
Victorian Motorcycle Council
Submission March 2016
About this submission:

The Victorian Motorcycle Council welcomes the opportunity to present a submission to the 2016 Legislative Council, Economy and Infrastructure Committee, inquiry into the proposed rules for minimum distances when overtaking bicycles.

The Victorian Motorcycle Council was created to represent the interests of all motorcyclists, motorcycling organisations and relevant stakeholders in Victoria, and is represented on the Australian Motorcycle Council, the peak motorcycle body in Australia.

This submission takes into account the extensive knowledge and thinking of a diverse group of experienced, representative and interested motorcyclists. The input included riders who also cycle for both fitness and recreation, marshal cycling events and who live near or regularly travel on cycling frequented roads.

The information included in this submission is for all intents and purposes, factual, correct, accurate and relevant. The VMC and/or its associates are available to expand on any of the points contained within this submission, or available to consult further on related matters not covered in this submission.

Definitions:

Motorcycle = Any single track powered two/three\textsuperscript{1} wheeler vehicle
RR = Road Rule
TOR = Terms of Reference
VMC = Victorian Motorcycle Council

\textsuperscript{1} Scooters such as the Piaggio MP4 have three wheels but are considered to be “narrow track” vehicles that behave like and are as narrow as single track vehicles. There are also larger narrow track motorcycles that fit into this category. Motorcycles such as the Can-Am Spyder and other “trikes” are excluded for the purposes of this submission.
Terms of Reference

It is acknowledged that the Inquiry and its Terms of Reference are focussed on the implementation and community education of new minimum distance bicycle overtaking laws, as detailed at the inquiry website: http://www.parliament.vic.gov.au/elc/inquiry/430. The VMC acknowledges that the minimum distance bicycle overtaking laws have been proposed in order to improve road safety for cyclists.

Respectfully, the VMC cannot offer a submission conforming to the TOR’s.

It is apparent from our inquiries that in the drafting of these new road rules, other stakeholder and road user input was not gathered or taken into account.

There are some significant concerns for the road safety of motorcyclists and the impact on motorcycling with the rules in their current form. These concerns would not be addressed by education and awareness campaigns or staged implementation.

We urge the committee to strongly recommend a review and revision of these laws to better reflect both the maxim: “Road safety is a shared responsibility” and the fundamental principle that improving road safety for a road user group should not come at the expense or deterioration of another road user group.

> Revise the bicycle overtaking laws to better take into account motorcycle/powered two wheeler road safety.

Concluding Comments:

It is apparent that a “one size fits all” bicycle overtaking rule is too blunt a rule and is clearly inappropriate in some circumstances. It will directionally reduce motorcycle filtering opportunities thus increasing the risk from in-traffic collisions, and put motorcyclists at greater risk from head-on collisions. Adding a rule to improve the road safety of one road user group at the expense of another is contrary to the principles and spirit of road safety and a shared road safety responsibility. As a result, the Victorian Motorcycle Council strongly recommends that the road rule be revisited and/or that motorcycles be explicitly exempted. The minimum passing distance road rule has the least applicability to motorcycles on account that they are the most compatible vehicle for bicycles to share the roads with.

The VMC is available to discuss or expand on any point raised in this submission at a mutually convenient time.

> The minimum distance overtaking rule is not compatible with motorcycle safety in all cases and should be revised or motorcycles explicitly exempted.
Road Safety Concerns With The Bicycle Overtaking Laws

The laws as they stand will reduce motorcycle road safety in certain related situations. Whilst the VMC understands and accepts that the underlying objective is to improve bicycle safety, a reduction in safety for another road user group is not an acceptable trade-off for that improvement. The concerns and suggestions below reflect in part input, observations and considerations taken from both the NSW and QLD’s implementations and experiences of similar laws. We believe that the following suggestions will strike a balance and maintain road safety for motorcycling while achieving the desired improved road safety for cycling.

1. Motorcycles: The most compatible motorised vehicle to share the roads with bicycles. Motorcycles are a single track vehicle, which means that they largely have a similar foot print to bicycles. A motorcyclist does not need to estimate the external outside edge of their vehicle unlike a driver of a car, bus or truck. The widest point of a motorcycle is readily apparent to the rider. This therefore negates the need to set a minimum overtaking distance between a motorcycle and bicycle to allow for misjudging overtaking separation distances.

A rider of a motorcycle is ideally placed to judge and directly see “sufficient overtaking distance to avoid a collision” as required in the current version of RR 144(a), unlike a driver of a motor vehicle which is required to estimate such a distance. Further, the occurrence of a motorcycle sideswiping a bicycle during an overtaking manoeuvre is extremely rare.

![Figure 1: Motorcycles are used to help marshal cycling events the world over, such is their compatibility with cycling.](image)

2. Inclusion of Motorcycle’s into Proposed RR 144(2)b.

Following on from point 1, it stands to reason that motorcycles should be exempted from complying with the minimum overtaking distance rules.
Motorcycles should either be expressly exempted in the opening paragraph of RR144 or be included in the new proposed RR 144(2)b as a single track or narrow track vehicle allowed to overtake bicycles at “...a distance that is safe distance in the circumstances”.

3. Overtaking two cyclists abreast will put a Motorcycle on the wrong side of the road
Under the proposed rules, a motorcycle performing an overtaking manoeuvre (if safe to do so) on a single lane each way road, will often but unnecessarily be required to cross over onto the wrong side of the road in order to comply with the minimum passing distance. In most cases a motorcycle could safely conduct the overtaking manoeuvre within the same lane by simply leaving a sufficient distance. This avoids any potential conflict with an oncoming vehicle. This is adequately demonstrated in figure 1 above.

Figure 2: A motorcycle overtaking this group would be required to pass on the opposite side of the road.

Alternative considerations could be a legal restriction to two abreast riding on such roads where the prevailing speed limit is greater than 60km/h, or a requirement for group rides to form into single file when a vehicle approaches from behind in order to facilitate being safely overtaken. Either would restore road safety for motorcyclists and arguably cyclists.

All of the above points are well demonstrated in this short video showing a motorcycle overtaking a peloton on an 80km/h road. Note an oncoming car coincides with the motorcycle as it passes two cyclists side by side without any risk to any road user. Also, note how readily the motorcycle overtakes when the majority of the cyclists break into single file allowing the bike to pass safely: https://vimeo.com/160577903

A second clip further demonstrates the compatibility of bicycles and motorcycles on a 60km/h speed limited narrow road: https://vimeo.com/160578506

4. Oncoming Motorcycles will be at risk from cars overtaking cyclists.
On roads with rises and inclines, a cyclist or group of cyclists will necessarily slow down. It is likely that a driver “stuck” behind the cyclist(s) will begin to experience an increase in stress and frustration as they are being hindered from making progress. This will lead to an increase in their desire to overtake the slow moving obstacle and potentially take risks doing so. At such times, a driver may not see an oncoming motorcycle, or even if seen, they will frequently misjudge the distance and closing speed of the motorcycle and pull out to overtake. As a result, riders in this situation will find themselves having to conduct an evasive manoeuvre to avoid a collision with the oncoming car. The likelihood of this scenario will increase following the introduction of these rules.
The scenario is perfectly demonstrated in the following short video taken on a popular cycling and motorcycling road. A car comes up behind a bicycle and then performs a rash overtake narrowly avoiding an oncoming motorcyclist: [https://vimeo.com/160575913](https://vimeo.com/160575913)

5. **Separation distance from a bicycle in a bicycle lane will limit motorcycle filtering.**

Victoria recently introduced motorcycle lane filtering laws as a safety measure for motorcyclists. The new legal requirement to maintain a minimum passing distance to a cyclist that is in a bicycle lane will unnecessarily restrict filtering opportunities thus reducing motorcycle safety. By definition a bicycle lane is a designated road space that provides traffic separation for cyclists and is protected by rules and penalties. A cyclist biased to the right of a bicycle lane would put any immediately adjacent vehicle or filtering motorcycle in conflict with the new rules. Where a 1.5m distance is required, the scope of the impact would be even greater.

A motorcycle not being allowed to filter or indeed attracting an overtaking infringement while filtering, is potentially an unintended consequence of these new overtaking laws. The trade-off of one group’s safety for another is contrary to the spirit of shared road safety. On congested roads that include a reduction in lane width to provide a bicycle lane, the reduction in filtering opportunities would be exacerbated.

Further, there would be many instances where the logistics and dimensions of a road would intrinsically place motor vehicles in conflict with the minimum passing distance rules. This would typically occur during traffic peaks on roads with insufficient space for a bicycle lane. On such roads, consideration should be given to limiting cyclists or the new rules relaxed.

The figures below demonstrate the concern regarding bicycle lanes.

Figure 3 and 4: Any cyclist biased to the right within the bicycle lane would place any immediately adjacent traffic in conflict with the new rules. In figure 3, it would appear that no matter where the rider was positioned, the minimum distance rules would be contravened, especially if they were required to negotiate the open door in the foreground.
Figure 5: Under the proposed minimum distance laws, cyclists on the green part of the bicycle lane would impact on the adjacent traffic. Vehicles would need to position themselves on or adjacent to the centre line (consequently reducing the separation distance to oncoming traffic) and motorcycle filtering would be limited adjacent to the bicycle lane.

Figure 6: A heavily congested city road showing motor vehicles inescapably in conflict with the minimum distance overtaking rule.

A wider question that should be considered, is why is the minimum overtaking distance rule even applicable for a cyclist in a bicycle lane given that a bicycle lane already provides traffic separation via a designated segregated section of road?

Recognise that the minimum passing rules place motorcycles at increased risk in certain circumstances. Exempt motorcycles from the new rules or situationally relax the requirement for the benefit of motorcycle safety.
General Comment based on Interstate Experience.

Anecdotal and news media reports do not indicate that cyclists are safer following the implementation of minimum bicycle distance overtaking laws. Whilst detailed research is not yet available showing whether these laws have produced a step improvement in cycling safety, the anecdotal experience is somewhat counterintuitive to expectations.

In Queensland, the number of bicycle infringements increased substantially after these laws were implemented. Similarly in NSW, new penalties were implemented to try to improve the base case discipline and safety of cyclists. This could indicate that whilst cyclists are indeed a vulnerable road user, an improvement to their safety was not all about the behaviour of overtaking motor vehicles.

Further, in most of the discussions and written submissions from parties that support these laws, the focus has been on the interaction between a bicycle and motor car/bus/truck or similar vehicle. This suggests that even in the minds of cyclists and cycling organisations, there is no overtaking issue with motorcycles.

The committee is strongly encouraged to review such feedback and information and review whether the minimum passing rules are an appropriate path to take in Victoria. New penalties or increased driver awareness of bicycle overtaking safety issues may achieve the intended goal and produce a better shared road safety experience.

Interstate experience hasn’t found increased bicycle safety following the introduction of passing rules. Would another path produce a better shared road experience?