

**ROAD SAFETY ROAD RULES 2009 (OVERTAKING BICYCLES) BILL 2015
SUBMISSION TO THE ECONOMY AND INFRASTRUCTURE
COMMITTEE OF THE VICTORIAN PARLIAMENT (MARCH 2016)**

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SUMMARY OF SUBMISSION

I strongly support the introduction of the 1 – 1.5 metre passing law throughout Victoria.

The reasons for my submission are:

1. A specific law of this nature has a positive behavioural impact on drivers and cyclists, making the roads safer to cycle and drive on;
2. A specific law of this nature creates an effective basis for increased driver and cyclist education about mutual obligations on the road, and in particular the relative vulnerability of cyclists compared to car or truck drivers;
3. Improved driver behaviour towards cyclists increases safety and thus reduces the personal and economic cost of road trauma, and associated health costs;
4. As driver behaviour towards cyclists improves, then cyclists and prospective cyclists are more likely to ride more often as their confidence to use the road increases, thus contributing positively to physical and mental health and well-being, and productivity in the community.

BACKGROUND

The Economy and Infrastructure Committee of Victorian Parliament is considering new legislation to change the road rules for overtaking bicycles. The Committee is examining whether the current provision for passing distances should be replaced with a rule that requires drivers to be at least 1-1.5 metres from bicycles when overtaking.

I am both a car driver and a cyclist.

I also live in two States – Victoria and South Australia. I spend about 50% of my time in both States. I regularly drive a car and regularly cycle in both States, Victoria (metropolitan area and regional Victoria) and South Australia (Adelaide and Adelaide hills).

I live in the inner metropolitan area of Melbourne. For fifteen years 1999 to 2014 I was a regular commuter from the inner north of Melbourne into the CBD. I know inner city and urban riding well, on both main roads, minor roads and bike paths, tracks and lanes.

I have been a regular commuter and recreational bike rider since 1999.

I have been a Bicycle Network (formerly Bicycle Victoria) member since 2000. I have been a regular participant in BN rides, and also been a BN volunteer, BN ride to work ambassador and speaker at BN forums.

I am also a member of my local Bicycle User Group, Darebin BUG. I was chairperson of Darebin BUG from 2000 to 2007.

I admire the work of cycling organisations and advocates, including BN. I largely support the views of these organisations. Where I differ, I do so for considered and thoughtful reasons, and based on my experience.

SUBMISSION DETAIL

Proposition: A specific law of this nature has a positive behavioural impact on drivers and cyclists, making the roads safer to cycle and drive on.

It is a given in our society that from time to time, parliaments need to make laws to regulate collective behaviour for the greater good. Road laws are one such area. The objective of road laws is to regulate behaviour of road users to make the road safe for all road users.

Good regulatory policy aimed at deterring bad behaviour usually involves both ‘carrots (incentives and education) and sticks (fines and punishment)’.

Cyclists are vulnerable road users. There is no equivalence between a cyclist and a driver in terms of exposure to risk. Both have equivalent obligation to comply with the law as they find it, but the heightened vulnerability of a cyclist means that it is entirely right for sensible road regulation to positively lean towards their protection, as a counterbalance to their inherent vulnerability.

I can positively say that my experience over the past six months since the metre clearance law was introduced into South Australian law, is that driver behaviour towards me on metropolitan Adelaide roads has improved. Noticeably, I now have many (but not all) cars give me wider berth – not always but noticeably more often. This is not an assertion – but my actual experience. It is evidence that these laws increase cyclist safety and confidence through more defensive driver behaviour. Of course not all drivers change behaviour – but even if only one driver now gives me clearance who might otherwise have got too close and collided with me or spooked me into a gutter or accident, then both I, the driver and the community are better off.

Based on South Australian experience it is inconceivable to me that Victoria could or should lag behind on this initiative.

Proposition: A specific law of this nature creates an effective basis for increased driver and cyclist education about mutual obligations on the road, and in particular the relative vulnerability of cyclists compared to car or truck drivers.

There is no doubt that education programmes concerning road use can work. They are more likely to work if they are related to both carrots and sticks – an obligation to conduct yourself in a certain way (the stick, the legal rule) and an understanding of the benefits that can be achieved from the desired behaviour (the moral or human or social purpose and outcomes).

An education programme about safe driving distances without an underpinning legal rule about safe driver-cyclist distances is not good enough. It is and has been tried and is an incomplete position. Education programmes tend to attract attention from those with a tendency to already be respectful and compliant on the road – it is the disrespectful driver who is likely to ignore education programmes who would be accountable to the proposed new law.

The respectful or well-intentioned driver exposed to an educational programme about keeping a safe distance may not realise what a safe distance is, as a minimum. Sometimes (especially with

older drivers) the law needs to provide specific clarity in a way that allows educational programmes to mean something in practice. By expressing a view that 1 to 1.5 metres clearance is the minimum legally expected, then an education programme can make more sense and in practice change behaviour, not just sentiment.

Moreover, my experience in Adelaide is that the introduction of the one metre law (even with its contested points of view in the media) created a significant awareness and commentary amongst my friends and associates. There is no doubt that whatever their views were, that they were aware of the issue and the need to give cyclists better clearance. I found this very encouraging, even amongst friends that disagreed with legislating this rule.

Proposition: Improved driver behaviour towards cyclists increases safety and thus reduces the personal and economic cost of road trauma, and associated health costs.

I know about cyclist vulnerability on the roads, and about defensive cycling responses. On inner city Melbourne roads I have suffered a dooring (Clifton Hill) and a serious hospitalisation through a collision with a semi-trailer (Fairfield). This despite my sensitivity to risk and attempts at risk minimisation. I could easily have been a fatality, and a loss to my family, my potential as a father and contributor to society. The knock on effects of minimising road risks for cyclists are significant and not just about direct savings to the health and hospital budget.

Proposition: As driver behaviour towards cyclists improves, then cyclists and prospective cyclists are more likely to ride more often as their confidence to use the road increases, thus contributing positively to physical and mental health and well-being, and productivity in the community.

I have been involved in various initiatives to try to encourage people onto bikes, after long periods of non-riding. Confidence in the road environment is paramount. Confidence is in part drawn from some sense of predictability about cyclist and driver behaviour (as well as high quality cycling infrastructure). It is very common that a new cyclist feeling that a car is too close, will have their confidence eroded. An understanding that a car will not pass closer than one metre provides some confidence to get out on the road, some sense that the law reflects what is common sense and necessary behaviour between cyclist and driver. With more people riding and fewer injuries or deaths, there is a dividend of a safer community, cleaner environment, less congested roads and more productive workplaces and economies.

A FINAL POINT

I know there are a range of points that have been historically put that have thwarted the introduction of this law in some jurisdictions, including Victoria. Some of these points of view are well intentioned but wrong. Others are based on a view that a law must have strict and absolute application and enforceability in every instance before it should be on the statute books – a high threshold that is not the case in many, many other legal applications. My experience as both a cyclist and as a policy maker tell me that discarding the common sense and practical while waiting for the perfect to come along is a false and ultimately counterproductive and costly mistake. If there is a problem to be cured (and on this issue, there is) then the greater good says that the common sense and practical solution should be applied, even if in a small number of cases compliance or enforcement may not be possible. Sensible enforcement and an effective complimentary education programme to the proposed new law can and would limit unintended consequences. So would an open and fair process of review, after three to five years.