable Road Users Focussing on bicyclists and motorcyclists

Thank you for this opportunity to make a submission on vulnerable road users.

Please note that this is a private submission and not representative of any organization or lobby group. While we are members of Bicycle NSW, living in rural NSW we cannot participate in meetings of that Group.

Briefly, our experience as cyclists spans over 60 years for Walter and over 40 years for Margaret. In the last fifteen years of our retirement we have cycled extensively on single cycles and/ or tandem throughout Australia and abroad on journeys varying from 3 km commutes to the local shops to a 1000 km unsupported cycle tour. We have ridden major roads, minor roads, rail trails, veloways, shared cycle paths, canal tow paths and local footpath networks. Our experiences have been many, both good and bad and fortunately we have never been involved in a collision with a motor vehicle although we have run off the road edge on some occasions to avoid a collision.

We are also motorists with extensive experience of driving on various road surfaces, driving in heavy traffic in CBDs and in light traffic in remote rural regions. Consequently we are confident in offering the following comments that they are based on a wide fold experience of both motoring and cycling. However we admit a bias about cycling having for many years enjoyed its health benefits, its low cost and low environmental impact.

Our submission will cover five prime areas

1. Road Rules
2. Rider visibility
3. Vehicle window tinting
4. Road maintenance
5. Cycle lanes and pathways

1. Road Rules

We find it totally illogical that the most vulnerable group of road users is afforded the least protection by road legislation. Road rules are designed to ensure minimum disruption to the flow of motor vehicles. Posted speed limits are now regarded by most motorists as the minimum speed that they should be able to sustain in all weather conditions.

A major step in addressing this imbalance would be shift the total onus in a motor vehicle – cycle/ motor cycle/ pedestrian accident onto the motor vehicle driver. The driver should be held solely responsible and face the legal consequences of the accident, irrespective of the cyclist's actions prior to being forced to swerve from the path of the vehicle and/or colliding with the vehicle.

'Unfair to the motorist', we can hear many cry. However if this were to become the law, the motorist has several safe options to avoid being implicated in this way. The first is to slow down when approaching a cyclist to ensure a safe stopping distance if the cyclist does something not foreseen by the motorist. The second option is to allow adequate space between the vehicle and cyclist when overtaking in case the cyclist is suddenly obliged to change their line. We will comment again later in our submission about the tendency of many motorists to squeeze cyclists for room on the road.

It is interesting to note our extended experience in Vancouver BC Canada where our daughter is a resident. The traffic densities there are equal to or greater than Sydney's. Vancouver drivers are primarily responsible if they collide with a pedestrian, wherever the pedestrian is crossing a road. There is no mayhem. Pedestrians act in a responsible manner and cross at intersections but cars stop and wait for them to do so safely. Cars also approach intersections at decreased speeds knowing that there may be a pedestrian about to cross. Of course if there are traffic signals at the intersection, all users including pedestrians must obey the signals.

The dichotomy between driver attitude in Sydney and Vancouver is further highlighted by the ease with which Canadian drivers patiently negotiate four way stop sign intersections. Many fewer roundabouts are required when drivers happily take their turn to proceed through an intersection. (Right of way is not claimed. Vehicles proceed in the order in which they arrive at the intersection).

We believe it is imperative to turn Australian attitudes (and supporting legislation) away from who has 'right of way' to who has responsibility to avoid a collision.

As cyclists, our constant concern is the number of vehicles who squeeze past, no matter what the road surface, pavement width or road markings. It is not uncommon for us to be overtaken on pedestrian crossings where the road pavement width has been reduced to slow down approaching vehicles. Even giving a clear right arm signal of our intention to move a little further out into the traffic lane does not deter some from squeezing past with less than 50 cm clearance!

Principal offenders in squeezing past are often buses and industrial vehicles such as premix cement trucks. We acknowledge that these vehicles are a challenge to drive and they are usually working within some time constraints. Nevertheless this does not negate the need for them to acknowledge the risk to cyclists when they overtake them. Like all road users they need to be obliged to slow down, usually momentarily, to ensure the complete safety of a vulnerable road user.

We also foresee an emerging risk for cyclists as the number of electric and alternate fuel vehicles become more common place on our roads. Many of these vehicles are whisper quiet. This is an admirable trend but it will increase the risk of cyclists being

taken by surprise by overtaking vehicles, especially if they persist in squeezing past. Even though we always ride with a rear vision mirror on our bicycle, it is impractical and often dangerous to be continuously focused on this mirror, so we depend on sound clues to sense the closeness of vehicles approaching from our back.

We are aware of a National campaign to give cyclists a metre. Worthy as that is, we believe it would be more effective to legislate that motorists must give cyclists and motor cyclists two metres. The problem with a one metre allowance is that it leaves no latitude for error in the motorist's assessment of that distance. In fact many drivers regard squeezing past as leaving a metre. If they had to consciously allow two metres, motorists would be required to wait until it was safe to pass.

A further benefit from establishing a two metre clearance between cyclists and vehicles is that it would go some way towards mitigating the effect of wind buffering. Many commercial vans, small and large pantechnicons, bulk sand and woodchip trucks, buses and tourist coaches, towed trailers and caravans etc. all create significant wind turbulence. This disturbed air increases the difficulty for a cyclist to maintain a straight course. Of greater concern is that in high cross winds this disturbed air can sometimes result in a vacuum effect that draws the cyclist towards the overtaking vehicle. In these circumstances a clearance of several meters is a must.

Again we can hear protests about motor vehicles being slowed down by cyclists. But we are dealing with protecting road users from possible death and/ or injury. If parallels are drawn with Occupational Health and Safety legislations, work practices are constantly 'slowed down' by placement of barriers, construction of safety rails around roof areas etc to ensure injury to workers cannot happen. However motorists have very few legislated impediments to driving in a manner that may injure a vulnerable road user if they make an error of judgment.

2. Rider visibility

We have constant concern for the number of cyclists we observe dressed in what can best be described as camouflage. Many seem to put fashion ahead of safety. Many others simply wear black or dark blue track suits.

We are strong supporters of the legislated requirement to wear a suitable helmet. However we believe this requirement should be extended to require all cyclists of all ages to have at least one third of their upper body covered with a fluoro and/or reflective panel. There are a number of excellent safety vests on the market and those provided for road and other industrial workers are relatively inexpensive.

If cyclists expect to be given space on the road, then they must be prepared to make themselves as visible as possible in all lighting conditions. It is worth noting that Australia Post has recently issued all their motor cycle postmen with fluoro jackets and trousers to improve their on-road visibility.

3. Vehicle window tinting

A further safety issue that impinges directly on cyclists is the use on many vehicles of window tinting. When we are cycling towards an intersection we always attempt to make eye contact with the driver of any vehicle also approaching the intersection. This is the only way we can assess if we have been seen. Window tinting precludes this in many cases. If we cannot make this eye contact we stop. However this often heightens the frustration of the driver who had the expectation that we would proceed.

The lack of visibility into a vehicle also presents a problem for cyclists riding past cars parked by the kerb and not infrequently in road verge lanes provided for cyclists. When approaching a parked car we always try to discern if it has an occupant. If it obviously does not then we ride with reasonable confidence within one metre of it. However if it has an occupant, we move at least two metres out from it in case the door is suddenly opened.

We believe that window tinting of vehicle glass should not be so dense that the driver's features cannot be discerned from 50 metres in all lighting conditions from all angles of approach.

4. Road maintenance

A constant hazard for cyclists is the lack of attention to the maintenance of road edges. While ever cyclists are expected to ride close to the edge of the road, then that road edge must be maintained to ensure their safety.

In our local area, a number of roads have a continuous white line demarcating a road edge area of widths varying from two metres to a few centimetres. However these pseudo cycle lanes are littered with loose gravel, road debris deflected from motor vehicles and broken glass. In a number of places the bitumen road edge has eroded right back to the white line, obliging cyclists to ride out in the traffic lane.

Councils of course claim lack of funds but it is often just as much a lack of will. If Councils were held directly responsible for injury to cyclists or damage to their bicycles occasioned by poor road maintenance, then their priorities would soon shift.

One of the significant ongoing costs we experience in riding our bicycles is the replacement of tyres cut by glass shards left along road verges. However the issue is not only these costs but the potential consequences in suddenly puncturing a tyre while riding in close proximity to other traffic.

5. Cycle ways and pathways

While cycle ways and pathways provide some measure of relief from some hazards for cyclists, they are not the complete answer and of course are no benefit to motor cyclists.

Cycling on pathways is often more hazardous than riding on the road pavement and we frequently choose the latter option. There are many legitimate users on these

pathways. However they make a dangerous mix for cyclists. On many pathways there are people walking dogs, parents pushing strollers and/or supervising small children riding trainer wheel bikes. There are elderly folk, often with walkers and there are young adults ear plugged to their MP3 players and oblivious to the approach of bell ringing bicycles. Paths are frequently crossed by driveway entrances to properties and vehicles often back out from behind privacy screens, unable to see the approach of cycles until they are partly across the path.

However our main concern with cycle ways and pathways is the way many of them come to an abrupt end and provide no safe continuity. Sometimes their terminus is sign posted but frequently there is no indication of the cycle lane's end and we find ourselves abruptly travelling in a traffic lane.

Nevertheless our experience of cycle routes is not all negative. Some municipal councils, particularly in Adelaide and Melbourne, are providing clearly signposted routes through their suburbs that cyclists can use with a good measure of safety. Roads designated for cycle use often have frequent traffic calming speed humps and/or chicanes that effectively reduce the differential speed between cars and cyclists. All councils need to be encouraged to provide these safe routes and should be able to access State or Federal funding to meet this requirement.

Conclusion

It is our belief that it is imperative to protect the most vulnerable road users by the strongest legislation. Public roads are not for the exclusive use of one sector of the community. Those presenting the greatest risk of death and injury to other public road users should carry the highest responsibility to avoid this occurring.

We also believe that it is everyone's responsibility to minimize the probability of a collision and all cyclists, motor cyclists and pedestrians should ensure that they are visible at all times. Wearing of suitable clothing and the use of reflective material and lights at night should be mandatory.

Road construction authorities and councils should be mandated to maintain pathways and cycleways in a safe condition at all times.

Planning of cycleways should not be allowed to continue in its present piecemeal manner but must be considered to be an integrated component of the traffic network.

We look forward to a positive outcome from this Staysafe inquiry. We cannot allow the present system to continue particularly as we face the need for greater use of cycles and motor cycles to minimize the effect of transportation on the environment.

Walter Lamond . Margaret Lamond

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