

Glennys Jones

Response to:

Parliament of Victoria
Standing committee on Economy and Infrastructure Legislation Committee
**Inquiry into the Road Safety Road Rules 2009
(Overtaking Bicycles) Bill 2015**
31 March 2016

Referenced documents:

- [Victorian Road Safety Road Rules 2009](#)
- [Victorian Parliamentary Inquiry into Violence Associated with Motor Vehicle Use - 2005](#)
- <https://www.vicroads.vic.gov.au/safety-and-road-rules/cyclist-safety/sharing-the-road>
- <http://arstechnica.com/tech-policy/2015/06/police-use-ultrasonic-device-to-make-sure-drivers-stay-3-feet-from-cyclists/>

Introduction

I support the Overtaking Bicycles Bill 2015.

The current “Keeping a safe distance when overtaking” rule does not provide sufficient guidance for drivers as to what constitutes “safe passing”. It is currently up to the driver to determine the safe distance, yet they are not the vulnerable road user in the interaction.

Safely cocooned with in a vehicle, drivers are frequently unaware of cycling hazards and factors such as air displacement their vehicle produces when passing a cyclist at close distance

We need a minimum passing distance and a commitment to driver education so that drivers and police understand the reasons cyclists need a safety margin, it needs to be enforceable.

Discussion**Legislative confusion**

Queensland was the first Australian state to adopt the “metre matters” passing laws, a law that now exists for the entire east coast of Australia, with exception being Victoria.

South Australia has also adopted this rule. Drive over the Victorian border in any direction and the “metre matters” rule is in place.

There needs to be consistency across the board.

A visit to VicRoads website adds to the legislative confusion: “How drivers should share the road with bike riders - Be patient and give bike riders a clearance of at least one metre when passing them, more if travelling over 60km/h. If this clearance isn’t possible don’t overtake until it is safe to do so. After overtaking, make sure you are well clear of the bicycle before moving back.”

Personal Experience

There are two types of close passes, the unintentional act and the deliberate “punish pass”

The unintentional close pass is usually associated with a lack of driver awareness / education and also because there is currently no white line exemption for overtaking a cyclists. Drivers attempt to squeeze between the cyclist and the white line which results in a dangerously close pass.

Deliberate “punish pass” or skimming. Because the current safe passing laws do not specify a minimum passing distance there is a small group of drivers who make a sport of passing as close to a cyclist as they possibly can. If the cyclist takes evasive action and crashes, this is reported in the crash stats as a single bike accident. In the eyes of this group of drivers, so long as they don’t kill the rider any close pass is legal.

I have experienced a number of these “punish passes”. On one occasion the driver slowed alongside of me so that the passenger could reach out the window and slap me on the backside. I had to fight to retain control of my bike with the car passing close alongside of me; due to the force of the physical hit and the shock of being hit.

On another occasion I was riding with a group of year 9 high school students, teaching them road riding skills and etiquette to prepare them for the Great Victorian Bike Ride, as a group we were “punish passed”. The group were in school uniforms, were still novice riders and the terrain was hilly, making less experienced riders more likely to wobble, yet under the existing law the driver did nothing illegal.

The most frightening “punish pass” occurred on Beach Road the day after a damaging storm. The road was strewn with storm debris and gravel drifts at road junctions. I was riding on my own at a time when no parking is allowed on Beach Road. Despite having two clear lanes the driver deliberately passed me within centimetres. I then observed as they repeated this to a series of cyclists ahead of me.

Cyclists frequently need to avoid debris and pot holes in order to avoid crashing yet there seems to be little understanding from drivers that riders need a safety margin to cater for unexpected road hazards.

White line exemption.

We need an exemption for drivers to cross the white line when safe to do so.

A bicycle isn't as wide or as long as a motor vehicle, meaning cars can often leave a safe margin for the cyclists while only crossing the line with two wheels and spend less time on the other side of the road.

Unlike overtaking other slow vehicles, such as trucks, a driver can have a clear vision of the road ahead of a cyclist – and any possible upcoming corners or oncoming vehicles.

Enforcement

A long standing argument against the “metre matters” law was that there is no way to enforce it.

The “Three foot” passing law was enacted in Tennessee in the US in 2007 and is one of at least 24 States to adopt it.

An example of how this can be measured and enforced or used to educate drivers Tennessee police started to use the BSmart ultrasonic device attached to a police bicycle <https://www.youtube.com/watch?v=APICVp6BW60&feature=share>

Compact, relatively low cost bike mounted cameras are increasing in popularity and can assist with enforcement, they are often time stamped and can identify the vehicle registration and provide a record of the incident and image of the driver.

Education

Driver and police education plays a major role in ensuring the safety of vulnerable road users. Ensuring that this law is reflected in learner driver education and testing is essential.

These are two examples of effective road safety education campaigns

DOE Road Safety Ad

<https://www.youtube.com/watch?v=dXXwtPOMWko>

Tasmanian “Distance makes a difference” Ad

<https://www.youtube.com/watch?v=syq96qwYo-o>

The time for this rule is long overdue:

In 2005 the Victorian Parliamentary inquiry into Violence associated with Motor Vehicles recommended the introduction of this rule.

“At present, the only law governing the requisite distance between motor vehicles and bicycles is Rule 140 of the Road Rules – Victoria. This rule provides that a road user cannot overtake another vehicle (which includes a bicycle) unless it is safe to do so. Unfortunately, the rule provides no guidance as to when it is safe to overtake a bicycle, leaving this to the driver’s discretion ...The Committee believes that the current system is not operating effectively and that by passing specific laws that address the minimum safe distance between motor vehicles and cyclists it is hoped that drivers will be made more aware of the vulnerability of bicycle riders, and the need to maintain their distance.

The Committee recommends that the Victorian Government enact a new road rule specifying the minimum safe distance to be maintained between motor vehicles and bicycles. (Recommendation 47, p.420)

The Committee recommends that Victoria Police should be given the ability to issue penalty tickets for transgressions of the minimum safe distance road rule. (Recommendation 48, p.420)

The Committee recommends that Information regarding the new road rule should form a part of the 'Share the Roads' campaign. (Recommendation 49, p.420) [4]"

Conclusion & Recommendations

The "metre matters" law was recommended by the committee in 2005. It is now in place and working in other states in Australia and around the world.

It is time to place a minimum passing distances in to legislation and to educate drivers and police. The proposed change will benefit road safety, make it safer for cyclists and reduce the crash costs and trauma to the community.

[REDACTED]

From: Glennys Jones [REDACTED]
Sent: Friday, 15 April 2016 6:08 PM
To: LCLC
Cc: 'Samantha Dunn'
Subject: Overtaking Bicycle Bill - BN submission.

Dear Committee members,

It has come to my attention that BN has made a submission that they claim to represent their membership. I am a life member of BN, an honour that was bestowed on me as a result of my committed volunteer work teaching Bike Education to school students.

I strongly object to transient employees of BN purporting to represent their membership by including section 5.3 in their submission.

I find it untenable that the result of this clause provides drivers with an exemption from the safe passing law for cyclists, including 12 year olds who are not legally able to ride on the footpath, riding in a school zone bike lane.

As a BN Life Member I dispute BN's claim that their submission represents their membership.

Kind regards
Glennys Jones
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