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TO: National Transport Commission

Australian Road Rules – 10th Amendment Package

Thank you for providing an opportunity to comment on these proposed changes.

We comment only on those changes for which we believe we can make a constructive contribution to the discussion.

We recommend that:

1. proposed changes to Rule 153(4) – bicycle lanes – be implemented.
2. proposed changes to Rule Rule 261 – stopping for a yellow bicycle crossing light – be NOT implemented:
3. proposed changes to Rule 238 – pedestrian travelling along a road – be modified; and
4. Rules 236 and 253 – specific road users not to cause a traffic hazard or obstruction – be combined, and applied to all road users.

proposed changes to Rule 153(4) – bicycle lanes – be implemented.

[⊗] **Rule 153(4) – bicycle lanes:** *to clarify that road markings, and not only signs, can be used to commence or end a bicycle lane (the marking comprising a white painted bicycle symbol and the word “lane”, and including the word “end” as appropriate).*

This change is important, for two principal reasons:

1. It provides an alternative to hazardous post-mounted bicycle lane signs. Such signs are a cyclist hazard if they are located on bicycle lane, or within a handlebar's width of a bicycle lane. They are a pedestrian hazard if they are located on footpaths.
2. It provides for reduced confusion, especially in cases such as Canberra's Civic Cycle Loop, where Bicycle Lane signs have been erected on footpaths and, in at least one case, in a raised garden bed adjacent to a footpath that is adjacent to a bicycle lane.
 - When a 'bicycle lane' sign is erected on a footpath, then at least technically it changes the footpath to a bicycle lane and makes it illegal for people to walk along the newly-designated bicycle lane.

proposed changes to Rule Rule 261 – stopping for a yellow bicycle crossing light – NOT be implemented

- Rule 261 – stopping for a yellow bicycle crossing light: to clarify the operation of the bicycle crossing light rules and to ensure consistency throughout the Rules,

This proposed Rule will increase the complexity of the Road Rules, without improving safety.

Like equivalent rules for drivers, Rule 261 will be regularly ignored and will rarely if ever be

enforced.

Drivers generally obey red traffic signals, and are regularly prosecuted for failing to stop at red traffic signals.

But how many drivers, if any, have been successfully prosecuted for failing to stop safely at a yellow traffic signal?

Indeed, how could a police officer prove beyond reasonable doubt, in court, that a driver who failed to stop at a yellow traffic signal could have stopped safely?

proposed changes to Rule 238 – pedestrian travelling along a road – be modified

⊘ *Rule 238 – pedestrian travelling along a road (except in or on a wheeled recreational device or toy): to clarify that this rule does not apply to a shared zone.*

We recommend that Rule 238 (2) (ab) be deleted, and that the remainder of Rule 238 be reviewed.

This proposed change increases the complexity and inconsistency of a set of Road Rules that is already too complex for many road users.

It creates an inconsistency in that general Rules that apply on other roads where people are permitted to walk are changed when those roads become Shared Zones.

As the Pedestrian Council of Australia has pointed out previously, the Road Rules that govern Shared Zones do not match the public understanding of the term, “Shared Zone” in that it is not truly “shared” but rather operates like a large zebra crossing.

The proposed change fails to address situations created by Rule 238 (2) (ab), which (A) is inconsistent, (B) is potentially dangerous and (C) affects drivers.

The existing Rule 238 (2) (ab) is inconsistent.

This Rule requires a pedestrian travelling along a road, when moving forward, to face approaching traffic that is moving in the direction opposite to which the pedestrian is travelling, unless it is impracticable to do so;

- In the absence of other traffic, a pedestrian may walk on either side of the road.
- In the presence of vehicular traffic on a normal two-way street, the pedestrian must travel on the right side of the street. On a road without footpaths, like a sections the Princes Highway in Milton (NSW), this can be practical but can increase danger by requiring a dangerous crossing of a busy road.
- If there is already other pedestrian traffic walking towards the pedestrian, on the left side of the road (from the pedestrian's perspective), then the pedestrian may walk on the left side of the road, *facing approaching [pedestrian] traffic that is moving in the direction opposite to which the pedestrian is travelling.*

The existing Rule 238 (2) (ab) is potentially dangerous

It requires road users to travel on courses that can lead to a head-on collision, without requiring either party to give way.

- If a pedestrian commences to walk along the road without creating a traffic hazard by

moving into the path of a driver, then the pedestrian complies with Rule 236. If at some later time a driver takes a path that could lead to a head-on collision with the pedestrians, there is no Rule that requires either the driver or the pedestrian to give way.

The existing Rule 238 (2) (ab) affects drivers

- When a driver, who has parallel parked on a two-way street, exits from the vehicle, this Rule requires the driver to either (A) move towards the rear of the vehicle after closing the driver's door, thus *facing approaching pedestrian traffic that is moving in the direction opposite to which the pedestrian is travelling* or (B) first cross the road, if he or she wants to travel towards the front of the vehicle.
- Conversely, when re-entering the vehicle, the driver must approach the driver's door from the front of the vehicle rather from the rear.

We suggest that a satisfactory compliance rate for the Rule would be around 80%, compared with the current compliance rate of approximately 50% (which is comparable to random chance).

Rules 236 and 253 – specific road users not to cause a traffic hazard or obstruction – be combined, and applied to all road users.

Rule 236 prevents a pedestrian from causing a traffic hazard by moving into the path of a driver. [includes bicycle rider].

Rule 253 prevents the rider of a bicycle from causing a traffic hazard by moving into the path of a driver or pedestrian.

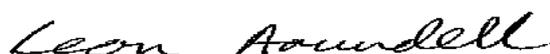
There is no Rule that requires a driver (other than a bicycle rider) from causing a traffic hazard by moving into the path of a pedestrian or a bicycle rider.

These Rules lead to the following matrix of possible offences, in collisions involving pedestrians, bicycle riders and/or drivers.

Table 1: Who breaches Rule 236 or 253 in a collision?

	Pedestrian	Bicycle Rider	Driver
Pedestrian	Nobody	Bicycle rider and pedestrian	Pedestrian
Bicycle Rider	Bicycle rider and pedestrian	Both Bicycle riders	Bicycle rider
Driver	Pedestrian	Bicycle rider	Nobody

Yours faithfully



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