

2014/06: Should there be severe restrictions placed on cyclists sharing roads with motorised vehicles?

What they said...

'Bicycles reduce traffic congestion because they use road space more efficiently than cars'

The Greens Bicycle Action Plan for Victoria

'A bit like smoking, if the idea of riding bicycles on the open road was invented today, it would be banned'

Michael Pascoe, contributing editor to The Sydney Morning Herald

The issue at a glance

On January 1, 2014, it was announced that despite record low fatality rates across the country for motorists, 2013 had seen record high rates for the number of cyclists being killed. This apparent anomaly has led commentators, lobby groups and various state governments to consider a variety of measures to increase cyclists' safety.

On January 17, 2014, Michael Pascoe, a contributing editor to The Sydney Morning Herald proposed that Australian governments might 'extend the culture of enforced safety to greater regulation of where and when people are allowed to cycle'.

The idea that severe restrictions be placed on when and where cyclists can cycle is not new. Former New South Wales Roads Minister, Carl Scully, stated in 2009, 'I believed riding a bike on a road was profoundly unsafe and that where I could I would shift them [cyclists] to off road cycle ways.'

Such a proposal has been welcomed by many motorists and some cyclists; however, it has been rejected by others as unduly limiting, unfeasible and too expensive. Others concerned with improving cyclists' safety have argued for improved driver and cyclist education and for further road rules to govern how drivers behave around cyclists.

Background

Cycling Rules

(The following information is taken from the 'Cycling Rules' brochure produced by the Western Australian Department of Transport. It is current as of November, 2013. The full document can be accessed at <http://www.transport.wa.gov.au/activetransport/24949.asp>)

Definition of a bicycle

A bicycle is a legal vehicle with two or more wheels that is built to be propelled by human power through a belt, chain or gears. Pedicabs, penny farthings and tricycles are considered bicycles. Vehicles not considered bicycles are wheelchairs, wheeled recreational devices like Segways, wheeled toys like scooters or skates, or any vehicle with an auxiliary motor capable of generating a power output over 200 watts (whether or not the motor is operating).

Standard requirements

There are standard requirements that need to be met before a bicycle can be considered legal for use on the roads and shared paths.

These requirements include:

- * a bell (or other effective warning device) that functions correctly and is fixed in a convenient position;
- * an effective foot operated or hand operated rear wheel brake. A front brake is optional;
- * a red reflector fitted to the rear;
- * a yellow side reflector (visible from both sides) on each wheel; and
- * yellow reflectors fitted to both side edges of each pedal.

When riding in hazardous weather, dusk, dawn or dark conditions, a bicycle must also have:

- * a front light showing an unbroken or a flashing white beam that is clearly visible from 200 metres, and;
- * a rear light showing an unbroken or flashing red beam that is clearly visible from 200 metres.

The rider, passenger and helmets

A bicycle rider does not have to be licensed in order to use public roads. Police recommend that children under nine years of age do not ride on a road unless closely supervised by a responsible adult.

Passengers

The number and design of seats on a bicycle governs the number, size and age of passengers it can legally carry. Children can be carried in an approved child bicycle seat or bicycle trailer, providing the rider is at least 16 years of age. The passengers must be under the age of 10.

A bicycle trailer must be designed so that it can safely carry the passenger.

The seats for children must be:

- * securely attached to the frame;
- * attached in a position that is not directly located on the handlebar;

- * fitted with a footrest and guard that prevent the child's feet from coming into contact with moving parts of the bicycle;
- and,
- * fitted with a restraining device that cannot be accidentally released.

Helmets

Bicycle riders travelling on roads and paths must wear an approved helmet. The helmet must be of a standard approved by the Director General of the Department of Transport. At present, these only include helmets that comply with AS/NZS 2063:2008-Bicycle helmets.

All approved helmets must be sold with a compliance sticker attached.

A child carried in a child carrier seat and the passenger in a trailer being towed by a bicycle must also wear approved helmets. Passengers in a pedicab are not required to wear helmets.

Retention straps of helmets must be fastened at all times.

Rules affecting cycling

When using a public road all bicycle riders must obey the same rules as other vehicles such as cars and trucks. The most common rules include those applying to traffic control lights, stop signs, careless and reckless riding, riding under the influence of alcohol, and keeping left. Riders can access a full version of the Road Traffic Act 1974, Road Traffic Code 2000, and the Road Traffic (Bicycles) Regulations 2002 at their library or on the State Law Publisher's website.

Overtaking vehicles

Bicycle riders cannot overtake on the left side of a motor vehicle if that motor vehicle is indicating or appears to be turning left, except for locations such as traffic lights where motor vehicles are stationary at a red light.

U-turning

A U-turn is a turn by which a vehicle, facing or travelling on a carriageway in one direction, is made to face or travel in the opposite direction. Bicycle riders must not commence a U turn unless it can be performed with safety and without interfering with the movement of other traffic. The U turn must only be commenced if the rider has a clear view of approaching traffic. Drivers/bicycle riders are not allowed to make a U-turn at an uncontrolled intersection if there is a "no U-turn" sign. A U-turn at a controlled intersection (i.e. with traffic lights) is illegal unless otherwise stated.

Roads with bicycle lanes

Wherever a bicycle lane is provided as part of a road and is in a reasonable condition for use, the rider must use that portion of the road and no other.

Using designated crossing points

The rider of a bicycle must not ride across a road by using a children's crossing, a pedestrian crossing or a marked foot crossing. A rider wishing to cross at these points must walk the bicycle across. Some controlled crossing points (where a shared path meets a road) will have special bicycle crossing lights indicating that it is permissible to ride across when lights are green. When lights are red, bicycle riders must stop.

Causing an obstruction

The rider of a bicycle shall not unreasonably obstruct or prevent free passage of a vehicle or pedestrian upon a path or road. Similarly, vehicles and pedestrians shall not unreasonably obstruct a bicycle. Riding slower than other vehicles is not considered an obstruction.

Rules applying only to cyclists

In addition to the road rules applying to all vehicles, there are some specific rules that only apply to bicycle riders, who:

- * Must have at least one hand on the handlebar while in motion.
- * Must wear an approved helmet while in motion.
- * Must not ride within two metres of the rear of a motor vehicle, over a distance of more than 200 metres.
- * Must not hold onto another moving vehicle or be towed by it.
- * Must not ride a bicycle on a freeway or other road that has designated restrictions that prohibit bicycle riding.
- * Must not be more than two bicycles abreast on a road. When riding abreast, the two bicycles must be no more than 1.5 metres apart. This rule does not prevent another cyclist from overtaking.
- * Must use the correct hand signals to turn left or right, and to stop. Turning left: horizontally extend your left arm and hand. Turning right: horizontally extend your right arm and hand. Stopping: extend the right arm and bend upwards at the elbow. Hand should be open with the palm forward.
- * Must not ride in a pedestrian mall, square or plaza.
- * Must not ride recklessly or carelessly.

Reporting dangerous or threatening behaviour

It is important that all members of the cycling community report behaviour by other road users that could be considered dangerous or overtly threatening in nature. It could help prevent further problems in the future for other riders. Any

troubling incidents should be reported to your local police as soon as possible. If the incident involves a vehicle, it is useful to note the relevant make, model and registration details for ID purposes.

Internet information

On April 19, 2014, The Australian published a series of letters to the editor titled 'Why do cyclists face such aggression from motorists? Because of resentment'. The letters give a variety of views on what lies behind the apparent ill-feeling between motorists and cyclists.

The full text of these letters can be accessed at <http://www.theaustralian.com.au/news/features/why-do-cyclists-face-such-aggression-from-motorists-because-of-resentment/story-e6frg8h6-1226898508179>

On April 15, 2014, the ABC News ran a report titled 'Rising road toll: Cyclists accuse police of going soft on dangerous drivers'. The report considers the high number of cyclists being killed on Australian roads, considers a recent accident involving cyclists and considers the accusation that police do not adequately pursue those motorists who kill or injure cyclists.

The full report can be accessed at <http://www.abc.net.au/news/2014-04-15/cyclists-accuse-police-of-going-soft-on-dangerous-drivers/5392438>

On March 21, 2014, The Guardian published an opinion piece by Steven Herrick titled 'Cyclists aren't the enemy - Australia needs road rules to protect us'. The comment considers recent accidents and road fatalities involving cyclists and argues for both an increase in the number of bicycle lanes and better road rules, such as the new law in Queensland which requires motorists to leave a space of one metre when overtaking cyclists.

The full comment can be accessed at <http://www.theguardian.com/commentisfree/2014/mar/21/cyclists-arent-the-enemy-australia-needs-road-rules-to-protect-us>

On February 2, 2014, The Adelaide Advertiser published a report titled 'How drivers and cyclists are doing battle on daily commute on Adelaide's roads'. The article looks at incidents of aggression and misbehaviour from both motorists and cyclists.

The full text of the article can be accessed at <http://www.adelaidenow.com.au/news/south-australia/how-drivers-and-cyclists-are-doing-battle-on-daily-commute-on-adelaides-roads/story-fni6uo1m-1226815871934>

On January 17, 2014, The Sydney Morning Herald published an opinion piece by contributing editor, Michael Pascoe, in which he explores the inherently hazardous nature of cycling and suggests a number of measures to reduce the risks. Included among these is that cyclists be barred from many roads. The opinion piece is titled, 'Regulate bicycles off the road'. The full text can be accessed at <http://www.smh.com.au/business/regulate-bicycles-off-the-road-20140117-30ytz.html>

On January 13, 2014, The Sydney Morning Herald ran a report titled 'Call for national law on overtaking distance as cyclist deaths double'. The article looks at recent demands for changes to road laws to counter the rising death toll among cyclists.

The full text of this report can be accessed at <http://www.smh.com.au/national/call-for-national-law-on-overtaking-distance-as-cyclist-deaths-double-20140112-30oqp.html>

On January 10, 2014, News.com.au ran a report titled 'Australian cycling fatalities rising but fall in other developed world'. The piece considers some circumstances particular to driving on Australian roads and some recommendations made to address the problem.

The full text of this article can be accessed at <http://www.news.com.au/national/australian-cycling-fatalities-rising-but-fall-in-other-developed-world/story-fncynjr2-1226799355000>

On November 15, 2013, News.com.au ran a report titled 'Death spike: why cyclists are dying twice as fast on our roads'. The report looks at the high number of fatalities among cyclists, considers a number of accidents involving cyclists in some detail and gives some cyclists views on why such accidents are occurring.

The full text of this report can be accessed at <http://www.news.com.au/national/death-spike-why-cyclists-are-dying-twice-as-fast-on-our-roads/story-fncynjr2-1226760958780>

On November 1, 2013, Crikey published a comment by Alan Davies, a transport and urban development consultant, in which he defended cyclists against a series of accusations and argued for a change in attitude among motorists. The full text of this piece can be found at <http://blogs.crikey.com.au/theurbanist/2013/11/01/cycling-its-just-not-cricket-is-it/>

On September 26, 2013, The Guardian posted a comment by Carlton Reid titled 'Should all cyclists be banned from the roads?'

The piece describes the situation in Britain, and despite its title, the author is a supporter of cyclists' rights and seems to have only considered banning bicycles from roads ironically.

The full text of the piece can be accessed at <http://www.theguardian.com/environment/bike-blog/2013/sep/26/should-cyclists-be-banned>

On April 20, 2013, the online magazine Sydney Cyclist published a letter from a reader Basil Brush (possibly a pseudonym) titled 'Bike riders on major arterial roads should be banned'. The letter looks at the various hazards of bicycle-riding and suggests that solutions to road congestion lie with better urban planning.

The full text of this letter can be found at <http://www.sydneycyclist.com/forum/topics/bike-riders-on-major-arterial-roads-should-be-banned>

On November 11, 2009, former New South Wales Minister for Roads, Carl Scully, had an opinion piece published in Drive.com.au. The piece is titled 'Cyclists do not have the same rights as motorists on roads'. It reviews the reforms Scully attempted to make when in government and explains his view that wherever possible, cyclists should be removed from main roads.

The full text of this piece can be accessed at <http://www.drive.com.au/motor-news/cyclists-do-not-have-the-same-rights-as-motorists-on-roads-20091111-i&st.html>

On November 12, 2009, Road.cc.pedal.powered published a comment by Simon MacMachael titled 'Aussie former politician says cyclists should be banned from roads'. The piece considers Carl Scully's views and looks at the historical circumstances under which exclusive provision for cyclists has been made in other countries.

The full text of this article can be found at <http://road.cc/content/news/10979-aussie-former-politician-says-cyclists-should-be-banned-roads>

On December 5, 2005, The Sydney Morning Herald published ten letters in response to Michael Duffy's suggestion that cyclists be banned from Sydney roads. The letters were published under the heading 'Bike riders versus motorists - it's all the rage'.

The letters can be accessed at <http://www.smh.com.au/news/letters/bike-riders-versus-motorists--its-all-the-rage/2005/12/04/1133631142086.html?page=fullpage>

On December 3, 2005, Michael Duffy proposed that cyclists be banned from major roads in New South Wales in the name of improving safety for both motorists and bike riders. The opinion piece was published in The Sydney Morning Herald.

The full text of this comment can be accessed at <http://www.smh.com.au/news/opinion/off-yer-bike--for-the-sake-of-all-of-us-on-the-roads/2005/12/02/1133422105845.html>

Arguments in favour of severely restricting cyclists' access to major roads

1. The number of cyclists being killed and injured is increasing

2013 was one of the deadliest for cyclists across Australia. Forty-eight cyclists were killed. In 2003 the figure was only 26. The increasing fatality rate among cyclists is particularly concerning as it has occurred at a time when all other road fatalities have fallen to record low levels.

Australia's annual death rate for cyclists rose 10 per cent over 2012. Cyclist deaths in Australia increased at a greater rate than motorcyclists (up 6 per cent), while car occupant deaths were down 34 per cent.

In South Australia, for example, cycling casualty crashes have surged more than 20 per cent since 2000 and now cost the compulsory insurance fund \$26 million annually, according to the Motor Accident Commission.

Tracy Gaudry, a spokesperson for the cycling safety lobby group, the Amy Gillett Foundation, has stated, 'What we're seeing is those fatalities are occurring as a result of a collision between a bike rider and a motorist...We're sharing the environment.' Ms Gaudry argues that what is needed is for motorists to change their behaviour; however, there are other commentators who have suggested that the fundamental problem is that motorists and cyclists are sharing the same roads and that cyclists will not be safe until this ceases to be the case.

2. Cycling on roads carrying motorised vehicles is inherently unsafe

It is argued that cycling on roads that also carry motorised vehicles is inevitably hazardous and that it is an oversimplification to claim that all that is required to protect cyclists is for motorists to drive more safely.

Michael Pascoe, a contributing editor to the Sydney Morning Herald's Business Day, has stated, 'Bicycles don't have ESC (electronic stability control), or ABS (anti-locking braking systems) and seat belts and airbags aren't an option either...the bike...risks...losing its balance, skidding out, or falling over after hitting a rock or a pot hole.'

A recent accident which saw the death of a 44-year-old New South Wales cyclist in November of 2013 has been cited as a case in point. The cyclist fell to the road while riding with a social group along Captain Cook Drive, on the edge of Botany Bay in southern Sydney. As his group overtook another group of cyclists, his bike toppled onto the road. He was wearing a helmet, but suffered serious head injuries, a broken arm, cuts and abrasions. He underwent emergency surgery and died a week later. One report has claimed that his bike hit a rock.

Such an incident can be seen as evidence of the inherently unsafe nature of motorised vehicles and bicycles sharing the same roads. Any event that brings the cyclist and a motorised vehicle into physical contact is likely to result in the cyclist being either seriously injured or killed.

Michael Duffy, an Australian writer and journalist, has asked, 'Given the threat bike riders pose to themselves and others, the big question is whether it is right to encourage them.'

Judge Simon Tonking of Stafford Crown Court (England) has written to The Times stating, 'Any cyclist, particularly a

lone cyclist who is not wearing high-visibility clothing, is at huge risk on such roads from vehicles approaching from behind at a (legal) closing speed of up to 60 mph. At such a closing speed a relatively small and very vulnerable "object" is coming into view at the rate of 60ft per second...'

A petition currently before the Parliament of United Kingdom calls for cyclists to be banned from all major roads unless on dedicated cycle lanes. The reason given is 'They are an absolute danger to themselves and other road users.'

3. Sharing roads with cyclists significantly inconveniences motorists

It has been claimed that the presence of cyclists on roads primarily used by motorists is a significant inconvenience to car drivers. Some of this inconvenience is said to result from cyclists' often erratic behaviour; other inconveniences are claimed to stem from the riding behaviours which the law allows cyclists, such as overtaking on the left.

On January 17, 2014, The Sydney Morning Herald published an opinion piece by Michael Pascoe in which he stated, 'There are roads where cycling is unsafe, where it creates hazards for the cyclist and the motorist and inconveniences traffic that tends to already be inconvenienced enough.'

Similar observations have been made by commentators in other countries. Canadian career consultant, Jennifer Chandler, has stated, 'I know that when I'm driving my car there are rules to adhere too. I can't drive on the sidewalk, blow a red light, circle around at the last minute or not signal my intention.'

Conversely, when describing the behaviour of cyclists, Chandler states, 'It is a free for all, whatever they feel in the moment. Here are some examples: Crossing the street without waiting for the lights to indicate green for go, flying off the sidewalk to re-enter the driving lanes, barrelling at high speed down a hill without stopping at the light that is clearly marked red. Weaving in and out of traffic that is slow or stopped for a reason. No helmets, no signals, no common sense! It's a guessing game as to who they are when it comes to using our roadways.'

Similarly, Danny Feldham, writing for the Birmingham (US) Legal Examiner of May 7, 2014, has referred to a series of cyclist behaviours he considers either inconvenient or dangerous to motorists and cyclists. These include 'Failing to stop at red lights or stop signs...Riding without adequate lights or reflective devices...Riding more than two abreast or otherwise not getting in single file to allow cars to pass...Riding against the traffic...'

4. There is significant ill will between motorists and cyclists

There appears to be a high degree of hostility between some cyclists and motorists.

In November, 2009, former New South Minister for Roads, Carl Scully, stated, 'The recent extraordinary event of a road raging cyclist hopping on a bus and assaulting its driver demonstrates...the sometimes quite volatile interaction between motorists and cyclists.'

The current general manager of the New South Wales Centre for Road Safety, Marg Prendergast, has presented the problem in more moderate terms. Ms Prendergast has claimed, 'This is a cultural issue. Drivers see cyclists as a little bit arrogant. Cyclists see drivers as a little bit arrogant.'

An editorial published in the Gold Coast Bulletin on April 2, 2014, presents a more extreme view. 'Antagonism between motorists and cyclists has reached ridiculous and dangerous levels, if reports of drivers targeting bikes are correct. In fact, the tone of comments made to the Chatroom columns of this newspaper, in the recent past, have revealed a worrying mindset.'

The editorial continued, 'But it is not a one-sided argument. Cyclists often return fire. A senior Bulletin journalist watched a brief incident one day in which a bike rider slapped a driver through the window of a car and then escaped by racing off along a pedestrian pathway on the beachfront at North Kirra.'

On May 19, 2012, the British magazine, Metro, published an editorial which stated, 'Public forums regularly teem with anger from both sides at the other's behaviour. Bike riders complain about getting cut off and hit by drivers, while motorists accuse cyclists of going through red lights and ignoring the rules of the road.'

5. Infrastructure alternatives are viable options

There are a number of countries which have demonstrated that it is possible to redesign infrastructure in a way which provides parallel provision for cyclists and prevents them from having to share roads with motorists.

The Netherlands is renowned for its well-equipped cycle-paths and other segregated cycle facilities. These networks of cycle paths exist in all towns as well as in rural areas: for bicycle tourism, the Dutch National Cycle Network reaches all corners of the nation as well as into the bordering nations of Belgium and Germany. Cycle paths are clearly signposted, well maintained and well lit, with road/cycle path junctions that often give priority to cyclists. This makes cycling itself convenient, pleasant, and safe. The needs of cyclists are taken into account in all stages of urban planning. Urban areas are frequently organised as woonerven (living streets), which prioritise cyclists and pedestrians over motorised traffic.

Many roads have one or two separate cycleways along them, or cycle lanes marked on the road. Cycling on the main carriageway is not permitted on roads where adjacent segregated cycle facilities exist so, where they exist, the use of such facilities is legally compulsory.

On other roads and streets, bicycle and motor vehicles share the same road-space, but these are usually roads with a low speed limit.[citation needed] The surface quality of these bike lanes are good and the routing tends to be direct with gentle turns making it possible to cycle at good speeds for considerable distances. Cycleways come with their own sets of rules and systems - including traffic signals/lights, tunnels and lanes.

Tunnels and bridges may or may not be accessible for cycling; if pedal cycles are prohibited, there is usually a separate facility. For example, the Western Scheldt Tunnel is not accessible for pedestrians, cyclists or moped riders.

They have to use the ferry at another location, or take the bus through the tunnel. Unlike the vast majority of bus services in the Netherlands, three services that cross this tunnel carry bicycles and mopeds. There is a fee for this service and reservation is recommended.

Other jurisdictions have attempted similar initiatives. In November, 2009, former New South Minister for Roads, Carl Scully, stated, 'As roads minister, I was concerned that not enough had been done over a number of years for cycling safety and facilities.'

The RTA...appointed a general manager for cycling and we were able to produce Action for Bikes 2010 and for the first time a substantial commitment on cycle way infrastructure and safety over a sustained period of time.'

Arguments against severely restricting cyclists' access to major roads

1. Cycling is an important means of reducing road congestion

Traffic congestion occurs when travel demand is greater than the capacity, or supply, of available road space. In other words, too many people try to drive on a specific section of road at the same time. The result is a distinctive set of characteristics collectively referred to as congestion: slow driving speeds, longer trip times, reduced travel time reliability, and increased queuing and delays. Increasing the number of commuters who regularly use bicycles rather than cars has been suggested as an important means of reducing traffic congestion.

The Revolve Bike Shop Internet site states, 'Traffic congestion is estimated by the European Union to cost 1.5% of GDP which would amount to roughly ?2billion annually in Ireland. Cycling is an excellent, flexible, autonomous transport mode for trips up to 7km and is time-competitive with cars in urban settings. In Ireland, 75% of car trips are over distances of less than 5 km, often at low speeds due to the congestion. Every day in Ireland, more than 200,000 people drive to work over distances 2-4km (of which 45,000 were less than 2km). Add in shopping trips and ferrying children to school and the situation becomes ridiculous. The 2006 census revealed that only 2.4% of children aged 13-18 used a bicycle to go to school and only 1.9% of commuters travelled by bike to work. In Copenhagen, 37% of commuter trips are by bicycle.' The Australian situation has been compared to that which pertains in Ireland, while the Copenhagen alternative has been seen as a model Australia might aspire to, especially within built up areas.

A spokesperson for the Cycling Promotion Fund (CPF), Mr Stephen Hodge, has noted, 'In the space it takes to accommodate 60 cars, cities can accommodate around sixteen buses or more than 600 bikes.'

The Greens Bicycle Action Plan for Victoria states, 'Bicycles reduce traffic congestion because they use road space more efficiently than cars. They also require less land for parking. In Melbourne, 53% of car trips are less than 5km and many of these trips could be made by bicycle instead.'

Encouraging commuters to bicycle rather than drive to work is seen in some jurisdictions as a viable means of reducing road congestion. Were cyclists prohibited from major roads, it would be virtually impossible to supply the sort of separate infrastructure provision that would allow them to use bicycles to reach all their specified destinations.

2. Promoting cycling is a valuable public health measure

Cycling has been recognised as an important means of promoting public health. Encouraging Australians to bicycle regularly, as those who cycle to work inevitably do, is thus a valuable public health measure. It has been claimed that restricting cyclists' access to roads would reduce the number of cyclists who use their bikes to commute and thus reduce public health.

Better Health Victoria has stated, 'Cycling is low-impact exercise that can be enjoyed by people of all ages. Regular cycling has many physical and mental health benefits. It is one of the best ways to reduce your risk of health problems such as stroke, heart attack, some cancers, depression, diabetes, obesity and arthritis.'

It has been estimated that it takes only two to four hours a week of regular cycling to achieve significant health benefits.

Among the detailed health benefits that Better Health Victoria has noted are 'increased cardiovascular fitness; increased muscle strength and flexibility; improved joint mobility; decreased stress levels; improved posture and coordination; strengthened bones; decreased body fat levels; prevention or management of disease and reduced anxiety and depression.'

Referring specifically to cardiovascular and respiratory fitness, Better Health Victoria has

Stated, 'Cycling strengthens your heart muscles, lowers resting pulse and reduces blood fat levels. Research also shows that people who cycle to work have two to three times less exposure to pollution than car commuters, so their lung function is improved. A Danish study conducted over 14 years with 30,000 people aged 20 to 93 years found that regular cycling protected people from heart disease.'

3. Cycling is growing in popularity

The increase in the number of cyclists in Australia has been seen as an argument for recognising them as a significant pressure group whose rights need to be respected rather than restricted.

The number of Australians riding bikes is steadily increasing in absolute terms and the Australian federal government, in setting the National Cycling Strategy, has established the goal of doubling the number of Australians cycling over the five year period between 2011 and 2016.

The National Cycling Strategy claims, 'Cycling is growing in significance as a legitimate mode of transport in Australia. For example, Australian Bicycle Council data showed a 47% increase in cycling on the top five commuter routes into capital city centres between 2005 and 2008.'

As a recreational pursuit, the results of the 2008 'Exercise, Recreation and Sport Survey' show that 1.93 million people

cycled in 2008, representing a 21% increase in cycling participation since 2005 and a 34% increase since 2001.

Cycling is now the fourth most popular physical activity behind walking, aerobics and swimming.

In terms of ownership, half of Australian households now own one or more bicycles, with the Australian Capital Territory the state with the highest ownership at over 65%. For the tenth consecutive year, bike sales exceeded motor vehicle sales in 2009.

As part of its attempt to further promote cycling, the National Cycling Strategy includes infrastructure recommendations such as bike trails and end-of-route depots where cyclists can store their bikes and take refreshment; however, it does not recommend prohibiting cyclists from certain routes. Its approach to safety in areas of shared use is better driver and cyclist education.

4. Improved laws, better law enforcement and further public education would reduce the risks

It has been argued that cyclists do not have to have predominantly separate provision made for them in order to be safe on the roads. There are a range of legal, law enforcement and public education measures which can be taken which would reduce the risks cyclists face.

According to research released in 2010 by the Monash University Accident Research Centre and The Amy Gillett Foundation, drivers were at fault in 87 per cent of incidents with cyclists and most did not realise they had behaved in a reckless or unsafe manner. Drivers changing lanes and turning left without indicating or looking were the cause of more than 70 per cent of the incidents.

It has been claimed that improved driver education would do much to address the perils cyclists face because of poor behaviour from motorists. A 2011 Monash University study titled, 'Cyclist safety: an investigation of how cyclists and drivers interact on the roads', concluded, 'Greater cyclist-related driver education and training are essential to improve cyclist safety.'

It has also been claimed that improved enforcement of laws intended to protect cyclists would serve to reduce the hazards they encounter. A New York Times report has recently stated that offences committed against cyclists are often inadequately prosecuted. The article revealed that in most United States states there were almost no consequences for causing a cyclist to die. It claimed, 'Unless you are driving drunk or completely recklessly, the punishment for killing a cyclist with your car often amounts to a slap on the wrist.'

Some Australian cyclist groups have claimed that the situation is similar here and that police often do not adequately enforce the law when a cyclist is injured by a motor vehicle. If laws designed to protect motorists were better enforced, they argue, the danger to cyclists would be reduced.

Finally, it has been claimed, there need to be some new laws introduced to offer cyclists greater protection. The recent change to the law in Queensland has been cited as legislation that should be adopted Australia-wide to reduce the risks cyclists confront.

New cycling laws introduced by the Queensland Government came into force on April 7, 2014, stipulating motorists must leave at least one metre when passing cyclists in a 60kmh or less speed zone. On roads faster than this, a passing distance of 1.5 metres is required. The new Queensland rules regarding safely overtaking cyclists will be trialled over the next two years and have already met with support from cycling lobby groups in other states.

5. Separate provision does not meet cyclists' needs

It has been claimed that for a variety of reasons, many cyclists reject separate provisions for them.

On August 14, 2013, the cyclists' quarterly *Off the Beaten Path* published an article on cyclists' generally negative reactions to separated cycle paths. The article states 'Many experienced cyclists don't want to ride on segregated cycle paths (except in the very rare instances where they actually make sense). For the most part, they prefer to share quiet streets with slow-moving cars, rather than ride on "protected" paths that put them in harm's way at each intersection. And if they have to ride on busy streets, they prefer on-street bike lanes that keep them visible and predictable to other traffic.'

Other concerns were expressed in an article published in the *Cycling Embassy of Great Britain*. Here the issue appears to be that separate provision will never be sufficiently widespread or flexible enough to meet the needs of a majority of cyclists.

The *Cycling Embassy of Great Britain* article states, 'Britain's large network of roads, and the nature of many of those roads - especially narrow residential streets and winding country lanes - make it impossible to construct cycle tracks on all roads, and this is...a problem for those who advocate their construction.'

Former New South Wales Minister for Roads, Carl Scully, has indicated his consternation at the lack of support he received from the cycling community when his government began to make separate provision for cyclists. Mr Scully has stated, 'Despite a massive increase in funding, policy and delivery, the bicycle lobby groups remained at best sceptical, and at worst disappointingly hostile.'

Perhaps this was because I made it quite clear that I believed riding a bike on a road was profoundly unsafe and that where I could I would shift them to off road cycle ways.

I am still surprised as to how someone willingly gets on a bike and takes a huge risk with cars, trucks and buses, often travelling well over 80 km/h.'

Mr Scully was forced to recognise that the separate provision for cyclists his government was attempting to make did not meet many cyclists' preferences or perceived needs.

Further implications

It is impossible not to acknowledge that Australia has a problem ensuring the safety of cyclists on our roads. Increasing fatality rates among cyclists, relative to Australian motorists' death rates and relative to cyclists killed in road accidents overseas, makes the extent of the issue plain.

Separate bicycle paths for cyclists may seem an attractively simple solution. It clearly works well in The Netherlands; however, there are those who argue that such a solution would not be feasible here. Australian topography is much more varied and the distances to be covered, even within cities, are greater. It is also claimed that making adequate separate provision for cyclists needs to be built into initial planning rather than tacked onto existing infrastructure arrangements. The awkwardness of some of the bicycle path networks added post hoc to existing roadways helps to explain why many of these bike lanes are under-utilised. Provision can relatively easily be made for the casual, non-competitive cyclist. However, serious cyclists and commuters who wish to use their bikes to travel to work need better provision than separate bike lanes often provide. Bicycle networks are rarely complete. They will take a cyclist so far along a particular route before he or she has to merge with full traffic, sometimes at locations that place the rider at particular risk.

None of this, however, means that cycle paths should be abandoned. Rather it means that they have to be better planned and their intersections with roadways need to be carefully considered and protected. There are other measures that can also be taken to protect cyclists. Reducing speed limits in built up areas may be of help. Speed reductions around schools have been successful in reducing the number of children killed in these precincts. Making separate provision for cyclists at light-controlled intersections so that they can enter the intersection in advance of motorised vehicles is also likely to be of benefit.

Better enforcement of the law appears to be needed, so that offences committed by cyclists and against cyclists are more likely to be prosecuted. This should improve the on-road behaviour of both bike riders and motorists.

The negative attitudes cyclists and motorists appear to have toward each other is also an issue. An extensive advertising campaign such as that directed against smoking, drink driving or domestic violence may help address this issue. Attempts to address the problem should be wide-ranging and multifaceted. The success different Australian jurisdictions have had in reducing the overall road toll suggests that it should be possible to save cyclists' lives as well.

Newspaper items used in the compilation of this issue outline

H/SUN, October 16, 2013, page 22, comment by Wendy Tuohy, 'Anger on the roads is not good for riders or drivers'.

http://blogs.news.com.au/heraldsun/theperch/index.php/heraldsun/comments/hey_melbourne_whats_with_all_the_bike_rage/

H/SUN, March 8, 2014, page 15, comment (on registration fees etc) by Tom Elliott, 'Time to pay for your sweet ride'.

<http://www.heraldsun.com.au/news/opinion/make-cyclists-pay-for-their-sweet-ride/story-fni0ffsx-1226848291783>

H/SUN, March 20, 2014, page 28, editorial, 'Spoke in the road message'.

<http://www.heraldsun.com.au/news/opinion/spoke-in-the-road-safety-message/story-fni0ffsx-1226859518830>

AGE, March 20, 2014, page 7, news item (with list of laws regarding motorists and bikes) by Carey and Gough, 'Bike lanes give false sense of security, officer says'.

<http://www.theage.com.au/victoria/bike-lanes-give-false-sense-of-security-officer-says-20140319-352ya.html>

H/SUN, March 21, 2014, page 35, comment by Alice Clarke, 'Harmony lies in sticking to the road rules'.

<http://www.heraldsun.com.au/news/opinion/harmony-lies-in-sticking-to-the-rules-of-the-road/story-fni0ffsx-1226860565580>

AUST, March 21, 2014, page 13, editorial, 'The menace of urban cyclists'.

<http://www.theaustralian.com.au/opinion/editorials/the-menace-of-urban-cyclists/story-e6frg71x-1226860557764>

AGE, March 21, 2014, page 31, comment by Ross Taylor, 'Why cyclists and drivers hate each other so much'.

<http://www.smh.com.au/comment/why-cyclists-and-drivers-hate-each-other-so-much-20140320-3556w.html>

AGE, March 21, 2014, page 20, letters incl, 'Taken for a ride by the socially irresponsible / Poor planning proves dangerous'.

<http://www.theage.com.au/comment/the-age-letters/taken-for-a-ride-by-the-socially-irresponsible-20140320-3565b.html>

AUST, April 19, 2014, Australian Magazine insert, page 12, investigative report (photos) by Greg Bearup, 'Uneasy riders'.

<http://www.smh.com.au/federal-politics/society-and-culture/the-long-ride-home-20100528-wit7.html>