

Bicycle Queensland submission to the State Parliamentary Transport Housing and Local Government Committee's Inquiry into Cycling Issues

Bicycle Queensland is the State's peak body for general cycling, with more than 15,000 financial members, 12 staff, and a 30 year commitment to working to get more people cycling more often for a healthier and sustainable Queensland.

In framing Bicycle Queensland's submissions to the State Parliamentary Transport Housing and Local Government Committee's Inquiry into Cycling Issues, we present the best way to improve safety for bicycle riders, and other vulnerable road users, is for Queensland to adopt world's best practice. To do less is to the detriment of safety and health – the clear priorities of Bicycle Queensland and responsible Government.

Bicycle Queensland looks to world's best practice decisions based on evidence. We have looked locally and internationally for the best evidence-based research and outcomes of successful active transport mode shares (walking and cycling).

It is the application of good design and appropriate Government infrastructure spending on bikeways that have made cycling safer and more popular and therefore have contributed to a more healthy population. This must be the over-riding concern of this Inquiry into Cycling Issues. Actions must deliver more people cycling, more safety and with view to building a better healthier Queensland.

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

The Institute for Road Safety Research (SWOV) in the Netherlands makes the starting point clear:

Road traffic is inherently unsafe. Our traffic system is designed in such a way that it does not (sufficiently) prevent crashes and severe injuries. The most dangerous in traffic are the large differences in speed and mass that the human being has to deal with. The human being is physically vulnerable and, moreover, makes errors and commits offences. Each year this results in hundreds of road deaths and many thousands of severely injured in the Netherlands. The idea that traffic is inherently unsafe should be a starting point in improving road safety.

http://www.swov.nl/rapport/Factsheets/UK/FS_Sustainable_Safety_principles.pdf

The total number of bicycle fatalities in Australia each year is proportionally small (between 30 and 40), so any yearly variation is overly magnified. Since 2004 it is hard to determine any

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trend. In Queensland since 2004, between 5 and 10 bicycle riders have died in fatal accidents each year. Ages and circumstances vary widely.

To make the best possible improvements in safety for bicycles and other road users, the State Government should be looking at world's best practice in safety for Vulnerable Road Users. This entails a system wide approach of "sustainable safety" as per the quote from SWOV above.

Accident data suggests bicycle riders and other vulnerable road users are most at risk from any combination of what we call a cycling Fatal Five:

- Roads without bikeways
- Heavy vehicles in urban areas
- Alcohol affected drivers and riders
- Inattentive or distracted driving
- Low or reduced visibility (especially dusk and dawn)

Heavy vehicles have figured in several recent high-profile tragedies involving bicycle riders in Queensland. In the UK and Europe there has been a recognition of the need for heavy vehicles to be fitted with "side underrun protection", which prevents bicycle riders or pedestrians from going under the vehicle's wheels in the event of a collision, with large vehicle-bicyclist injury being prevented by an average of 30% by this practice. (SWOV)

Bicycle Queensland recommends that Government:

- **researches measures to combat the effects of the new 'Fatal Five' for bicycle riders (roads without facilities, heavy vehicles, alcohol, distracted driving and low/reduced visibility).**
- **introduces the holistic model based on the "Sustainable Safety" concept across all transport systems in order to deliver these safety improvements.**
- **researches the advantages for heavy vehicles in Queensland to have side underrun protection.**

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

Bicycle Queensland is greatly concerned with all injuries to bicycle riders. Zero injuries and fatalities is a goal which we know to be aspirational, but is our target nevertheless, particularly when the majority of serious injuries suffered by bicycle riders in motor vehicle collisions are

deemed to be due to the fault of drivers. ('Safety in Numbers', PL Jacobsen, Injury Prevention 2003)

Further, with more than 15,000 members, all of whom have personal injury insurance cover through their membership, BQ examines trends as every injury comes at a cost to BQ so vigilance in injury prevention is paramount.

BQ seeks world's best practice in all our outcomes: well designed and available bicycle infrastructure is critical to the long-term development of cycling in Queensland. This is not cheap, but it is when health, congestion and air quality factors are considered – all of which are improved by getting more people cycling more often. (Qld Cycle Strategy p 21)

BQ looks to those countries with world's best results in cycling safety outcomes for guidance – that is where appropriate road rules are most likely to exist, and a cultural context both supportive and conducive to cycling exists. Invariably this is in countries with significant cycling infrastructure.

However, the '1 metre law' is one proposal which has dominated discussion in cycling circles for some years despite in reality not being adopted as law in 'best practice' European countries.

Our correspondents tell us that in Germany the law simply requires "a sufficient lateral distance", and that courts have interpreted this distance at different times to be 1 metre, 1.5 metres, and 2.0 metres.

In the Netherlands, our correspondent from CROW advised that there is no traffic rule describing a minimum distance, and added: "And as a bicycle expert I want to warn you that just a rule does not make car drivers keep a safe distance."

The fact that over 20 US states have adopted a '3 feet rule' is simply not world's best practice, and unsurprisingly US states with the law have no safer outcomes as a result. The US is a poor model for safety outcomes or best practice.

Effectiveness and enforceability are clearly shown in international research to be problematic. Why would Queensland be different? Or worse – would Queensland, if it adopted a '1 metre' rule produce a series of spin-off problems that would challenge existing designs, laws and cultural behaviours enjoyed by bicycle riders while adding to a current lack of empathy from a small but significant proportion of motorists? This is a major safety concern and a false promise for the cycling community.

Queensland should follow world's best practice – of bikeways, usually separated, and appropriate speed environments to lessen injury impacts, particularly where separation doesn't yet exist. Some European nations may have a superior court and/or insurance process which apportion responsibility differently, which is an area for this Inquiry to investigate.

Queensland, like many US states and other states of Australia, has many narrow unsafe roads without bikeways. While this is being rectified at a state and local government level, the Federal Government has been absent in cycling safety, and stands to inherit the health, congestion and air-quality problems from this negligence.

Allowing bicycle riders to ride across crossings

In Queensland, bicycles may be ridden on footpaths and shared paths. This has a positive effect, allowing a greater variety of bicycle riders to use their preferred mode of transport.

However, the efficiency of travel for bicycle riders is impaired by the need in present legislation to dismount and walk across crossings.

Many bikeways and shared pathways in Queensland cross roads at signalised and pedestrian (zebra) crossings. Requiring bicycle riders to dismount leads in some circumstances to those riders ignoring the law, as it is deemed an unnecessary and “unfair” requirement.

Bicycle Queensland agrees, and recommends that bicycle riders be permitted to ride across both signalised and ‘zebra’ crossings.

For signalised crossings, bicycle riders would cross on the green signal, as pedestrians presently do.

For non-signalised crossings (e.g. ‘zebra’ crossings), the bicycle rider would be required to come to a stop before entering the crossing. This would be to prevent bicycle riders entering zebra crossings at speed.

Bicycle riders would still be required to give way to pedestrians, as is required on shared pathways.

Other law reforms

BQ is aware of the need for reform on motor vehicles parking in bicycle lanes, which decreases safety to bicycle riders.

Bicycle Queensland recommends that these and other reforms should always apply the principles of sustainable safety, and should recognise bicycle riders (and pedestrians) as Vulnerable Road Users. These reforms must be implemented as they arise, to encourage active transport modes and improve safety for bicycle riders.

Bicycle Queensland recommends that Government:

- **Conducts appropriate research on world’s best practice countries which have high levels of cycling and high safety outcomes per kilometre travelled and**

prioritize the findings in a Bicycle Rider Safety Reform Bill, including implementing demonstrable world's best practice traffic laws relating to bicycle rider safety.

- **Researches legal reform for vulnerable road users to increase protection through strengthening legal procedures that currently have inadequate outcomes, e.g. make the responsibility wholly rest with the overtaking vehicle as per the intent of existing law which is failing in its courtroom execution.**
- **Acknowledges that the building or upgrading of urban roads with no accompanying bicycle facilities should be a thing of the past; Government's responsibility must be to provide for all modes and a failure to do so in today's environment is culpable.**
- **Amend legislation to allow bicycle riders to ride across signalised and non-signalised crossings**
- **Review current laws that do not prevent motor vehicles from parking in bicycle lanes, with a view to banning such parking.**

3. *"The current penalties and sanctions, including where there are differential fine rates for cyclists compared to other road users."*

There is no evidence to support a notion that equalizing fines would result in better safety, enforcement or behaviour by bicycle riders. It is a lot of red-tape for no beneficial outcome.

The bicycle is the only vehicle for transport that children can use, and is widely used by youth, the disadvantaged and the elderly. Applying equal fines to bicycle riders and motorists would have a greater impact on those who can least afford it.

Ultimately, a bicycle rider who breaks the law (e.g. runs a red light) is mostly a danger to themselves, while the driver of a motor vehicle committing the same offence has the potential to injure many more people. Police enforcement of existing penalties could suffice in curbing bicycle rider infringements.

However the enquiry may choose to consider adult bicycle riders and point penalties from those with driver's licenses. This would provide equitable application of the deterrent effect of the points system (assuming there is such an effect) while not potentially disadvantaging those who ride a bicycle because it is all they can afford.

Bicycle Queensland's recommendation:

- **That the current regime of differentiated fines and penalties remain in place.**



4. “The potential benefits and impacts of bicycle registration.”

In relation to world’s best practice, it is impossible to find examples of Government jurisdictions that have implemented bicycle registration, nor economic arguments for registration.

Clearly, registration would discourage cycling, and result in more ill-health, more congestion and more air pollution. And, rather than collect revenue it would prove to be a costly red-tape nightmare.

World’s best practice is not to implement registration for bicycles.

What would be an appropriate cost? If registration was very low cost, say \$20 or \$30 per bicycle, it would seem likely that most of the cost would be incurred in administration. If it was a higher cost, say \$100 per bicycle, the personal financial disincentives would be major.

Bicycles are very different objects to motor vehicles. They are used by children and youth. They are bought, sold, traded, and loaned regularly. Even the safe permanent attachment of a number plate creates serious safety issues with attachment of a non-standard item.

Further, as bicycle riders are identifiable in police enforcement or public accident situations, there is no compelling need for their identification, apart from the unfortunate instance of ‘hit and run’ behaviour – which is far less likely than motor-vehicles.

One reason offered for bicycle registration is that car registration pays for the roads. As the inquiry members know, this is not the case. Council rates and our taxation system, including GST revenue for State Government, are the main sources of road funding, and adult bicycle riders contribute as much to these sources of revenue as other members of society, depending on their means.

The only nation which has required bicycle riders to have third-party insurance was Switzerland, which until 1 January 2012 had a system called Velo Vignette, and it was very low cost (less than 10 Euros) and tax-payer subsidized. However, the Swiss Government has abandoned the scheme and made bicycle riders (or their insurers) once again responsible for any damage they might cause to a third party.

Bicycle Queensland’s recommendation:

- **That the Queensland Government not implement a bicycle registration scheme.**

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APPENDIX 1.

The BQ advocacy team consulted the following research and bicycle advocacy organisations:

- European Cycling Federation
- Allgemeiner Deutscher Fahrrad-Club (German cycle advocacy peak organisation, 135,000 members)
- Federation Francaise de usagers de la Bicyclette (FUB) (French Federation of Bicycle Users)
- The Cyclists Touring Club (UK)
- SWOV Institute for Road Safety Research, Netherlands
- CROW Infrastructure, traffic, transport and public space thinktank, Netherlands
- New Jersey Bicycle and Pedestrian Resource Center (US)
- Pro Velo Schweiz, Swiss bicycle advocacy peak body (re compulsory third-party insurance for bicycle riders)
- Various individuals in academic and industry settings with expertise in improving safety for bicycles and other road users around the world.

Notes re the documents referenced in Bicycle Queensland's submission

1. Sustainable Safety: principles, misconceptions, and relations with other visions

http://www.swov.nl/rapport/Factsheets/UK/FS_Sustainable_Safety_principles.pdf

http://www.swov.nl/rapport/Factsheets/UK/FS_Sustainable_Safety_background.pdf

From Institute for Road Safety Research (SWOV), Netherlands.

Outlines five principles of sustainable safety, which is a comprehensive Government approach to improving safety, including Vision Zero as a means of getting to zero fatalities.

Sustainable Safety Principles

Functionality of roads	Mono-functionality of roads as either through roads, distributor roads, or access roads in a hierarchically structured road network
Homogeneity of mass and/or speed and direction	Equality of speed, direction, and mass at moderate and high speeds
Predictability of road course and road user behaviour by a recognisable road design	Road environment and road user behaviour that support road user expectations through consistency and continuity of road design
Forgivingness of the environment and of road users	Injury limitation through a forgiving road environment and anticipation of road user behaviour
State awareness by the road user	Ability to assess one's capacity to handle the driving task

2. The 3 foot law: Lessons Learned from an Analysis of State Policies and Expert Interviews.

Submission to the New Jersey Department of Transportation, from Rutgers University's School of Public Planning and Policy. Sourced from the New Jersey Bicycle and Pedestrian Resource Center.

http://njbikeped.org/wp-content/uploads/2013/04/3-Foot-Final-Report-Draft_V7.pdf

3. Gender differences in recreational and transport cycling: a cross-sectional mixed-methods comparison of cycling patterns, motivators and constraints.

Article published in the International Journal of Behavioural Nutrition and Physical Activity 2012. By Dr Kristiann Heesch (QUT School of Population Health and 2 others).

Article shows that men were more likely to cycle than women, and more likely to commute by bicycle. However, most men and women did not prefer to cycle on-road without designated bicycle lanes, and qualitative data indicated a strong preference by both men and women

4. Cyclists' experience of harassment from motorists: findings from a survey in Queensland, Australia.

Article in Preventive Medicine 2011, by Dr Kristiann Heesch (QUT School of Population Health) and 2 others.

About 75% of bicycle riders reported harassment from motorists. Article concludes that efforts to decrease harassment should include a closer examination of the circumstances that give rise to harassment, as well as fostering road environments and driver attitudes and behaviours that recognise that cyclists are legitimate road users.

5. Safer Vulnerable Road Users: Pedestrians, Bicyclists, Motorcyclists, and Older Users

University of North Carolina Highway Safety Research Center. "Toward Zero Deaths: A National Strategy on Highway Safety" White Paper No 5, July 2010

A White Paper submitted to the US Department of Transport, which seeks to outline the causes of why some road users are deemed vulnerable (including bicycle riders), and posits these solutions.

- 1. Reduced speed for motor vehicles in urban areas.*
- 2. Reduced distracted driving.*
- 3. Educate motorists and bicycle riders*
- 4. Reduce intersection conflicts.*

6. Is the three-foot bicycle passing law working in Baltimore, Maryland?

Article in Accident Analysis and Prevention (March 2012) by authors from Johns Hopkins University, Baltimore.

Study concluded that passing distances of less than three feet were frequent in standard lanes (those without bicycle facilities). But no passes of less than three feet occurred in bicycle lanes.

7. Email correspondence with Wilhelm Horman and Roland Huhn, Allgemeiner Deutscher Fahrrad-Club (ADFC) re legislation and court decisions in Germany.

8. Email correspondence with Hillie Talens, Program Manager Mobility, CROW (Netherlands).

9. From 1 January 2012, Velovignette (the Swiss system for third-party insurance for bicycle riders), is no longer operational.

<http://www.pro-velo.ch/themen-und-angebote/velopolitik/velovignette/>
<http://www.astra.admin.ch/00638/index.html>