

11 August 2017

Attention: Jeremy Wolter
Legislation and Compliance Manager
& Legislative Maintenance Team
National Transport Commission
Level 3/600 Bourke Street
Melbourne VIC 3000
Lodged via: www.ntc.gov.au/submissions

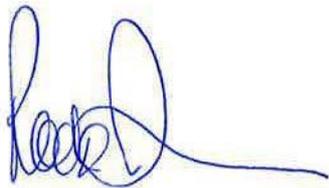
Dear Mr Wolter,

Thank you for the opportunity to make a submission in response to the National Transport Commission Australian Road Rules 12th Amendment Package.

The Amy Gillett Foundation (AGF) has a direct interest in contributing to the conversation about Australian road rules which affect the safety of cyclists and all road users. The most important and overarching concern relating to the proposed amendments is the language that presents drivers as the principal road users. By excluding other modes, including cyclists, the potential impact of the proposed amendments has not been considered in full. As a global comment, the language throughout the 12th Amendment Package Consultation Paper needs to be amended to be inclusive of all modes of travel and all road users. Details of the related concerns are included in the submission, together with direct responses to proposed amendments to road rules which will affect the safety of cyclists.

We look forward to the next steps in this amendment process. Please do not hesitate to contact me directly if you have any questions or require any additional information.

Yours sincerely



Phoebe Dunn
Chief Executive Officer
Amy Gillett Foundation

Amy Gillett Foundation

The Amy Gillett Foundation (AGF) is a national organisation with a mission to reduce the incidence of serious injury and death of bicycle riders in Australia. We draw on evidence and international best practice, and collaborate with governments, business and the community to create a safer environment for cyclists while maintaining an efficient road network for all road users.

Global remarks – need for inclusive language

A key component of improving road safety is for all modes to be considered normal and for the role of the person operating the vehicle to be recognised. This normalising of modes is central to the shaping of public attitudes towards the different ways we travel. Importantly, this includes how modes are represented, and therefore authorised, in government documentation such as this Consultation Paper.

Throughout this Consultation Paper, the language used presents drivers as the normal road user group with other modes, including cyclists, motorbike riders and buses, referred to only as special cases. For example,

Rule 45	Changing direction	Only drivers are included	Action also relates to motorbike riders
Rule 65, 72, 73, 81	Marked crossings	Only drivers are included	Action relates to all road user groups on the road including motorbike riders and cyclists

The lack of consideration of other road user types is evident in this Consultation Paper where it is not clear if the changes relevant to drivers extend to include all road users (e.g. Section 2.1.5, discussed below).

In the Road Rules, the definition of ‘driver’ is clearly stated as someone who is driving a vehicle, except a motorbike, bicycle, animal or animal-drawn vehicle. Positioning drivers as the principal road user undermines the validity of other road users and has consequences such as the omissions noted above.

Recommendation

The NTC adds an inclusive description or definition of road user modes including cyclists and motorbike riders to be used in all future documentation.

Rule 151A – Lane filtering between slow or stationary vehicles on a motor bike

Section 2.1.4 of the Discussion Paper proposes the inclusion of a new Rule 151A to harmonise the rules across Australian jurisdictions that permit lane filtering by motorbikes. Reference is made to

some of the circumstances when lane filtering is not permitted, such as in school zones, however, no reference is made to bicycle lanes.

Motorbike riders have been observed to travel in bicycle lanes, which indicates that greater clarification is needed to ensure compliance and maximise the safety benefits of bicycle lanes for cyclists.

To ensure the safety of cyclists we recommend that it be made expressly clear that lane filtering is not permitted in bicycle lanes.

Recommendation

The NTC expressly states in proposed new Rule 151A that lane filtering is not permitted in bicycle lanes.

New rule 154A – Introduction of ‘Bus ONLY’ signs

Clarification about the use of the new Bus Only sign is needed in relation to whether or not cyclists are permitted to travel in lanes with this new sign. In the recent VicRoads policy, ‘Use of bus lanes by other modes’¹ it is explicitly stated that,

‘The safest place for cyclists is in separate cycle facilities. VicRoads will continue to improve the bicycle network and provide alternative bicycle routes to bus routes. However, where a cyclist requires access along a road containing a bus lane, **it is safest for the cyclist to use the bus lane** rather than the next traffic lane out from the kerb where they would be in between buses and general traffic.’

Clarification about whether cyclists are permitted to travel in lanes with the new bus signs as part of this road rules amendment package is required.

Recommendation

The NTC clarifies that cyclists are permitted to travel in road lanes which are signed with the new ‘Bus ONLY’ signs as described in Section 2.1.5 in relation to the new road rule 154A.

Rule 247A – entering a bicycle storage area

The AGF welcomes the NTC recommendation to remove Rule 247A which will allow cyclists to access bicycle storage areas that are not currently connected by a continuous bike lane to the intersection.

However, it is important to note that connected bike lanes that continue from the midblock road section to the intersection are the safest option for cyclists. Ongoing action is needed to ensure bike

¹ VicRoads (undated). Use of bus lanes by other modes policy Q&A's. Accessed 7 August 2017, <https://www.vicroads.vic.gov.au/about-vicroads/acts-and-regulations/road-network-policy/bus-lane-policy-and-hoddle-street-trial-q-and-as>

lanes are connected with intersections including to bicycle storage areas. The AGF's position in relation to the proposed removal of Rule 247A should not be considered as support for infrastructure that does not connect the bike lane to the intersection.

Rule 248 – Riding across crossing

The AGF welcomes the NTC recommendation to allow cyclists to ride across a road with a children's crossing, pedestrian crossing and marked foot crossing regardless of the presence of a green bicycle crossing light. Further, the note that pedestrians have right of way is an important clarification and one that should be highlighted in the public education about these road rule amendments, specifically in the education directed at cyclists to ensure the change does not compromise pedestrian safety.

Rules 299 and 300 – television receivers and visual display units in motor vehicles and use of mobile phones

As discussed above, the focus on drivers and the omission of other road users means that the implications of this amendment on cyclists and motorbike riders have not been considered. This oversight will require an additional amendment to address the issues related to riders and visual display units and mobile phones at some stage, as seen recently with updates to specify penalties for cyclists using a handheld mobile phone to harmonise with requirements for drivers.

Consideration is likely to relate to mounting and use options (e.g. handlebar mounted phone for use of navigational tools) and clarification of the definition of parking for cyclists and motorbike riders.

Recommendation

The NTC revise the action in relation to rules 299 and 300 as part of this amendment package to include permitted and prohibited actions in relation to mobile phone use by motorbike riders and cyclists.

Rules 262 and 262A – Rules relating to bicycle crossing lights

The AGF welcomes the NTC proposed amendment to clarify the road rules related to bicycle lights and the removal of rule 262A.