

**Submission
No 32**

INQUIRY INTO SPEED ZONING AND ITS IMPACT ON THE DEMERIT POINTS SCHEME

Organisation: Pedestrian Council of Australia
Date Received: 24/03/2014



PEDESTRIAN COUNCIL OF AUSTRALIA

Safety - Amenity - Access - Health

The Walking Class

Patrons: Dame Leonie Kramer AC DBE & The Hon Sir Laurence Street AC KCMG

Mr Greg Alpin
Chair
NSW Parliamentary STAYSAFE Committee

Attention: Mr Bjarne Nordin

Dear Mr Alpin

Inquiry into Speed Zoning and its impact on the Demerit Points Scheme

Terms of Reference: That the Committee inquires into and reports on the process of determining speed limits on NSW roads and the imposition of demerit point penalties for speeding offences with particular reference to:

- a) the contribution of speed to crash rates on NSW roads;
- b) the rationale for and current operation of speed zones on NSW roads;
- c) key factors governing the establishment of speed limits;
- d) mechanisms for reviewing the appropriateness of maximum speed limits;
- e) the operation of speed limits in other jurisdictions;
- f) the appropriateness of current thresholds in the Demerit Points Scheme for speeding offences;
- g) the impact of demerit points in reducing speeding behaviour; and
- h) any other related matters.

Background:

The Pedestrian Council of Australia has always been concerned about speeding and speed limits as one of the major factors influencing pedestrian road trauma.

The costs associated with pedestrians hit by motor vehicles are typically double that of people injured inside motor vehicles.

The MAA has confirmed this fact.

Apart from the pain, grief and suffering there is a very compelling economic reason to investigate speed and its relationship to pedestrian road trauma, the costs of which are estimated to be \$8 billion per annum in NSW. Pedestrians represent approximately 20% of all road trauma incidents. The costs of pedestrian road trauma in NSW could be estimated at \$3 billion per annum.

Speed Limits

There is and always will be a battle between mobility and safety. Finding the right balance is the key.

We often hear motorists complaining that speed zones change too often and it's very difficult to keep an eye on the speedometer and the signs.

We believe that the speed zoning system is relatively good. Having chaired a Local Traffic Committee for 5 years, I appreciate how much time, research, data and community consultation go into deciding on speed limits in zones.

Perhaps more education is needed. Motorists must understand that it would be very easy to make every zone 30 km/h or 40 km/h but that would mean that areas where it is safe to travel at 80 km/h or even 100 km/h would remain at the lower speeds. This is where there has to be a trade-off between mobility and safety. We believe that motorists have not been educated well enough to understand the processes that various agencies go through to determine speed limits. If we get locations where there are lots of crashes, mostly due to speed, then the speed limit must change in order to reduce the trauma. But that does not mean it should not increase again where it's safe, But that will require a change in speed. And another sign. But given the option at remaining at the lower speed or returning to the higher speed, most motorists would opt for the latter.

I recall the time when then Roads Minister Michael Costa said he was going to get rid of 70 km/h on the Harbour Bridge.

He had a choice of raising it to 80 km/h or reducing it to 60 km/h.

I made a bet he wouldn't touch it. Nearly a decade later, it remains 70 km/h proving the point that there must be a balance between mobility and safety and that speed limits must change according to the road, the conditions and the crash history etc..

MOSMAN DAILY, Thursday, April 14, 2005



Harold Scruby says the speed limit on the bridge should not be increased.

Picture: SARA NIXON

80km bridge limit 'crazy'

JANE IGOE

STATE Government proposals to abolish 70km/h and 80km/h speed limits on NSW roads could spell disaster for those travelling across the Harbour Bridge, especially if the limit is increased to 80km/h.

This is the view of Pedestrian Council of Australia chairman Harold Scruby, who has warned Roads Minister Michael Costa that the Government proposition to standardise speed zones could be "extremely dangerous".

"It would be crazy to suggest increasing the speed across the bridge. Few would argue crashes would increase - especially in the suicide lanes around the northern pylon," Mr Scruby said.

He said unless the Government



at a glance
faster forward?

■ **ACCIDENTS:** From January, 2000, to December, 2004, 220 people were injured in accidents on the Harbour Bridge. Two pedestrians were killed.

■ **SPEED:** The RTA will look at the removal of the 70km/h limit on the Pacific Highway from North Sydney to Hornsby. They say any variation to the speed on the bridge will also be investigated.

installed speed cameras, motorists who could go 80km/h would inevitably travel faster. "This would create a dangerous and deadly situation - especially for experi-

enced drivers, those in wet weather and travelling at night. There are lots of zones where 70km/h is reasonable but 80km/h is not."

Mr Costa's proposal results from discussions at a recent road users' conference where the Government announced it intended to audit "confusing speed limits" on 10 of the state's busiest roads.

Mr Costa said he had asked the RTA to move towards more consistent zoning by progressively removing the 70km/h and 90km/h zones where possible.

The Government would then move to a basic regime of 60km/h, 80km/h and 100km/h on main roads, with 110km/h being reserved for major motorways.

Motorists interviewed by the Daily at Kirribilli did not support

an increase in the speed limit across the Harbour Bridge.

Most agreed traffic management needed to be better but would not support an 80km/h speed limit.

Nancy Mobbs, who owns the Colonial Bakery at Kirribilli, said bridge traffic would become "far more dangerous. People already drive like maniacs and this would make it worse."

Kirribilli Quality Meats owner Paul Phelps said he "hated driving on the bridge".

"I can hear the cars racing across from the shop here and they are always going too fast."

» Vox pop, Page 27

» Have your say. Email a letter to kinseyl@cng.newsitd.com.au

We were instrumental in advocating and getting the first 40 km/h schoolzone on a main road in Australia. This was with the assistance of NSW Police, and Ministers Peter Collins and Bruce Baird.

<http://www.walk.com.au/pedestriancouncil/page.asp?PageID=189&SiteID=1>



Slow motion . . . parents and children protest outside Middle Harbour Public School, Mosman.

Photograph by GREG WHITE

Parents get their lucky brakes

By COL ALLISON

Campaigners trying to protect the lives of children won a victory yesterday when a temporary speed limit was authorised outside a primary school.

For years, teachers and parents of pupils at Middle Harbour Public School, led by the former Deputy Mayor of Mosman, Mr Harold Scruby, have been concerned for the safety of children crossing busy MacPherson Street.

Worried that a child was going to be injured or killed by cars speeding through a crossing to the school, they have taken on the Roads and Traffic Authority (RTA), NRMA and the police.

Yesterday morning campaigners, accompanied by the Liberal MP for Willoughby, Mr Peter Collins, took to the streets in a placard-waving protest.



Concern . . . Mr Collins, left, Mr Scruby and Mr Baird.

Their quest has been a long one. In 1990, residents asked for a speed camera to be installed near the traffic lights to slow motorists. Police said yes, but were overruled by the RTA and NRMA on the local traffic committee. Mosman Council agreed to pay for the camera, but the answer was still no.

The area was not a "black

spot" — no-one had been killed there.

In June last year, Mr Scruby unsuccessfully urged the Minister for Transport, Mr Baird, to create a 40km/h speed zone outside the school during classroom hours, where traffic lights did not deter speeding motorists who often ran the red lights.

But even if a 40km/h zone is

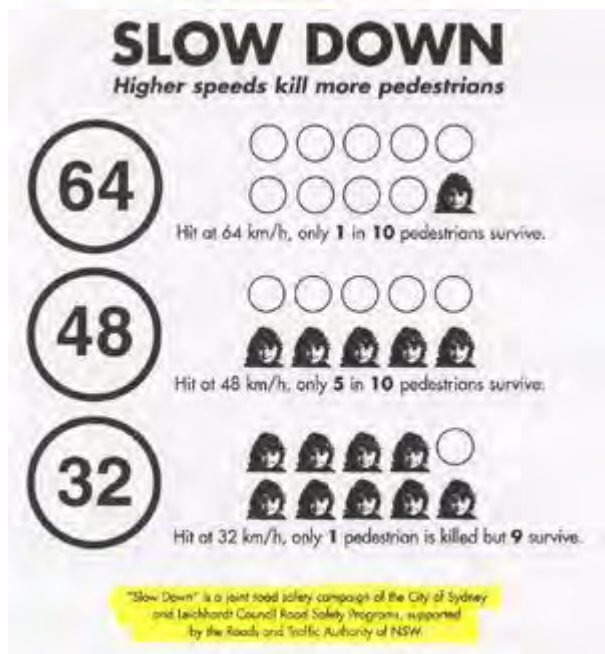
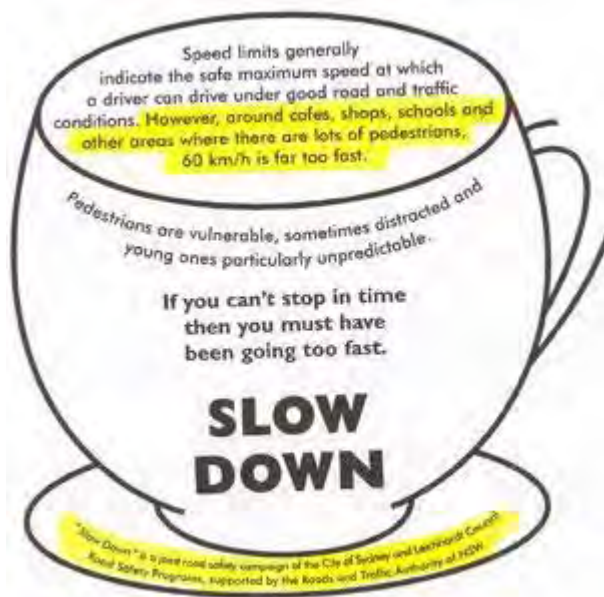
placed outside the school, the NSW police are powerless to enforce the speed limit. Mr Brad Hazzard, chairman of Staysafe, the Parliamentary Joint Standing Committee on Road Safety, said that under a Commissioner's Direction, police can't operate down-the-line radar units, slant radar units or speed cameras within 200 metres of a speed change — and most school zones are not long enough.

However, Mr Collins said last night that Mr Baird had authorised a 40km/h zone to be established outside Middle Harbour School — on a 12-month trial.

It was also confirmed by the Police Traffic Operations late yesterday that a review of the commissioner's directions on policing 40km/h zones was under way in school areas throughout the State.

In the beginning many motorists complained about having to slow down in school zones. Today, it has widespread community acceptance. And has significantly reduced pedestrian trauma in these zones. We acknowledge and congratulate the government for installing so many solar-powered flashing lights around school zones,

These coasters (below) produced over 15 years ago by the City of Sydney and the RTA. They graphically demonstrate the potential for harm if a pedestrian is hit by a vehicle at varying speeds:



It's easy to see from these examples how, by reducing speed limits, pedestrian safety is so dramatically improved.

Yet in places like the Sydney CBD, where you have extremely high levels of pedestrian activity, the speed limit is still, mostly 50 km/h.

Over 16 years ago, we lobbied the then Roads Minister Carl Scully and RTA for a 40 km/h zone throughout the Sydney CBD.

Minister Scully and the RTA wholeheartedly supported the idea and openly committed to implementing same in writing in 1998.

<http://www.walk.com.au/pedestriancouncil/page.asp?PageID=544&SiteID=1>

In 2003, just before the North Sydney CBD became a 40 km/h zone, the RTA ran an advertisement extolling the virtues of 40 km/h speed zones (QUOTE):

Lower vehicle speeds result in fewer pedestrian injuries and deaths

If a vehicle travelling at 50 km/h hits a pedestrian, it is twice as likely to kill the pedestrian than if it was travelling at 40 km/h

Driving at lower speeds improves a driver's ability to stop and avoid hitting a pedestrian, and if pedestrian crashes do occur, they are less severe, especially for children and elderly pedestrians.

None of these dictums has changed, except that we have an even more rapidly ageing population now than in 2003. So why are we so reluctant to make the Sydney CBD (and other areas of high pedestrian activity) at least 40 km/h zones, if not 30 km/h zones. In most cases, the change dramatically increases road safety, improves amenity, commerce and liveability and rarely, because of traffic conditions, reduces mobility.

And this does not include the other major factor: Inebriation. While many may say that it's usually the fault of the inebriated pedestrian who gets hit in these CBDs, the fact is that we all share in the costs if that person is seriously injured. Brain damage and quadriplegia are now approaching \$20 million for lifetime care.



North Sydney Council and the Roads and Traffic Authority (RTA) are introducing 40 km/h speed limits on some roads which have a high number of pedestrians. These will be clearly signposted.

Signposting of the areas will start over the next two weeks. The RTA is funding this road safety initiative.

WHY A LOWER SPEED LIMIT?

In 2002 more pedestrians than drivers were killed in the Sydney metropolitan area.

Lower vehicle speeds result in fewer pedestrian injuries and deaths.

If a vehicle travelling at 50 km/h hits a pedestrian, it is twice as likely to kill the pedestrian than if it was travelling at 40 km/h.

Driving at lower speeds improves a driver's ability to stop

and avoid hitting a pedestrian, and if pedestrian crashes do occur they are less severe, especially for children and elderly pedestrians.

WHERE DOES THE NEW SPEED LIMIT APPLY?

The new 40 km/h speed limit only applies in areas where there are high numbers of pedestrians and the roads are signposted with 40 km/h speed limits.

The 40 km/h speed limit is enforceable and normal enforcement procedures will apply.

So when you drive on roads with high levels of pedestrian activity, look out for the new 40 km/h speed limit signs.

Please drive at 40 km/h and help improve local road safety.



LOW SPEED. LESS RISK.

21834039

MOSMAN DAILY, Thursday, May 1, 2003

Our Reference: cc-98-2198
97M2618

Roads and Traffic
Authority
New South Wales



www.rta.nsw.gov.au

15 SEP 1998

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PO Box 4798
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Mr Harold Scruby
CFO/Chairman
Pedestrian Council of Australia
PO Box 500
NEUTRAL BAY NSW 2089

Dear Mr Scruby (Harold)

I refer to your facsimile message of 3 August, 1998, concerning the Pedestrian Council of Australia's call for the immediate introduction of a 40 km/h speed limit in Sydney CBD.

The Roads and Traffic Authority (RTA) supports, in principle, the implementation of a 40 km/h speed limit in Sydney CBD.

As you are aware, the vast majority of roads within Sydney CBD are under the direct care and control of the Council of the City of Sydney. The introduction of a reduced speed limit in Sydney CBD requires initiation and support from the Council of the City of Sydney.

I have been informed that the Council of the City of Sydney are currently in the process of considering the implementation of a reduced speed limit of 40 or 50 km/h in Sydney CBD. The outcome of their consideration of this proposal is not known at this point in time. However, the RTA will endeavour to keep the Pedestrian Council of Australia informed on the progress of this initiative.

Yours sincerely

SCANNED COPY – ORIGINAL ON FILE

Paul Forward,
Actg. Chief Executive

R98 (330) 05



*Minister for Transport
Minister for Roads*

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

25 FEB 1999

Dear Mr Scruby

I refer to your letter to the Hon Carl Scully MP, Minister for Transport and Minister for Roads, concerning the implementation of a 40 km/h speed limit in the Sydney Central Business District (CBD). Mr Scully has asked me to reply on his behalf.

As you are aware, on the 3 June 1998, the Minister for Roads invited all NSW local councils to implement 50 km/h urban speed limits.

As part of this invitation, the Minister announced that all costs, including signage and public education campaigns, associated with implementation would be funded by the RTA. Now 66 councils are progressing towards, or are implementing, a 50 km/h urban speed limit.

The Government shares your concern about the need to reduce speeds in areas of high pedestrian activity. The RTA has met with Sydney City Council regarding the need for a 40 km/h speed limit and assured Council that all costs associated with implementing a 40 km/h speed limit in the Sydney CBD would be met by the RTA.

Thank you for your support in this important road safety initiative.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Grant McBride'.

GRANT McBRIDE
Parliamentary Secretary for Roads

Level 34, Unicomm Macquarie Tower, 3 Farrer Place, Sydney NSW 2000 Tel: (02) 9228 4155 Fax: (02) 9228 4633

Today, the vast majority of the Sydney CBD remains 50 km/h.

The entire Melbourne CBD was made a 40 km/h zone over a year ago.

North Sydney, Chatswood and Parramatta have been 40 km/h zones for over a decade without one complaint. So has the entire Balmain Peninsula.

Swanston Street in Melbourne is 30 km/h.

Most cities and towns in NZ are now 30 km/h.

The entire section of road from Parliament House down to Lady Macquarie's Chair is 30 km/h and has been for well over a decade without one complaint.

So why is the government now only proposing certain sections of the CBD be 40 km/h.

Evidence from all over the world proves that when cities and towns are made pedestrian friendly, then commerce and tourism prosper. People don't shop from cars. You only have to compare the rents in the Pitt Street Mall compared with those in the adjacent George Street section to understand how making areas safe and walkable significantly increases commerce.

In Europe, many countries are now embracing 30 km/h in areas of very high pedestrian activity and in local areas. It creates liveability.

We urge the STAYSAFE Committee to recommend trials of 30 km/h in a wide variety of areas and locations.

Carparks and Speed Limits

One of the areas which remains of primary concern to us is the speed limit in carparks. Many, perhaps most Council carparks have no speed limits, which presumes therefore that the speed limit in the adjacent road providing access to the carpark is the legal speed limit.

The PCA would like to see and will be campaigning for ALL carparks, public and private to become 10 km/h Shared Zones. In these zones, pedestrians have absolute right of way. A good example is the Woolworths Carpark at Neutral Bay which has been a 10 km/h Shared Zone for over a decade. It works well. The potential for harm in these areas is very high when one observes parents and carers pushing prams, or struggling with shopping trolleys, between large delivery vehicles and 4WDs.



Large organisations like Westfield have already commenced sign-posting their carpark as 10 km/h Shared Zones.



In NSW the RMS Technical Directions also require the words GIVE WAY TO PEDSTRIANS be included under the signs even though this is not required under the ARRs. It's indeed commendable.

We advocate the use of 10 km/h Shared Zones in all areas like carpark where there is very limited line of sight, high vehicle and pedestrian activity on the same level or road, often poor light and no need for higher speeds by motorists. It also gives certainty in the event of a crash as to whom is responsible.

The PCA has also advocated changing the name of these zones to Pedestrian Priority Zones like in NZ as there is confusion about the word "shared". The RTA in the past has supported this campaign but has not been able to get support from other jurisdictions.

Speed Limits for Cyclists

It seems absurd, but currently there is no offence in NSW for speeding on a bicycle.

They are vehicles. Also there are 250 watt electric bicycles on the horizon, capable of over 25 km/h.

These vehicles are allowed on footpaths when they are proclaimed Shared Paths.

We have agreement from Bicycle NSW that the maximum speed on Shared Paths should be 10 km/h. We have had meetings with senior people from Transport for NSW, Bicycle NSW, City of Sydney and NSW Police to try to implement such a speed limit. That was over a year ago, but there does not seem to be much progress, even though cyclists are registered travelling at nearly 50 km/h on the Anzac Bridge Shared Path every day of the week.

We ask the STAYSAFE Committee to view the speeds reached by cyclists on the Anzac Bridge Shared Path to understand the enormous potential for harm, now being created on

these paths and the urgent need to implement speed limits and stiff penalties for speeding on bicycles in NSW.

<http://www.youtube.com/watch?v=fZBHRKZGixE>

A copy of the article I wrote recently for the Daily Telegraph regarding this important road safety issue is attached.

Demerit Points

Demerit Points are a great idea because they treat all motorists, rich and poor, equally. They should be constantly under review and changed as the road safety landscape and technology changes. For instance, the penalty for having a radar detecting device in a vehicle is around \$1,100, 9 Demerit Points and confiscation of the device. Yet the penalty for using a hand-held mobile phone while driving is only a few hundred dollars and 3 Demerit Points. Using a mobile phone when driving is considered as dangerous as mid-range drink-driving, the penalty for which is generally over \$500 and loss of licence. Clearly, there must be more regular reviews of all penalties and DPs to ensure consistency, fairness and equity.

About 10 years ago I was appointed, along with Police, NRMA, RTA and others to a committee to review all penalties. The aim was to try and make penalties and demerit points fairer and consistent. I believe in most cases we got it right. But there still remain areas which need attention. And that committee should be re-appointed to review all penalties and demerit points.

At that time, all speed penalties were graduated in brackets of 15 km/h. Yet all speed limits went up in brackets of 10 km/h. Initially, the penalty for under 15 km/h was about \$120 and 2 Demerit Points. Along came Minister Michael Costa who arbitrarily and without consultation, dropped the penalty to around \$80 and increased the Demerit Points to 3. Apart from costing Treasury around \$20 million per annum, it caused many NSW motorists to lose their licences for low range speeding offences, especially during periods where there were double demerit points.

After a few failures with roads ministers like Eric Roozendaal, we were finally able to convince Roads Minister Michael Daley to consider changing the speed penalty gradations to become commensurate with the speed limit gradations.

Low range speeding (under 10 km/h over the limit) attracted 1 Demerit Point and a penalty of around \$100. It allowed for a modicum of reasonableness for drivers caught speeding in this category. The new penalty effectively gave the motorist the benefit of the doubt. And the monetary penalty was the same for being on an expired parking meter. It made the penalty effectively a misdemeanour.

We have no major concerns with the penalties and demerit points in place, except for 2 issues.

1 The appalling decision by former Roads Minister Borger, who, on the eve of the last election, without any consultation, added an extra Demerit Point to the total before losing one's licence, bringing it to 13. Again, while we are supposed to have one set of rules under the Australian Road Rules, NSW motorists get one bonus point before losing their licences. While it may be difficult to unscramble the egg, STAYSAFE should seriously consider bringing NSW back into line with all the other jurisdictions.

2 The same politician, Minister Borger, again just prior to the last election, arbitrarily and without consultation allowed magistrates to quash demerit points attached to penalties. In

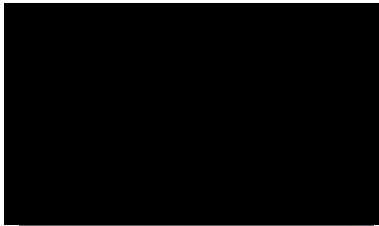
jurisdictions like Victoria and most other states and territories, Magistrates and Judges cannot expunge Demerit Points. We recommend STAYSAFE considers returning to that position.

We request the ability to appear before the committee.

We may also have some additional items to present.

Thank you.

Regards



Harold Scruby
Chairman/CEO



Pedestrian Council of Australia Limited

The Walking Class

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PO Box 500 - NEUTRAL BAY NSW 2089 – AUSTRALIA - ABN 18 075 106 286



Shared paths putting walkers' lives at risk



Shared is a warm and cuddly word politicians and bureaucrats love. They've given us shared zones and shared paths and their advertising campaigns implore us to share the road.

Sydney's Lord Mayor, Clover Moore, has created more than 51km of shared paths in her queendom.

They form part of the cycle routes connecting her dedicated cycle paths.

Although 92 per cent of the movements in the CBD are by pedestrians, Clover Moore has spent tens of millions on cyclists and hardly a cent on pedestrians.

It's difficult to recall when the words "pedestrian" or "walking" passed her lips.

The Austroads guidelines, which are expected to govern the creation of shared paths, state they should only be proclaimed if there are fewer than 10 cyclists per hour, the maximum speeds are under 20 km/h and the minimum width is three metres.

Otherwise cyclists should either use a dedicated path or ride on the road.

These guidelines are rarely observed.

Last December, The Sunday Telegraph observed scores of cyclists, some travelling at speeds of up to 48km/h, with not one below

30km/h, risking the lives and limbs of pedestrians and themselves on the Anzac Bridge shared path.

On the Spit Bridge shared path, the width is only 1.2m.

And on the Harbour Bridge shared path, hundreds of cyclists each day risk the lives of Fort Street Primary School children, many reaching speeds well in excess of 30km/h. But in spite of objections by NSW Police, the Roads and Maritime Services does nothing.

There is no offence for speeding on a bicycle in NSW. And there are no speed limits on shared paths.

That means police are practically powerless to act, unless they book these cyclists for reckless or negligent riding, which is not only very difficult to prove, but attracts a pathetic penalty of \$67.

Meanwhile, Clover Moore has spent a fortune painting her own City of Sydney shared path propaganda logos all over Sydney's footpaths.

They feature a cyclist, sitting upright, without a helmet, on a Dutch-Danish recreational bicycle, with two pedestrians holding hands.

They have no meaning at law and do not permit cyclists to ride on the footpath. But who cares?

The fact is that the vast majority of cyclists using her cycle routes are in Lycra, over the handle-bars, in Tour de France commuter-mode, cycling at about 30km/h.

When they exit her dedicated paths, they do not slow down when they access the footpath.

Politicians and bureaucrats are scared witless by the cycling lobby.

Privately, most agree that urgent action is required. Publicly, they'll run a country mile to avoid confrontation. Incidents and injuries are rarely reported.

The tragic case of Maria Guliano on the Iron Cove Bridge shared path should have forced the government to act.

While walking with her husband, she was hit by a cyclist, causing permanent brain damage.

The cyclist disappeared. She requires a full-time carer. It took her husband six years to sue the RTA and Leichhardt Council.

An immediate moratorium is required 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;
- COMPULSORY third party

insurance;

- SOME compulsory form of identification for riders aged 18 and over;
- REALISTIC penalties for all bicycle offences in NSW. In Victoria, it's \$66,000 and five years' jail for failing to stop if a cyclist hits a pedestrian;
- RIGOROUS enforcement by police and council rangers;
- FULL consideration for all people with disabilities, especially people who are vision and hearing impaired;
- NO electric or motorised bikes on shared paths;
- CAMPAIGNS reminding cyclists that on a shared path, cyclists must keep to the left, slow down and give way to pedestrians;
- CORRECT, well-maintained signage that complies with Australian road rules;
- THE use of bells only in emergencies, not for intimidating or frightening pedestrians; and
- DEDICATED bike paths — shared paths installed only as a last resort.

In New Zealand, shared paths are called pedestrian priority zones. There's no confusion. It's time to banish the word "shared" from the road rules lexicon.

Harold Scruby is chairman of the Pedestrian Council of Australia.