

## **Inquiry into Vulnerable Road Users**

### **Submission by:**

Taras Harasymiv, [REDACTED]  
and  
Teon Harasymiv, [REDACTED]

It is quite normal for commuter cyclists to travel at an average speed of 20 kph or less. Frequently, their route takes them along very busy roads that have designated speeds of 80 kph. The cycles are often travelling as little as half a metre or so to the side of the line of the path of cars that are travelling at 80 kph. That is a speed differential of 60 kph with a separation of only half a metre. This is, by its very nature, an extremely dangerous situation.

Considering the number of cars and cycles that travel along our roads during daily peak hour periods, this scenario (of a car passing within as little as half a metre of a cyclist at a speed differential of 60 kph) is repeated millions of times on Canberra's roads over the course of each year. Even with the most attentive of car drivers, over the course of that many repeats of this scenario, sometimes things will go wrong and the consequences can be tragic.

Who is at fault? Is anyone at fault? How do we take preventative action rather than simply revenge, punishment or blaming?

Well, before we tackle that, let's first visualize the following scenarios:

1. When I am standing upright, I am just as tall and just as visible as a cyclist. If I were to run down a multi-lane road in peak hour traffic and got hit by a car, I think that everyone would agree that I had put myself in a very dangerous situation and that I need to accept responsibility for my actions. However, put me on a bicycle in the exactly the same situation and some elements of the cycling lobby would want us to automatically blame the car driver.
2. If I were to run out onto a pedestrian crossing in front of a car and got hit by the car, I think that everyone would agree that I had been reckless and that, by running out like that, I gave no chance for the car driver to avoid me. However, the cycling lobby is urging that the rules be changed to allow cyclists (who may be travelling much faster than a runner) to ride out onto pedestrian crossings in front of cars and to hold the car driver entirely to blame if the cyclist gets hit.

Obviously, the most effective safety strategy is, wherever possible, to provide physical separation between cars and cyclists.

However, getting back to the questions of fault and prevention in those situations where physical separation is not provided or not possible, we must ask what are we trying to achieve; increased safety or increased prosecution? It is not fault or lack of care by drivers that creates the danger but, rather, it is the very nature of the situation itself.

Therefore, it is essential that the question of fault is not portrayed as the issue that needs to be addressed (car drivers, despite what some cyclists would believe, don't deliberately run into cyclists). I'm not proposing immunity for motorists who drive in a negligent or dangerous manner, but the real issue that needs to be addressed is prevention (fault, unfortunately, comes into play only after the tragic event has already occurred).

While every road user should, of course, make every effort to be alert and vigilant at all times in the interests of road safety, ultimately cyclists must adopt a defensive mindset and take the protection of their lives into their own hands, rather than having the unrealistic expectation that everyone else will be able to see and avoid them in every possible situation.

Unfortunately, all too often at present, we witness the complete opposite of that mindset and see cyclists exhibiting a blatant lack of respect for road rules and a complete disregard for their own safety.

Defensive driving is already actively encouraged for motorists, and with good reason.

Governments and the cycling lobby would be acting in the best interests of cyclists by focussing on stressing the key message to cyclists that they need to recognize the inherent dangers that exist in riding on roads and that, as such, cyclists must actively minimize their own risk exposure.

It would be a great disservice to cyclists to focus on strategies (such as an increased emphasis on prosecution of drivers) that promote and reinforce the attitude among cyclists that their safety is everyone else's responsibility.

While the preceding has focussed on cyclists, the message is equally applicable to motorcyclists.

For the record, I am a keen cyclist and a keen motorcyclist. I have been riding bicycles for more than 50 years and motorcycles for more than 40 years, and I ride almost every day of the year. In all that time, I have never been in an accident despite the fact that, during that long period, I have had many unexpected and dangerous situations unfold around me.

I have not been involved in an accident while riding because I always, without exception, ride with the mindset that I will not trust my life and safety to anyone else. I always maintain the attitude that my safety is 100% my responsibility. At the end of the day, if I am hit by a car, the question of fault is of little consequence because, regardless of who is to blame, I will be the loser as far as my life or health are concerned.