

Submission to the Inquiry into the Road Safety Road Rules 2009

(Overtaking Bicycles) Bill 2015

Stephen Williams - [REDACTED]

Background: I have been commuter cycling for over five years to and from my work in the Melbourne CBD. My current commute is from Seabrook in the Western Suburbs – a one-way trip of roughly 28km. I do this commute 3-4 times per week. I have also been driving for over 35 years.

I consider myself fortunate in that a large part of my daily bicycle commute is on dedicated bike paths, on-road bike lanes or shared pedestrian / cycle paths. However, in the areas where I have had interactions with motor vehicles, I have been the recipient of numerous close shaves – some inadvertent and some, I believe, deliberate.

Because of this, and because of the personal experience of losing a close relative who was riding a bicycle, I feel compelled to write this submission to have **minimum** mandated passing distances enshrined in legislation.

This submission will look at a number of areas:

1. The ineffectiveness of the current rules to protect cyclists from overtaking (motor) vehicles;
2. The requirement to offset the incidence of “off-tracking” of articulated vehicles;
3. The precedent set in other states adopting this initiative; and.
4. The personal cost of road trauma– both to the victims themselves and their families.

1. Ineffectiveness of the current rules.

Currently, the Road Safety Rules 2009 state only that an overtaking vehicle must pass at “sufficient distance” to avoid a collision with, or obstructing the path of, the vehicle being overtaken. There are a number of problems with this approach:

- “Sufficient distance” is a totally subjective measurement, requiring personal assessment of the situation.
- The current interpretation of this rule by the police is that, unless there is physical contact between vehicles, then the rule has not been breached. It in no way takes into account what is dangerous behaviour and what isn't.

Example: My afternoon commute on the way home takes me down Severn Street Yarraville from Somerville Road to Benbow Street. At the Severn Street / Court Street intersection is an extremely narrow roundabout (Ref Google Maps <https://www.google.com.au/maps/place/89+Severn+St,+Yarraville+VIC+3013/@-37.817967,144.8796,15z/data=!4m2!3m1!1s0x6ad6674942162a6f:0x7b32b2edfb07d5cb?sa=X&hl=en-AU>).

On at least two separate occasions I have been overtaken by cars on, or at the approach to, this roundabout, causing me to take evasive action. However, despite having helmet camera

footage of both incidents, the police in each case were unwilling to even speak to the driver concerned as there was no actual contact. This is unacceptable as it gives drivers the impression that they are able to do it again with no repercussions.

I have personally measured the road width on this roundabout. At its widest point the road has a maximum width of 2.4 metres. Given that, the **minimum** width of a car is 1.6 metres*, and the width of my bike is 60cm, this means that cars passing me into this roundabout are encroaching within 40cm, which is clearly too close. Implementation of a minimum passing distance of, say, a metre (or more) would ensure that overtaking into this sort of infrastructure would automatically be deemed illegal.

** The width provided above is for a Smart car – one of the smallest cars in existence. In reality, car widths are closer to 1.9 metres for most small to medium cars (Mazda3, Toyota Corolla or equivalent) and 2.1 metres for larger vehicles (Holden Commodore, Ford Falcon).*

2. “Off-tracking”

My daily commute takes in parts of the major truck routes along Moreland and Whitehall Streets in Footscray. Therefore, I have seen the interaction between heavy vehicles and bicycles first-hand. Overall, this interaction has been reasonably positive – in part due to the separated bicycle infrastructure.

However, one thing that is noticeable with (heavy) articulated vehicles is that, under some conditions, the rear trailer wheels encroach much closer to the bicycle lane than those of the prime mover. This phenomenon is known as “off-tracking”.

Off-tracking is the situation where the rear wheels of an articulated vehicle do not follow the same line as the front wheels. This usually occurs on low speed left-hand bends or high speed right hand bends. However, it is noticeable even on more sweeping left-hand bends such as the one on Whitehall Street immediately prior to Lyons Street. For a description, and impact, of off-tracking, refer to the *Technical report on off-tracking - NZ Transport Agency* .,

The incidence of off-tracking is important in that some operators of heavy vehicles may in good faith be leaving what they genuinely believe is a safe passing distance, when in fact the rear wheels of their vehicle are encroaching much closer to the cyclists they are passing. This is particularly relevant to me as off-tracking has been identified as a factor in the death of my brother (refer case study below).

Of the various witness reports to police one, by another heavy vehicle operator states: “Due to the structure of a semi-trailer the trailer section does not directly follow the cab section and has a tendency to go in a straight line on a corner”. . This describes the incidence of off-tracking. (Ref: *Coroners Inquest Depositions – Case 3523/80 CP, Martin John Beard Williams – Inquest date 20/02/1981*)

Therefore, although the driver was as far as practicable to the right in order to negotiate the bend, the trailer’s rear wheels still tracked significantly to the left. This is a potential concern for all cyclists sharing road space with heavy vehicles.

3. Precedents set in other states

To date we have seen safe distance legislation passed in Queensland, South Australia, the ACT and most recently in New South Wales. The Queensland experience is the most relevant as they have been trialling this initiative for the last two years.

According to the Bureau of Infrastructure, Transport and Regional Economics, the number of fatalities in Queensland resulting from motor vehicle vs bicycle interactions was nine in 2012 and 10 in 2013. Following introduction of the trial, this figure dropped to six in 2014 and again to three last year. During the same period, similar accidents in Victoria have increased over that period: 2012 - 6, 2013 - 6, 2014 - 7, 2015 - 9.

Now nearing the end of the trial, Scott Emerson – the former Queensland Transport Minister and a self-confessed cynic of the safe passing laws – has lauded the initiative and begged the current Queensland state government to retain it. Even the key motoring body in Queensland (RACQ) has stated that it has resulted in an improvement in driver behaviours.

4. Case Study – The Human cost of road trauma

It is easy when regarding submissions to get lost in the data and to forget that there is a human aspect in all of this. Only those who have been involved in serious road accidents, or their loved ones, can truly appreciate the impact that road trauma has. To this end, I present a case study of my brother Martin Williams.

Martin was the eldest brother in our family and he used to regularly commute from East Malvern to the Melbourne CBD.

On 3 October 1980, Martin was struck by the off-tracking rear wheels of a semi-trailer on Dandenong Road. The driver, unaware that he had struck a cyclist, continued down Dandenong Road for almost 50 metres before a passing motorist alerted the driver to what had happened. By the time the truck had stopped, Martin, still caught between the rear wheels, had suffered massive internal injuries, a broken pelvis and the thigh muscle on one leg had been shredded down to the bone.

Admitted to the Alfred Hospital, Martin was required to be resuscitated in Emergency. His fluid loss was so great that he required over 30 units of blood in the first day and well over 100 in the total period of his hospitalisation.

After a couple of weeks, and appearing to be on the mend, Martin's condition worsened. His leg was required to be amputated and he was administered massive amounts of antibiotics in addition to medications to maintain his failing blood pressure. However, despite all efforts, the infection was never resolved and Martin passed away on 6 November – five weeks after the accident, never having got out of the Intensive Care Unit. He was 24 years of age.

Summary

I have genuine concerns regarding motorist behaviour on one hand, and the incidence of off-tracking on the other – and both require real and absolute solutions, not some vague rule that is open to interpretation. The “safe distance” requirement needs to be retained, but supplemented with a **minimum** distance mandated by law. My personal opinion is that a metre is not enough, and that 1.5 metres across the board would be more appropriate. Only by spelling this out, and combining it with education **and** enforcement, can we expect to see a meaningful change in driver behaviours.

I inserted the case study of my brother to inject a human face into this and to show the true impact of what happens when things go wrong. Given the full circumstances of the accident, it is unlikely that Martin's life would have been saved by mandated safe passing distances. However, many others' lives could be and that in itself makes it a worthwhile exercise. Even after 35 years, the pain of losing a loved one is raw. These are death sentences for the victims and life sentences for their

families. We need to realise that this is not a game of statistics and numbers – there are real people impacted by this.

I have made this an emotive subject, and it needs to be – the stakes are too high to ignore. Cyclist deaths in Victoria have escalated in recent years despite the participation rate actually declining. If we are serious about ensuring cyclist safety, we should be introducing this rule as a matter of urgency. The TAC motto of “Towards Zero” needs to be taken seriously.

Stephen Williams

From: Stephen Williams [REDACTED]
Sent: Friday, 15 April 2016 2:08 PM
To: LCLC
Subject: Bicycle Network's submission to the MDPL Inquiry

INQUIRY INTO THE ROAD SAFETY ROAD RULES 2009 (OVERTAKING BICYCLES) BILL 2015

I would like to express my concern with regard to Bicycle Network's submission to the above Inquiry.

I have been a member of Bicycle Network (BN) for a number of years ([REDACTED]). I have made submissions to both BN and this Inquiry. I was also part of the debate process conducted by BN a few weeks ago.

Historically BN has never supported mandated safe passing distances. Therefore, when they invited submissions on the subject, I thought their stance may be softening. Having read their submission, however, I have reason to doubt their sincerity.

Specifically I have concerns with section 5.3 of their submission - which gives an exception for bicycle lanes within speed zones of 50kmh or less.

I have concerns with this on a number of fronts:

1. Adding an exclusion clause makes the legislation more complex and confusing. Leaving this clause in place would render it almost impossible to enforce.
2. It takes away protection arguably in areas where it is needed most. Many areas with a speed limit of 50kmh or less are narrow and bike lanes where provided are poor (eg, look at the bike westbound lane near the corner of Bourke & William Streets in the CBD).
3. This is not what BN members want!! Of the 160 or so submissions made to BN, 75-80% favoured the 1m/1.5m minimum passing distance. However, despite this, BN has seen fit to include the proviso in section 5.3 without any consultation and no ability for members to provide feedback prior to the submission. When challenged on social media re this clause, BN became defensive and stated simply that its submission was based on those of its members. However, of the submissions mentioned above, not a single one contains a provision like the one in section 5.3, and BN have not provided any information as to where this clause has come from.

I appeal to the Inquiry to reject Section 5.3 of Bicycle Network's submission on the grounds that it is confusing, dangerous and IT DOES NOT REFLECT THE VIEW OF BN'S MEMBERS.

Regards,

Stephen Williams

Sent from my iPhone