

Submission to the Victorian Government Inquiry into the Victorian Road Toll.

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I have a deep interest in transport related dangers and risk controls.

I spent my initial working years working in Avionics for the airline business.

This is where I learnt a great respect for how incredibly dangerous passenger aircraft can be. Several hundred passengers, in a tin can, at a height that the atmosphere is lethal, propelled in the air with a highly explosive fuel known as aviation gas at several hundred kilometres per hour. Hundreds of things can fail and they all will result in death for every passenger and crew.

The fact that these incredible dangers have been very tightly controlled is a testament to how dangers in a fully controlled systems can virtually eliminate risk.

These days no one considers modern aircraft travel to be dangerous in fact the opposite, it is known to be incredibly safe.

The railway industry is another industry that is also incredibly dangerous but with a fully controlled system is also known to be incredibly safe.

I refer to the incredible safety record of the Japanese Shinkansen system. It has now existed for over 50 years, half a century and was the world's first truly high speed passenger train, commencing at 210kph and after an initial bedding in of the system continued for the next few decades at 220kph with the release of the latest N700 series Shinkansen the operating speed is now 270kph. The Shinkansen has moved over 5.3 billion passengers over 260 billion passenger kilometres with zero deaths due to the operation of this train. This makes the Japanese Shinkansen the world's safest mode of transport.

How is it possible for the airline and railway industries to be engineered to such high standards of safety?

The answer is very tight engineering standards, with full traceability of all parts of the system and people who have worked on every section. With the most important safety system being the “near miss” every near miss is reported and investigated, as a near miss means almost certain disaster where multiple deaths had been avoided just by pure luck. Investigating these near misses enables systems to be changed or designed to avoid this same potential disaster from happening in the future.

In other words standards must be high and permanently remain high.

The other point is fail-safe, if a train driver for whatever reason drives through a red light, this has created a dangerous situation, but the train system itself and not the driver stops the train and prevents a serious train crash from occurring.

These two major forms of transport that are both incredibly safe.

The other major form of transport is called the motor car.

This form of transport is known to be incredibly dangerous and I shall point out this fact.

In all the wars that Australians have fought in over our 200 plus year history around 100,000 Australians have been killed. The object of war is to kill the enemy, so a system designed to kill us, has only killed 100,000 of us.

In the roughly 100 years since we have had the motor car in Australia around 160,000 Australians have been killed. The object of a motor car is to move from location A to location B, it is intended to enable movement. But the system has allowed motorists, normal people to kill 160,000 Australians.

Think about that, the Motor Car is a far more effective killing device than all our enemies of all the wars that is intended to kill us!

A system has evolved around the motor car.

Roads, design, roads operation, licencing, laws or rules, controls – signs/lights, policing, courts, legislators.

The operators of these machines are basically anyone over the age of 18 year old. It is a system of random people with very loose controls and notably no fail safe.

If a motorist drives through a red light and another motorist is driving across the path of this lethal motorist with the green, then a crash will occur, deaths and injuries will be the result.

If by good luck only, a crash does not occur, then this near-miss never happened is not measured or noted in any way. This means this exact same lethal condition will occur again.

When a crash and lethal outcomes does occur, it is noted as a road kill and treated as expected we even wrongly try and call it an “accident” attempting to infer it was no one’s

fault, could not be anticipated and nothing can be done to prevent this same circumstance re-occurring.

This of course is a complete failure of the road system.

Vision Zero. Recognises that humans will make mistakes and when in charge of a motor car, turns this device into a lethal weapon.

Vision Zero, is then meant to “Engineer” a system that prevents, injury and deaths during a “mistake”

Let’s go through each part of the failed road system.

Firstly, we have three main groups involved in road transport.

The first two are human powered.

Pedestrians are naturally safe and present zero danger to themselves other pedestrians and all other road users.

Cyclists are naturally safe and present very little danger to themselves other pedestrians, cyclist and all other road users.

Road laws controlling, pedestrians and cyclists. Do not reduce any danger on the road, instead the dangers remain and it is a very poor attempt at removing the victims of the danger, from the only danger.

The third and final group of road users are the motorists in charge of motorised vehicles, the motor car. Motorists are the only danger on the roads, they create a lethal danger to pedestrians, cyclists and other motorists. Pedestrians and cyclists create zero danger to a motorist only another motorist creates a danger to a motorist.

The only way to eliminate or reduce dangers on the road is by controlling or eliminating the danger.

Vision Zero, recognises the only controls placed on road users is to control the motorists.

What we have with motorists is essentially untrained, unskilled, uncontrolled amateur drivers in charge of a lethal weapon.

Road Laws: This is an attempt to control the motorists, understanding that motorists create the greatest danger to anyone not inside a protective vehicle. Protecting people from the motorists must be the highest priority in a road control system.

Road design:

This must be constructed in such a way as the control of danger is the only priority to protect people. The idea of maximising vehicle speed and ignoring the dangers created is the root

cause of motorists crashing. Residential roads “the streets with housing” needs to be designed for the well understood maximum speed of 30kph, this must be achieved not by just placing a sign saying “30kph” but must involve road design to ensure a motorist driving above 30kph “will crash” this is a self-policing system, motorists mainly prefer not to damage their car.

Slip-lanes and roundabouts. Are both poor road design and create lethal hazards for Victims Of Motorists.

Police and Road Laws:

Firstly I shall say, is that many of our road laws are not designed to keep people safe. Road Laws need to be heavily reviewed. I am one of the people that believe bad road laws that create a danger to the person must be ignored and the person affected must do what they feel is the best for their own safety.

As a cyclists again for the last ten years I have learnt that our road laws are wrong and our policing of these laws is a failure. I never cycle with a cyclist’s sports helmet and over the years this has created the attention of the police. A cyclist’s sports helmet mandatory law is alleged to be a law to keep that cyclists only safe. This claim is rubbish. Placing a piece of polystyrene on a person’s head makes zero difference to the chances a motorists might hit a person. It assumes everything has been done to prevent the danger from hitting that person and is an attempt to reduce the injury after being hit to the skull only. No reduction to brain injury has ever been claimed by a sports helmet manufacture.

It is my duty to object to a bad road law. It only requires good people to ignore bad laws, for bad laws to exist.

I will quote three examples of the police hunting me down for creating zero danger too myself by cycling without a sports helmet.

Two bicycle police followed me and cycled exactly the same path as myself, thru a dead end car park, through 2 metres of a red light and onto a bicycle shared path the priority bicycle network. No other motorist or pedestrians existed at this time. Despite all three cyclists doing exactly the same thing and creating zero danger to themselves or anyone, the police discretion was to issue me with a cycling without a sports helmet and a red light fine totalling \$600. Of course I took this to court and challenged it. My first lesson in the police have zero care for the non-dangerous road user a cyclist.

Case Two: Cycling in a fully protected kerb raised cyclist only lane. The police illegally entered this bicycle only lane with a police car completely blocking this fully protected cycling lane. This is the only thing known to protect cyclist from the only danger on the roads, the motorists. So the police in enforcing a so called “safety law” created a danger for every other cyclist.

Education number two police have zero to no understanding of controlling the dangers on the roads to create safety.

Case Three: On a very motorist congested shopping strip road with parked cars on the road along the kerbside, I was cycling along around 15kph outside the dooring “death lane” when a motorist doing only about 20kph hits me with the passenger side window and as the speed was low, I was not knocked off my bike and had only a slight bruise on my right elbow. A few seconds later this motorist was forced to stop as all the motorists had blocked the road, this motorist had all the windows closed. So I shouted at this motorist saying “You hit me with your car” the motorist of course now unable to escape after hitting me with the weapon she was driving tried to ignore me. Three police were on the road on the opposite side, they came running over and jumped in front of me, I said, “What are you going to say to that motorist, she hit me with her car” the police said where is your helmet, I said “you’re kidding I’m not the danger, this motorist has hit me with her car and all you care about is my sports helmet” the motorist was directly in front of the police, I said, “She is stuck behind these other motorists, you can have a word with her” the police said “I can only do one thing at a time”. This motorist slowly drove away on this congested road while the police interrogated the safe cyclist and ignored the dangerous motorist.

I have now had several examples of the police demonstrating that they have zero training or appreciation of the fact that the only way to make the roads safe is by controlling the dangers and not the safe pedestrians or cyclists.

The courts: This is just a system to rubber stamp decisions made by the police. The system is designed to attempt to force a person to just pay the fine and forget about it. If you think the fine is police lacking discretion you might take it to the magistrates court, at this place you will be encouraged/coerced into pleading guilty, you will be soundly lectured into believing the magistrate will punish you for pleading not guilty.

I have attended court several times for not wearing a bicycle sports helmet. I have successfully argued with agreement from the police prosecutor and the magistrate that at the time cycling is the very best thing for my health and my defensive cycling technique eliminated as far as possible in a badly constructed road environment almost all risk from being hit by a motorist. So the best thing for my health and safety. Despite this and with the magistrate agreeing with me, I was still found guilty of breaking the trivial road law of not wearing a sports helmet.

The courts are meant to be a house of review of the laws and must establish the fact if these laws are in fact protecting road users from the only danger on the roads. I have attempted to find how the courts review the adequacy of the road laws and have not been able to establish any system to achieve this outcome.

Legislators: The Politicians.

Politicians are just normal lay persons, like police, they are not equipped to understand even slightly how to control or eliminate the dangers from our roads. Yet politicians are the very people deciding our road laws and many amendments and alterations to our road laws are just decided at a whim by the minister of the day. I understand that the very bad cyclist only mandatory sports helmet law was never debated and just became law on the whim of the

minister of the day. No procedure has been instigated to review our road laws or have road laws automatically expire unless they are reviewed.

Road Operations:

VicRoads seems to have complete discretion of how the road system is operated along with the road design this forms the basics of the road “control” system.

VicRoads also seems to not understand how to design a “safe system” by controlling the road dangers.

A clear failure of road operation is the PBN Principal Bicycle Network in front of the MRS Melbourne Rectangular Stadium this is facing what is now named Olympic Boulevard on the city bound side it consists of an on road section of a painted white line this provides a higher speed high risk on road cycle lane with the risk of being hit by a motorist. On the parallel footpath is a marked shared-path this is protected by a raised kerb and is a very safe place to cycle without the risk of being hit by a motorist. Except that at the dead-end 200 spot car park internal to the MRS venue the shared-path faces a permanent red light unless the “beg button” is pressed and a green light wait time. So we have a high risk on road path with a green light at the car park entrance or a very safe shared-path with a red light forced wait.

This effectively punishes a cyclist for choosing the safest cycling path. This also ensures that all pedestrians and cyclist do not even think about walking/cycling through the red light as it is completely safe, this is just training people to ignore the traffic lights, of course at times the police will oblige by fining people for ignoring this poor road operations.

So we have a system designed to control the safe – pedestrians/cyclists whilst at the same time maximising the speed of the dangerous motorists.

This is failure not even by design, as it can be fixed by a simple re-programming of the lights. It is a failure by operation.

Note: This PBN existed before the MRS venue was even constructed yet VicRoads ignored the priority of pedestrians and cyclists. It must be pointed out that this venue MRS seats 30,000 people, regularly over 200,000 people attend the Tennis venues and across the track is the 100,000 people MCG this is a very high pedestrian area, yet VicRoads considers vehicles more important than people at this very location.

This is a FAIL.

Motorist Education:

I have learnt over the last ten years of cycling that this is the only and best form of education into how road dangers must be controlled. We need a licencing system that demands one hundred hours of on road cycling before a drivers licence can be issued.

Nothing educates a person into how dangerous motorists can be to people not inside a car, better than cycling.

Regular drivers licence testing.

Road laws are constantly being changed or updated the public are never involved in these law changes and many of them have nothing to do with controlling road dangers. It is obvious to anyone who takes an interest in the dangers on the road, that many motorist do not understand road laws and instead think it is more of the “right” of the motorist to never stop or give-way to anyone not inside a motor car. Police (the very one’s who should be setting the correct example) themselves are often just as bad as normal motorists in this regard.

The road system at every level is broken.

We do not have evidence-based road laws, we have politicians biased road laws these laws often give priority to the only danger on the roads whilst attempting to force the Victim Of Motorists to get out of the way of the high-speed lethal motorists.

I will return to my first encounter with police as it is very instructive of multiple failures of our “road system”

1. Road design: I was issued with a Red Light fine, due to a 100% failure in the road designed system. With a tiny kerbside alteration, I would not have been forced to ignore a road control device for a distance of 2 metres – the length of my bicycle. I need to point out that this area has been part of the PBN Principal Bicycle Network since before this road was constructed. Yet the priority is only for vehicles and cyclists are treated as non-existent.
2. The police have a power called “police discretion” this is designed to allow police to decide that the enforcement of a road law, would be seen to be trivial and unhelpful especially considering at the same time two police on bicycles did exactly the same thing as myself and cycled directly through the red light. Of course this created zero danger to anyone and is proof that enforcing this fine was trivial.
3. The police prosecutor failed to drop this red light charge despite agreeing it was very trivial, but stated “the magistrate will find you guilty as it is the wording of the law and being trivial will not be considered”
4. The magistrate is meant to be the final arbitrator of fairness, but they are forced by the “legislators” to issue fines for trivial issues, so despite being bound by the system they can still arbitrate a zero dollar fine when the police and the police prosecutor fail the system, yet rarely does a magistrate, despite agreeing with my argument decide the police are wasting court time and dismiss or issue a zero dollar fine.

5. As can be seen each of my four points have highlighted a failure of the road-system. All parts of this system are part of the problem, so a positive change to any/all of these parts of the system will save lives.

- (1) current Victorian Towards Zero Road Safety Strategy 2016-2020 and progress towards its aim of a 20 per cent reduction in fatalities with 200 or less lives lost annually by 2020;
- (2) adequacy and scope of the current driver drug and alcohol testing regime;
- (3) adequacy of current speed enforcement measures and speed management policies;
- (4) adequacy of current response to smart phone use, including the use of technology to reduce the impact of smart phone use on driver distraction;
- (5) measures to improve the affordability of newer vehicles incorporating driver assist technologies;
- (6) adequacy of current road standards and the road asset maintenance regime;
- (7) adequacy of driver training programs and related funding structures such as the L2P program; and
- (8) adequacy and accuracy of road collision data collection — put and agreed to.

Let's go through your inquiry points

(1) Vision Zero (Towards Zero) This is just purely words with zero actions, unless the well-known steps to control the road dangers are implemented. Design roads to protect pedestrians and cyclists by eliminating vehicles in high-pedestrian and cyclist's areas from vehicles travelling above 30kph. Operate control devices to encourage pedestrian and cyclists. Provide vehicle excluded roads for pedestrians and cyclists to high activity areas like, schools, shops, train stations and control vehicle speeds to 30kph in all residential areas.

(2) Driver under influence enforcement. This is more of the same random attempt to catch dangerous motorists. Far easier to enforce 10 – 20 hours of mandated on road cycling to ensure that these people are facing the dangers of being hit by a motorist to show them directly the dangers they do create for others.

(3) Firstly mandate no car in Victoria can do over the maximum speed limit of 110kph this will eliminate all high speed car crashes by making it impossible to go over the maximum speed. Mandate auto speed detection for all new cars, it is an easy matter with GPS systems for the car to know the speed zone it is in, this can be auto enforced by a loud siren inside the cabin that produces say a 100db SPL noise inside the vehicle when driven above the speed limit.

(4) Investigate and mandate that all phones cease to respond to any screen touches/swipes when in a vehicle moving above 10-20kph, yes this means no one in a car can use a mobile whilst it is moving but no one will die from this and in fact many lives will be saved.

(5) I have thought and read extensively about AI Artificial Intelligence cars. Firstly they are many decades from being fully automated and able to fully

drive without any manual assistance. Until we have fully automated level 5 AI everything done to automate a car will make current drivers even worse than they are already. The reason is the more the car drives itself the less attention the motorist will pay to the actual driving of the car, the more bored they will become the less connected to the environment outside the car this can only make these drivers more lethal than currently. The safest cars are the ones with the airbags disconnected and instead the airbag is connected to a spear in the centre of the steering wheel, the motorist driving this car will ensure they never crash as they know if they do crash they will be speared and certain death will result. This is the safest driver in the safest car. The less creature comforts the motorist has and the harder the car is to drive, the more they must concentrate to drive the car the more aware they are of the environment the safer everyone including this driver is. We can mandate driver eye detection that will slow and stop the car when the driver is not looking (when looking down at a mobile) this will ensure the motorist is actually driving and will provide some level of fail safe for motorcars.

(6) Road standards. Roads need to be designed for the safest non-dangerous to be protected that is in order, pedestrians and cyclists. It is a well-known fact that over 90% of all pedestrian deaths involves a motorist hitting the pedestrian with around 40 % of these deaths when the motorist is driving on the footpath. Between 80-90% of cyclist injuries and deaths involves a motorist. This data is not acceptable. The emphasis on maintaining high vehicle speeds is a huge part of the problem over 50% of all car trips are under 5km in distance these are local trips in mainly residential areas the road design must force these trip speeds to be under 30kph.

(7) Driver training and frequent licence re-testing should be normal. Mandatory bicycle riding must be included in all motorists testing. I have had many motorist demand that, I as a pedestrian must give way to the motorist. The problem is that motorists breaking these laws is so “normal” and they have broken the laws for so long, that these ignorant motorists think that is the law. This is a failure of drivers licence system.

(8) Road crash and hospital data. Is an area that can be improved, Data should be collected on per distance, per trip and per time for every mode of road transport. Walking, Cycling, Motorcycle, Motorist, Truck driving. The current bias towards showing data in deaths or serious injuries per kilometre is designed to try and make motorised trips seem safer than is the fact.

The recent Oct 2019 panic into the Tatra Airbag system, highlights the problem perfectly.

Takata airbag recall 'critical' as drivers urged not to use 20,000 cars

<https://www.theguardian.com/australia-news/2019/oct/04/takata-airbag-recall-critical-as-drivers-urged-not-to-use-20000-cars>

It needs to be stressed that no car occupant has ever died unless the car is involved in a crash, this emphasise that crashing is expected.

When the motorist is involved in a crash all car occupants are at risk of an injury from a car that is now a lethal weapon.

The in-car air bag system is yet another device designed to reduce the car occupant's injuries, in this one single Australian recorded death the airbag did not protect this occupant from the crash.

I have recently returned from another trip to Japan this time I travelled to one of the most car-centric areas of Japan, Okinawa, it has no railway line and only one monorail in Naha all public transport is by buses.

The highway speed limit in Okinawa is 50kph this is the same legal speed that one can drive down my residential street in Malvern.

Okinawa residential streets have posted limits of 30kph and at times this road is also the major highway.

The result is Japan has over twice the safety of Australia in road killing statistics, with around 2.8 fatalities per 100,000 people compared to Australia at double the deaths at 5.3 fatalities per 100,000 people.

In Australia our car-centric road designed system is a huge part of the problem. Any form of transport not inside a motor car is not considered important, the roads are designed to eliminate pedestrians and cyclists. This tells people to only drive, these mandatory motorists, then never walk or cycle anywhere so they never consider or even look for people. These motorists only consider and look for cars as that is the only thing that creates any danger for them.

I have highlighted that every part of our road system is a failure.

The solution requires politicians to care about people and change this road system.

The number one cause of Australian child deaths aged from one-fourteen years old is due to motorists killing them.

I will state that again, the major cause of child deaths is adult motorists killing children.

When road safety (yes a joke) is mentioned often the words are used “think about the children”

I often think about the children, so my most desired form of transport is walking and cycling. This mode of transport creates zero dangers for the children.

I am pleading with this inquiry to listen to the problems and change this failed road system.

Without change motorists and the road system will continue to kill more people.

I am very happy to discuss or even be further involved in this inquiry if it may be of assistance.

Regards

Bruce Sutherland

5 November 2019.

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Regards

Bruce Sutherland

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