

INQUIRY INTO VULNERABLE ROAD USERS

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Date Received: 31/07/2010

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Vulnerable Road Users Enquiry Submission

- A) Patterns of motorcycle and bicycle usage in New South Wales;
People use motorcycles and bicycles as a form of transport, a way of getting one's self from point "a" to point "b". Cycling is usually the best way to travel short distances and the healthiest way to travel long distances. Just like driving, people also ride for recreational purposes
- B) Short and long term trends in motorcycle and bicycle injuries and fatalities across a range of settings, including on-road and off-road uses;
Motor vehicles are the major cause of cyclist injuries and fatalities, cycling fatalities that do not involve motor vehicles are extremely rare. Unlike bicycling, many motorcycling injuries and fatalities occur at high speeds without involving other motor vehicles.
- C) Underlying factors in motorcycle and bicycle injuries and fatalities;
Speed differential between motorists and cyclists is a major safety concern that needs to be addressed. Direct rear impact from motor vehicles is often the biggest cause of cycling fatalities. Side impacts occurring at intersections or from incorrect lane changing are also major contributors to many cyclist fatalities and injuries. According to hospital data 40.7% of Sydney cbd cycling accidents are caused by car doors; dangers created by parked or stationary vehicles generally aren't taken as seriously as they should be. Nine out of ten pedestrian/cyclist collisions occur on road but unlike motor vehicles, cyclists often sustain injuries from collisions involving pedestrians and or other cyclists. Direct rear impact is a less common occurrence amongst motor cyclists.

http://www.onlinepublications.austroroads.com.au/script/Details.asp?DocN=AR0000131_0904

A UK study recently revealed that "amongst adult cyclists, police found the driver solely responsible in about 60%-75% of all cases, and riders solely at fault 17%-25% of the time. Data – which also covered incidents on the highways – showed that 3% of all collisions leading to deaths or serious injuries took place on bike lanes, and almost 80% of casualties happened during daylight hours. Just over 15% of all such accidents involved the cyclist alone. Other data, which was analysed by the Transport Research Laboratory (TRL), showed that more than a quarter of all cycling deaths in 2005-07 happened when a vehicle ran into the rear of a bike. This rose to more than one-third in rural areas and to 40% in collisions that took place away from junctions."

http://www.trl.co.uk/online_store/reports_publications/trl_reports/cat_road_user_safety/report_collisions_involving_pedal_cyclists_on_britain_s_roads_establishing_the_causes_.htm

- D) Current measures and future strategies to address motorcycle and bicycle safety, including education, training and assessment programs;

Existing Measures and future strategies to address motorcycle and bicycle safety are currently few and far between. The biggest safety measure for vulnerable road users such as motorcyclists and bicyclists is a lack of personal protection. When cycling, knowledge in the fact that the punishment for complacency can result in personal injury or death is a safety measure in itself; unfortunately motorists do not share the same risk threshold. Motorists are normally protected by at least one tonne of metal; this means that motorists can often get away without taking responsibility for their actions. In the event of an accident a vulnerable road user will always come off second best.

We're very good all over the world at protecting the motorist - the person inside the vehicle - but we're very bad all over the world at protecting the pedestrian, or protecting the cyclist.

- E) The integration of motorcyclists and bicyclists in the planning and management of the road system in NSW;

Safety in numbers is very important for cyclists, that's why infrastructure such as separated cycle ways are very important to make people feel safe enough to start riding bicycles. Although cycle ways are important they are only a very small part of how to effectively integrate bicycling into our roads system.

On top of cycle ways we recommend following something similar to this five point plan;

1. Introduce some form of Vulnerable Road users Legislation.
2. Update the road rules to allow cyclists to avoid the danger that is motor vehicles.
3. Change cycling infringements to "cycling with undue care"
4. Simplify light sequences and Pedestrian crossings.
5. Prioritize moving people instead of moving machines.

1. Introduce some form of Vulnerable Road users Legislation

The amendment to the Crimes Act requires the vulnerability of a victim to be taken into account when sentencing. Vulnerability due to age, or occupation, but vulnerability in the road environment is not, yet it fits the spirit of this legislation.

To tackle road rage, to boost security and protection for all road users holding people responsible for the danger their vehicles impose on others, a new form of Vulnerable Road Users Legislation is required. Australian road rule legislation needs to acknowledge that everyone makes mistakes, but the motor vehicle always kills the pedestrian or cyclist.

Right of Way on our roads needs to be based around the least most threatening vehicles on our roads.

- **Pedestrians should have right of way over cyclists and motor vehicles (As they already do.)**
- **Cyclists should have right of way over motor vehicles etc. (As they currently do not.)**

Section 236 subsections 1-3 of the Australian road rules must apply to cyclists as it does to pedestrians.

236 Pedestrians not to cause a traffic hazard or Obstruction

(1) A pedestrian must not cause a traffic hazard by moving into the path of a driver.

Offence provision.

(2) A pedestrian must not unreasonably obstruct the path of any driver or another pedestrian.

Offence provision.

(3) For sub rule (2), a pedestrian does not unreasonably obstruct the path of another pedestrian only by travelling more slowly than other pedestrians.

Many European cities are leading the way in such Vulnerable Road Users legislation, Australia should be considering something similar.

2. Change cycling infringements to “cycling with undue care”

The worldwide cycle courier community’s stance has always been clear, we support penalizing cyclists who ride in a manner that puts other road users at risk but we strongly disagree with penalizing cyclists who bend the road rules for their own personal safety. We would like the government to acknowledge that cycling on the footpath is now legal in Queensland, Tasmania, ACT and the Northern Territory. Japan has also proved that allowing cyclists to ride on the footpath works in even the most populated of cities. Not only does Japan allow cyclists to ride on the footpath but they also have bike lanes across all pedestrian crossings. While the bike lane space is less than perfect as it is utilized by both pedestrians and cyclists, bike symbols on Australian pedestrian crossings are definitely required.



The current lack of understanding amongst the minority of Australian motorists would be the main reason we should not yet legalise cycling on the footpath as it will create even more of a “get off the road” attitude. That is the main reason we would like to see the infringement for unsafe cycling to be “cycling with undue care.” and be enforced upon the fair judgment of any responsible police officer.

Expecting cyclists to cross multiple lanes of busy fast moving traffic in order to get off of a footpath is dangerous and unrealistic. Encouraging cyclists to make their way to the nearest crossing in order to rejoin traffic is by far the safest option.

3. Simplify light sequences and Pedestrian crossings.

Simplify traffic light sequences to prioritise moving people instead of basing them around the movement of machines; at the moment Australian light sequences are over complicated and sometimes make pedestrians wait up to four sequences before allowing them to cross, this is one of the main reasons why j-walking is rife in our capital cities. Traffic light sequences should allow pedestrians to cross at a minimum of every second sequence change. Left turn arrows currently compromise pedestrian/cyclist safety and should be slowly phased out. Creating scramble crossings at intersections that have a large volume of human traffic discourages j/walking by allowing pedestrians to cross diagonally in one change of light sequence (instead of expecting them wait for a minimum of two); furthermore If crossings legitimately become shared zones, cyclists will be able to give way to pedestrians then proceed straight ahead; this gives cyclists a clear run away from dangers created by sharing the left lane with motor vehicles; less competing with impatient bus drivers trying to pull into their bus stop, with taxi drivers trying to find their next fare, or with motorists trying to beat others to the next car park. For vulnerable road users a clearer run in traffic is a safer run in traffic.

4. Update the road rules to allow cyclists to avoid the danger that is motor vehicles.

It's clearly time Australia acknowledged that motor vehicles and bicycles share large weight and speed based differences. A motor vehicle will always be a dangerous threat to the existence of any pedestrian or cyclist yet a cyclist shares large similarities to a pedestrian. We need to acknowledge that Men women and children have a right to use our streets safely; this is why it is unrealistic to expect cyclists to share the same road rules as motorists.

In many situations making pedestrian crossings shared zones will make it possible for cyclists to avoid the danger that is motor vehicles. A cyclist would no longer have to wait in the middle of busy intersections to turn right, cyclists would simply be allowed to join in with pedestrian crossings and move to the corner to await the next change of light sequence before proceeding. According to current RTA guidelines making pedestrian crossings shared zones may be just as simple as painting bike symbols on all pedestrian crossings.

Japan currently has bike lanes across almost all pedestrian crossings; yet pedestrians also use these bike lane areas; it definitely makes more sense to use bike symbols instead of bike lanes.

5. Prioritize moving people instead of machines.

Australia's central business districts are currently a free for all. Our streets are over congested; they are rife with aggressive, impatient and incompetent motorists, j-walkers and cyclists who flout the road rules. Australia needs to acknowledge that the proof is out there, no matter where we go in this world the better the pedestrian and cycling infrastructure the better people behave. Australia needs to start designing streets for people and not automobiles. Our road rules need to allow cyclists to avoid the danger that is motor vehicles and pedestrians need to be adequately catered for. Traffic light sequences need to maximize the flow of pedestrian traffic and our CBD speed limit needs to be consistent with average driving speeds. If the average cbd speed of motor vehicles during peak times resembles 18.2 kph then it is completely absurd to have our current speed limit of 50kph. **A 30kph backstreet and cbd speed limit is a people friendly pace that is consistent with the average speed of automobiles.** Having a 30kph speed limit would also allow able bodied cyclists to ride with the flow of motor vehicles. A lower speed limit is about more than just road safety, it's about a healthier lifestyle where people choose to walk or ride over driving short distances.

Cyclists and motor cyclists also utilise bus lanes during peak times, but unfortunately outside of peak times bus lanes become nonexistent. Adding bike symbols to bus lanes and making them 24 hours 7 days a week would be an easy way to create safer conditions for vulnerable road users. Increasing motor vehicle amenities outside of peak times is counterproductive towards decreasing congestion and increasing road safety.

Amount of space required to transport the same number of passengers by car, bus or bicycle.
(Poster in city of Muenster Planning Office, August 2001)



3) Motorcycle and bicycle safety issues and strategies in other jurisdictions; and

The Above recommendations are mainly based around the more densely populated parts of Australia. To promote cycling and motorcycling safety in rural parts of Australia we need to adopt something similar to the Portland bicycle bill legislation passed in the U.S State of Oregon in 1971. It requires the inclusion of facilities for pedestrians and bicyclists wherever a road, street or highway is being constructed or reconstructed and applies to the Oregon Department of Transportation (ODOT) as well as Oregon cities and counties.

The law requires that in any given fiscal year, a minimum of 1% of the state highway fund received by the ODOT, a city or county is used to provide walkways and bikeways located within the right-of-way of public roads, streets or highways open to motor vehicle traffic.

F) Any other related matters.

To tackle road rage, to boost security and protection for all road users, the Government needs to acknowledge that the major safety and congestion problem with any city worldwide has always been that there are too many motor vehicles on our roads. At least 1/3rd of Australian motorists should be leaving their motor vehicles at home and finding an alternative and healthy way to get from point a to point b. It's time for the Government to condemn unnecessary motor vehicle use by targeting motor vehicle journeys fewer than five kilometres. The car is a wonderful thing for many kinds of journeys, many kinds of situations; it should be used responsibly and intelligently. But Australian cities, for example, have around 50 per cent of all car trips less than five kilometres in length. That's generally recognized around the world as not an intelligent use of cars (a dangerous use of cars).

Currently people who do the right thing by walking, cycling or catching public transport get penalized by the off road costs of owning a motor vehicle. We thoroughly recommend reducing off road costs such as registration fees and replacing them with higher on road costs such as congestion taxes, highway tolls, public parking fees etc.

Unnecessary motor vehicle use needs to be kept to a minimum but people who require necessary motor vehicle use must be catered for.

We strongly believe that instead of subsidizing motorists, introducing a pay as you go system will reduce our unhealthy and dangerous dependence on motor vehicles.

This submission was made with input and approval from many professional urban cyclists. Not only is this submission aimed at creating safer streets it is aimed at offering an insight as to why bicycle couriers often ride the way they do “To avoid the danger that is motor vehicles whenever safe to do so.” We genuinely believe that doing something for safety reasons in some situations justifies doing the same thing for convenience in others, Taking our advice will not only result in safer streets it will result in more pedestrians and cyclists obeying the Australian Road rules in a safer, friendlier and happier environment; an environment with lower top speeds and higher average speeds.

Michael Dodd

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