



Shane Rattenbury MLA

MINISTER FOR TERRITORY AND MUNICIPAL SERVICES
MINISTER FOR CORRECTIONS
MINISTER FOR HOUSING
MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS
MINISTER FOR AGEING

ACT GREENS MEMBER FOR MOLONGLO

Mick Gentleman MLA
Chair
Standing Committee on Planning, Environment and Territory and Municipal Services
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

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Dear Mr Gentleman

Submission to Vulnerable Road Users Inquiry

Thank you for inviting me to make a submission to the Standing Committee on Planning, Environment and Territory and Municipal Services' inquiry into vulnerable road users. I note that the ACT Government has provided a submission to the inquiry and I support that submission. However I would like to provide some additional comments and proposals, which I hope the Committee will find useful in its considerations.

I would firstly emphasise that protecting and supporting vulnerable road users is a benefit to everyone in Canberra regardless of which transport mode they regularly use. Action in this area will help reduce the number of road deaths and injuries. It will also increase the attractiveness and useability of sustainable modes of transport, such as walking and cycling. The more Canberrans are able to rely on these 'active transport' modes, the more our city can mitigate problems such as congestion, pollution, sprawl and household transportation costs. There are consequential benefits to Canberra's economy, environment and social wellbeing.

Actual and perceived vulnerability remains a strong barrier to potential users of active transport. These potential active transport users should be a target demographic for the ACT Government's transport initiatives. Mode shifts towards active transport are likely to come from these lower represented groups – such as less confident walkers/riders, women, older people etc – rather than groups that are already well represented and generally well catered for (e.g. confident 'sport' riders using on-road bike lanes).

As an example, women are underrepresented as bike riders in the ACT. The ACT has the highest participation rate of adults aged 18-39, but there is a significant difference in the rate of cycling between men and women. More than half the men but only 13% of women aged 18-39 ride each week.¹

¹ Austroads, *Australian Cycling Participation 2011*,
http://www.austroads.com.au/abc/images/pdf/NCP2011_ACT.pdf

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601

Phone (02) 6205 0005 Fax (02) 6205 0007

Email: rattenbury@act.gov.au Facebook: [shanerattenburymla](https://www.facebook.com/shanerattenburymla) Twitter: [@ShaneRattenbury](https://twitter.com/ShaneRattenbury)

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The number of women cyclists is likely to increase by making efforts to address the issue of vulnerability in particular. According to the 'Cycling and Women Survey' conducted by the Heart Foundation and The Cycling Promotion Fund:²

- one in ten surveyed women reported lacking confidence riding a bike;
- traffic and aggression from other road users were prominent reasons given for not riding bicycles;
- the main safety issues raised by women (aside from personal safety) involved traffic and cars, with speed and volume of cars/trucks, and distracted drivers being the major safety concerns;
- women generally feel having more as well as separate bike paths to cycle on would entice women to cycle more;
- the overwhelming majority of women agree that government should improve cycling facilities by providing more bike paths and/or lanes.

Many improvements for vulnerable road users will be long term efforts, and will take some time to demonstrate their full benefits. It is still important that we make these changes today in areas such as infrastructure design, transport policy settings and road transport laws. They will result in significant and lasting improvements for vulnerable road users in the future.

For the consideration of the Committee I would like to suggest several changes to progressively improve the recognition and protection of vulnerable road users in the ACT. I believe they would be relatively simple to implement.

Some of these issues fall into the TAMS portfolio and are therefore matters I am considering as the TAMS Minister. However, I would of course welcome the Committee's thoughts.

1. A requirement for all drivers to complete training on vulnerable road users in order to obtain their provisional drivers licence.

In the ACT, a person must satisfy 22 "key competencies" in order to obtain a provisional car driver licence. I suggest that the ACT expands these competencies to include a new key competency along the lines of: "a demonstrated awareness of safety issues relating to vulnerable road users". Current licence educational material contains some information about vulnerable road users, but I think it is an important enough issue to be made a 'core competency'. The value of this change is explained in a report from the OECD's Scientific Expert Group on the Safety of Vulnerable Road Users:³

"Vulnerable road users can protect themselves, make themselves more visible and acquire theoretical and practical knowledge and skills through education and training. However, they should not be solely responsible for their safety. ... there is a real danger of simply trying to promote safer cycling or pedestrian behaviour by putting disproportionate burdens on cyclists and pedestrians rather than drivers. ... Road users must be made to feel they are responsible for other road users' life and comfort ... Drivers of motorised vehicles should be aware that they have

² Heart Foundation & CPF, *Women and Cycling Survey 2013*
<http://www.heartfoundation.org.au/SiteCollectionDocuments/CPF%20-%20Women%20and%20Cycling%20Survey%202013.pdf>

³ OECD Scientific Expert Group on the Safety of Vulnerable Road Users, *Safety of Vulnerable Road Users*, 1998, http://safety.fhwa.dot.gov/ped_bike/docs/oecd_safety.pdf

a very important role to play in taking into account the safety of vulnerable road users. The topic of vulnerable road users should also be a topic in driver education.”

The proposed change will mean the topic of ‘vulnerable road users’ becomes a key focus of driver training in the ACT with corresponding changes to driver educational materials, testing, and driving instructor courses. I anticipate this new testing would focus on the need for drivers to anticipate the presence, needs and intentions of vulnerable road users, as well as the special responsibilities a driver holds toward vulnerable road users by virtue of the fact they are in a bigger, heavier, faster vehicle.

It is important to start this training now and over time create a new generation of drivers that have a greater awareness of and sense of responsibility towards vulnerable road users.

My understanding is that several European countries have given a greater focus to vulnerable/weaker road user awareness in driver training for many years, to the extent that they now successfully operate road accident laws with a ‘reverse onus’ of responsibility. That is, in an accident the burden of responsibility rests with the operator of the ‘more dangerous’ vehicle to show that they were not negligent. Some countries specify particular groups of vulnerable users, such as children, the elderly and people with disabilities.

While this European-style ‘reverse onus’ is not a change I am currently advocating for in the ACT, the fact that this system operates successfully elsewhere shows the level of change that could occur in Australian attitudes and laws over time. I am aware that other submissions to this Committee have recommended the ACT Government investigate the feasibility of introducing a European-style ‘reverse onus’ and I support this recommendation. However, an immediate and simple step that the Government can take is to introduce improved learner driver training focusing on vulnerable road users; this is the kind of interim step that would support any future moves towards a reverse onus.

The changes to key competencies can be made by amending the Road Transport (Driver Licensing) Regulation 2000 and/or the Road Transport (Driver Licensing) Learner Driver Standards (Accredited Driving Instructor) Approval 2010 (a notifiable instrument).

2. Definition of vulnerable road users / specific laws

It would be appropriate to define ‘vulnerable road users’ in the ACT’s road transport legislation. Currently, vulnerable road users are not specifically recognised in ACT transport laws. To define this category would make it clear the Government recognises vulnerable road users as a special, at-risk category of road user. As the Bike League of America notes on its page on ‘vulnerable road users’, defining this category ‘has the potential to engage law enforcement, judges, and juries in a way that they have not been before and shift perceptions. While these individuals or groups may not always understand what it is like to be a cyclist, at one time or another everyone has been a vulnerable road user.’⁴

⁴ <http://blog.bikeleague.org/blog/2013/03/bike-law-university-vulnerable-road-user-laws-2/#sthash.wrh5RU16.dpuf>

Defining 'vulnerable road users' in road transport legislation will also provides a foundation for ongoing refinements and improvements for these users in future ACT legislation and policy. Europe has for many years used the term 'vulnerable road users' in its transport policy development. A number of States in the USA have enacted ordinances which define 'vulnerable road user' as a specific category of road user (these states are Connecticut, Delaware, Hawaii, Oregon, Vermont and Washington).

Approximately half of the States in the US have enacted laws relating to vulnerable road users. These often involve specific 'aggravated' penalties for violating laws in a way that impacts upon vulnerable road users. The Committee could consider how a similar law would work in the ACT. This could be done by creating an aggravated penalty for the existing offences of negligent driving (s6), furious, reckless or dangerous driving (s7), and menacing driving (s8) in the *Road Transport (Safety and Traffic Management) Act 1999* which would apply to instances where the driving harms or endangers a vulnerable road user. The rationale for this is that a vulnerable road user is at a much greater risk of serious injury or death when subjected to these driving behaviours.

A second law relating to vulnerable road users that has been enacted in numerous US States is the specific prohibition certain actions directed at vulnerable road users. Typically this involves prohibiting threats and assault against vulnerable road users. A common scenario that would invoke these laws is when a car driver or passenger harasses a cyclist by swerving at them or throwing an object from the car. Cyclists will attest this is unfortunately a common occurrence in Canberra. A law such as this would not only discourage and penalise this behaviour, but make clear that the ACT is a jurisdiction that encourages and supports people using sustainable transport.

3. Requirement to attend vulnerable road user awareness courses for road users who endanger or harm vulnerable road users

I suggest considering a legal requirement that people found guilty of a driving offence that relates to a vulnerable road user must attend 'a vulnerable road user course'. A 'vulnerable road user course' would be approved by the Road Transport Authority and would focus on safety issues and the special risks faced by vulnerable road users. These provisions would be similar to the existing requirement that people found guilty of drink driving attend an alcohol awareness course, which is set out in the Road Transport (Driver Licensing) Act 1999. This proposal would complement a requirement for all drivers to complete training on vulnerable road users in order to obtain their provisional drivers licence.

4. 'Road User Hierarchy' for Planning and Urban Design / Cycle infrastructure hierarchy

One of the key factors influencing the safety of vulnerable road users is the planning and design of the urban environment. It is important for the ACT Government to investigate how it can provide priority to vulnerable road users, both in newly developed areas and in areas that are being redeveloped. Providing priority has the direct effect of improving safety, but it also indirectly benefits safety by encouraging more use of 'active transport'. It is well established that the more people that use active travel in an urban environment, the safer it becomes for those users overall.

It is therefore worth considering whether the ACT should adopt a formal 'road user hierarchy' that governs the way it undertakes urban planning and design and which gives priority to vulnerable

road users. The Federal Government enacted a national urban design protocol in 2011, which ensures priority is provided to vulnerable road users. It gives priority to pedestrians, then cyclists, public transport, service vehicles and finally to private motor vehicles (figure 1). It is worth noting that pedestrians are prioritised before cyclists and that pedestrians generally regarded as the more vulnerable user in a collision with a cyclist.

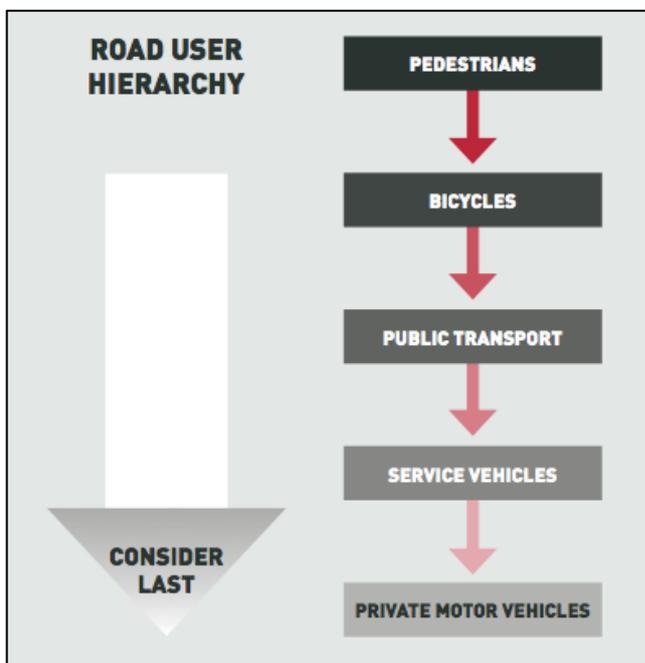


Figure 1 Federal road user hierarchy used in urban design

While the NCA follows this standard in the ACT, the ACT Government does not have an equivalent. The ACT could enact the same standard, which would prioritise vulnerable road users and have the additional benefit of harmonising with the NCA.

Similarly, consistent with recognising cyclists as a category of vulnerable road user, it is worth considering whether the ACT should enact a 'bicycle infrastructure hierarchy'. A bicycle infrastructure hierarchy would formalise an approach to providing bicycle infrastructure that the Government follows, based on recognised principles such as the vulnerability of cyclists and the benefits

of promoting cycling. As an example, the ACT's approach to providing bicycle infrastructure could be something like:

1. Wherever possible, provide direct and separated cycling infrastructure, such as shared paths and 'Copenhagen-style' bicycle lanes.
2. If this can not be accommodated, assess whether the road layout can be revised so that it is able to accommodate separated cycle lanes.
3. If this is not possible, provide an on-road lane and assess ways to improve safety - for example by reducing traffic speed; making the cycle lane as wide as possible; using separators to delineate/protect the lane from other traffic (e.g. see figure 2)⁵.

Note that this approach to cycling infrastructure does not anticipate excluding cycle lanes altogether in order to achieve some perceived safety benefit. Rather it prioritises cycling and would adjust the road layout in order to accommodate the safest form of cycling; in situations where this is not possible it would provide for an on road cycle lane.

One of the benefits of this safety-oriented approach to infrastructure is the fact that the

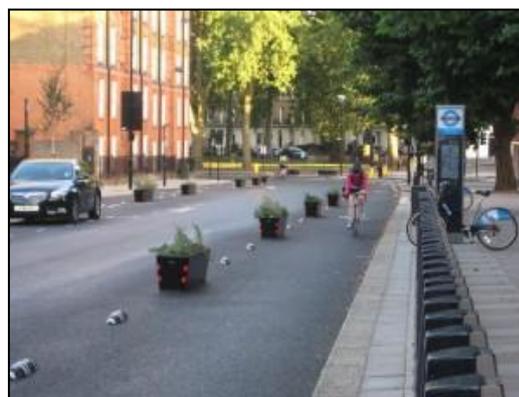


Figure 2: Example of a 'light separation' using planters and 'zebra lane delineators' made from recycled PVC.

⁵ The image is of Royal College Street in Camden, London. Image from: <http://www.trafficsafetystore.com/blog/introducing-zebra-lane-delineators/>

greatest gains in cycling numbers can be made by encouraging more cycling by everyday, less experienced cyclists. These cyclists are most attracted to cycling infrastructure that is 'safer' and which separates them from other traffic. As outlined above, these potential cyclists are often females. My anecdotal experience is that many female cyclists are providing positive feedback about the Civic Cycle Loop and the fact that it separates them from traffic and makes them feel safer.

5. Lower speeds

Lowered vehicle speed limits are an effective and cost effective way to reduce the risk of injury and death for vulnerable road users, and therefore play a corresponding role in encouraging the use of sustainable transport. More broadly, lowered speed limits can be effective in creating more liveable and active environments, as well as improving the "energy efficiency" of traffic by reducing emissions and noise.⁶

The success of lowered speed limits has been well validated and is in practice in cities and towns of various sizes around the world. Major cities such as Tokyo and Paris have implemented 30kmh limits in city centres. The London Mayor's 'Roads Task Force' recently recommended creating a 30kmh (20mph) zone across central London and in residential areas and town centres in inner London, as a way of creating more activity, increasing walking and cycling, and improving safety and the environment.⁷ In line with the "Vision Zero" approach to road safety (which the ACT Government has also adopted), several European towns and cities have adopted 30kmh as the default speed limit on residential roads. Interesting and recent UK examples include Bristol - which ran a successful pilot of 30kmh zones in 2012 and is now moving to implement 30kmh speed limits throughout Bristol⁸ - and York and Lancashire.

Canberra has taken some steps in the last few years by implementing 40kmh speed zones in town centres (Woden, Civic, Tuggeranong, Belconnen, Gungahlin). These have been received well by the public. I would encourage the Committee to consider how the continued rollout of lower speed limits can benefit vulnerable road users and Canberra more broadly. The relevant speed limit will depend on the street type and its significance. Potential areas for these slower zones include shopping and community centres as well as selected residential areas (starting, for example, with a new Canberra suburb or a suburb with an identified high number of older and younger residents). There are several ways these initiatives can be progressed including:

- Further slow speed trials, including in residential areas;
- Amendment of development codes (e.g. estate development code) to ensure new areas are designed to be conducive to slower speeds;
- Providing infrastructure and other support for slower speed environments. While this can include infrastructure such as traditional 'traffic calming' measures, the ACT could also benefit from further investigation of 'woonerf' or shared space⁹ concepts, as well as low-cost, community led initiatives such as DIY streets.¹⁰

⁶ A useful review of literature is provided in a paper from the Monash University Accident Research Centre: J Archer et al, *The Impact of Lowered Speed Limits in Urban/Metropolitan Areas* (January 2008): <http://www.monash.edu.au/miri/research/reports/muarc276.pdf>

⁷ London Roads Task Force, *The vision and direction for London's streets and Roads* (July 2013), <http://www.tfl.gov.uk/corporate/projectsandschemes/28187.aspx>

⁸ <http://www.bristol.gov.uk/page/transport-and-streets/20-mph-rollout>

⁹ This is a design approach used (usually) in low speed urban environments that minimises the use of signs, regulations and demarcations, allowing the different road users to negotiate the space through

- Public engagement and education regarding slower speed environments.

6. Pedestrians and Cyclists

Lastly, I draw the Committee's attention to the fact that some vulnerable road users are vulnerable in relation to one another. For example, a pedestrian should generally be considered vulnerable in an interaction with a cyclist or motorbike, and a pedal cyclist vulnerable in an interaction with a motorcyclist.

While pedestrians and cyclists generally mix well together¹¹, I think it is important to consider whether additional design steps can help pedestrians and cyclists to coexist comfortably.

Pedestrians are sometimes concerned that the presence of cyclists in car-free areas is a safety concern. Cyclists should not be banned from these areas; car-free areas provide an important short cut for people cycling who otherwise could not avoid traffic, and they are also often a destination point.

In areas of high population density, 'psychological' or 'soft' separation can be provided to assist both walkers and riders. A clearly marked cycle path in the middle of the area will encourage both groups to remain in the space set aside for them. This also has the advantage of keeping cyclists away from shopfronts, which is sometimes a problem in Canberra's town centres.

The separate areas can be marked using different paving, colours, symbols or gentle slopes to create a grade separation. This soft separation is different than a physical barrier, which in a shared environment can hinder movement or cause pedestrians to trip. The design will need to ensure that it does not encourage cyclists to ride too fast because of the perception of having their own space. In Canberra, this treatment could be considered for areas such as City Walk in Civic.



Figure 3 Example of 'soft separation' in a car free area.

interaction with each other. While segregation of road users is typically seen as important for safety and to encourage more vulnerable road users, when used in the right environment the 'shared space' or 'woonerf' can be a successful way to create safe, slow and active streets.

¹⁰ Coordinated, community-led initiatives that make tailored aesthetic and/or engineering changes to a street to help slow traffic. For example – adding planter boxes or trees, raising the road pavement in select spots, adding other visual cues. For an example, see: <http://www.theguardian.com/environment/green-living-blog/2009/nov/25/diy-streets-clapton-sustrans>

¹¹ Transport Research Laboratory (UK), Cycling in Vehicle Restricted Areas, 2003, http://www.trl.co.uk/online_store/reports_publications/trl_reports/cat_traffic_engineering/report_cyclin_in_vehicle_restricted_areas.htm. The study showed that generally people cycling and people mixed well and fears for pedestrian safety tended to be unfounded in fact. Fiets beraad also published a 2005 report showing similar results in the Netherlands (Fietsers in voetgangersgebieden: feiten en richtlijnen).

7. Summary

Thank you again for the opportunity to contribute to the Committee. In summary, the key matters I have recommended the Committee consider in this submission are:

- Requiring all drivers to complete training on vulnerable road users in order to obtain their provisional drivers licence.
- Defining vulnerable road users in ACT road transport legislation.
- Referring specifically to vulnerable road users for particular traffic/driving offences.
- Requiring attendance at 'vulnerable road user awareness courses' for road users who endanger or harm vulnerable road users, similar to the current requirement that drink-drivers attend courses about the harms of drink driving.
- Progressing slower speed environments in Canberra including in shopping, community and residential areas.
- Enacting a 'road user hierarchy' for planning and urban design.
- Enacting a 'cycling infrastructure' hierarchy.
- Providing 'soft separation' in key areas of cyclist and pedestrian interaction.

Yours sincerely,

Shane Rattenbury MLA
ACT Greens Member for Molonglo