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Standing Committee On Planning, Environment And Territory And Municipal Services
Legislative Assembly for The Australian Capital Territory
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Dear Sirs,

Thank-you for the opportunity to comment on your enquiry into protecting and encouraging vulnerable road users. I would like to make a few comments and recommendations.

I use my bicycle to get to work, get to shops, get to study, get to friends' and get home. It is my basic transport and has been so for more than three decades. I have cycled all over Canberra, mostly in North Canberra and Belconnen, but also in adjacent towns, both on roads and on shared-use paths. All I want it to be able to get around Canberra, safely, swiftly and without aggression and harassment from other road users. I used to be a fast and fearless road cyclist, but I am not as fast as I used to be and I dislike having to be fearless to use the public roads.

I hope you find my submission useful.

Yours sincerely,

K.A. Moylan

Recommendations

Minimum Overtaking Gap

Require that when a motorist overtakes a cyclist, they move into a separate lane or leave a gap of at least 1 metre. Penalty to not do so: 2 points and a fine.

Strict Liability

When there is a collision between vehicles of differing masses, the onus is on the driver of the heavier vehicle to show that they were not at fault.

Anti-Harrassment

Whenever a cyclist is harassed by someone in a motor vehicle, then the harasser shall be fined and lose points off their driver's license. If the harasser cannot be identified, then the driver of the vehicle shall be fined. If the driver of the vehicle cannot be identified, then the registered owner of the vehicle shall be fined. The penalty shall be the same as for a road rage incident.

Unlicensed Drivers

The vehicle being used by an unlicensed driver shall be confiscated.

Engineers, Police, Magistrates to Ride

Encourage traffic engineers, police, magistrates and others in the legal system to regularly ride bicycles for basic transport and / or recreation.

Encouraging Children

Children should be riding their bicycles for transport more.

Reasoning behind Recommendations

Minimum Overtaking Gap

Currently, the ACT Road Rules Handbook states “Motorists should exercise care when overtaking cyclists - leave plenty of room ...”. This is vague. Often, what seems to be enough room for a motorist enclosed within his car is too close for comfort for a cyclist with little more than a helmet and the shirt on his back for protection.

For an example of what can happen when a car overtakes a cyclist too closely, watch this video:

http://www.youtube.com/watch?v=1-D_o6ZoJEk&feature=share

The sound at the end are the cyclist’s screams of pain due to a compound fracture of his right femur. This crash, and similar ones, would have been avoided if the car driver had kept a gap of at least 1 metre between the car and the cyclist.

Strict Liability

In a rear-end collision, the driver of the rear car is assumed to be at fault, that is, they are strictly liable for the collision. They should have maintained a safe following distance.

In many European countries, the concept of ‘strict liability’ applies. It is the duty and responsibility of more powerful road users to look out for and not collide with smaller road users. In the context of this enquiry, I think it would reduce the attitude that ‘might makes right’ that some drivers have towards cyclists on roads, and some cyclists seem to have towards pedestrians on shared use paths.

Translating this concept to the Australian context, it means that drivers of semi-trailers need to look out for rigid trucks, who need to look out for cars, who need to look out for motor-cyclists, who need to look out for bicyclists, who need to look out for pedestrians.

Anti-Harrassment

As a cyclist, I have suffered from many forms of harassment from motor vehicles, including being on the receiving end of thrown eggs, cans and other missiles, and being yelled at to ‘get off the fucking road’¹. When such hostility is directed at me I find it hard to keep riding my bicycle. One such incident kept me off my bicycle for months. These incidents are amongst the most discouraging things to happen to vulnerable road users.

When a car is caught speeding, the registered owner is assumed to have been driving and they are fined and lose points, unless they can nominate a responsible driver who then pays the penalties. The driver of a car loses points if his passengers are not wearing seatbelts. These two examples show that road rules already transfer responsibility for wrongdoing to people who may not have actually done it.

¹ Usually these exact words.

By initially laying the blame for harassing a vulnerable road user onto a motor vehicle's owner, they have an incentive to push the blame onto the driver or onto the passenger who did the actual harassment.

The penalty should be the same as for road rage incidents, as being the subject of verbal or physical harassment from motorists can be extremely intimidating.

Unlicensed Drivers

From time to time, the Canberra Times runs some road safety stories. One point they make is that unlicensed drivers are disproportionately involved in crashes. It seems that many unlicensed drivers continue driving, regardless of the state of their licence. One way of stopping them driving is to remove their access to motor vehicles. I can think of no better way than to confiscate the car they are driving if they are caught driving without their licence. The value of someone's car is generally proportional to their wealth, so the financial penalty roughly suits the unlicensed driver's circumstances. If the car was borrowed, then the car's owner should have known it was being used by an unlicensed driver. If the car was stolen, then the car can be returned to its rightful owner and the unlicensed driver will face the consequences of stealing a car.

Engineers, Police, Magistrates to Ride

The Stanhope Labor Government improvements for cycling infrastructure, especially the on-road cycle lanes, have done things like making riding along major routes, such as along Northbourne Ave and Civic to Woden much better – they feel safer and harassment from motorists seems to have declined. Jon Stanhope was a cyclist and his influence was felt through the A.C.T. government.

I believe that when traffic engineers and all levels of traffic law enforcement regularly ride a motorcycle, or bicycle, or walk, they understand more keenly all the large and small things that affect vulnerable road users.

Traffic engineers would know that directing an on-road bicycle path into a full-drop curb, with no wheelchair cut-out, is bicycle unfriendly (as happened in Lathlain St, Belconnen, a couple of years ago), and making pedestrians wait a long time for a traffic light controlled road crossing to change their way sends a message that they are less important than the vehicles on the road (such as when the shared-used path crosses Northbourne Ave in Dickson).

Police, prosecutors and magistrates would know themselves how intimidating, frightening and injurious actions by some motorists can be, and they would be more motivated to charge, prosecute and sentence such dangerous motorists. The feeling among many cyclists is that police, prosecutors and magistrates don't really appreciate how unpleasant, intimidating and dangerous it is to ride on the same roads with those sorts of motorists.

Encouraging Children

There are several benefits to getting children to use their bicycles for transport:

- **Fitness.** Bicycling can give children a base level of fitness that can last well into adulthood.
- **Self-reliance.** Bicycling for transport can teach children how to not rely on their parents to get them to where they need to be: school, sports, and friends.
- **Visibility.** With more children riding on the roads, there are more cyclists on the road, and motorists will be more vigilant for any cyclist as they are more likely to encounter them. As an adult cyclist, this will improve my safety as well.
- **Empathy.** After a cycling teenager gets a driver's license, they will be more aware of cyclists on the road, because they were riding mere months or a few years before.

Unfortunately, I don't know how to encourage children to use their bicycles more. Maybe make the roads safer for vulnerable road users.