

TRANSCRIPT

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

Inquiry into the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015

Melbourne — 21 June 2016

Members

Mr Joshua Morris — Chair

Ms Colleen Hartland

Mr Khalil Eideh — Deputy Chair

Mr Shaun Leane

Mr Nazih Elasmr

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Mr Bernie Finn

Participating Members

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Witness

Mr John Eacott, President, BMW Motorcycle Club of Victoria.

**Necessary corrections to be notified to
executive officer of committee**

The CHAIR — I begin by reopening our Standing Committee on the Economy and Infrastructure public hearing.

Mr Eacott, I think you were here when I introduced the committee previously. There is no need to go through that again, but I remind you that we are hearing evidence with regard to the Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015 and today's evidence is being recorded. All evidence taken today is protected by parliamentary privilege. Therefore you are protected for what you say in here today, but if you go outside and repeat those same things, those comments may not be protected by this privilege.

Welcome, Mr Eacott. At this point I will hand over to your good self for any introductory comments, and then we will move to some questions from the committee as well.

Mr EACOTT — Thank you very much. May I assume, ladies and gentlemen, that you have read our submission?

The CHAIR — Yes, we have.

Mr EACOTT — So I do not need to go through that?

The CHAIR — No.

Mr EACOTT — You may notice, obviously, that there is a degree of commonality between ourselves and the VMC, for very obvious reasons. Just as background, the BMW Motorcycle Club of Victoria is a very large club. We are the largest BMW club, motorbike or car, in the country. Our members do over 10 million kilometres a year on their motorcycles. We are also the largest single-brand motorcycle club in the country, state-based.

On a personal level, I ride about 50 000 kilometres a year, but I also do a bit of pushbike riding. Occasionally my wife lets me drive the car. One of the reasons I have not got a presentation — I will be quite honest — is I just rode back from Queensland, and our club did a night-time charity ride. That is the sort of riding that we do. Our members are very, very involved. Personally, I have been doing motorcycle marshalling for Bicycle Networks, they now call themselves, for many years so I am intimately familiar with motorcycle-pushbike interactions, and I am currently going through assessment and training for a moto marshal for commercial events. So a little bit of background there. The final thing is that I am also chair of Clubs Australia, which is the representative body for all the motorcycle and car BMW clubs in the country, so I have obviously consulted interstate with their responses and observations of the introduction of similar laws under trial.

One thing I do want to stress is the second point that the VMC made, which is that no improvement in safety for one vulnerable road user should be at the risk of another vulnerable road user. This is absolute common sense. But it is fairly obvious that in the proposed laws, allowing traffic to cross the median line — be it single or double white line — when considered safe to do so is a much greater risk, because whilst we saw video of people doing it illegally, once it becomes legal it is going to occur far more often. Now it is a major problem for all cycles and motorcycles — people seeing them, recognising them and judging the distance — because most are just a vertical line with no indication of an increase in width, which will give you an indication of the rate of closure. We do not have that luxury. People will see us, they will misjudge our distance and they will put us into danger. I have got to stress that. The fact that that was illegal overtaking shows that it is already an issue. Once this proposed law allows people to do it at their judgement, it will become more of a risk.

Filtering — we have been given the privilege of filtering through traffic, with restrictions. Bear in mind that cycles can filter as well. Requiring a metre overtaking distance in sub-60 zones and 1½-metre clearance is going to make this very problematic: we do not have the lane width. I heard the comment earlier about lane widths. Now it just will not become practical — I know that the RACV submission pointed this out as well — within the city, especially mandating that metre clearance, or 1½-metre clearance, from a marked bike lane, which is already giving protection.

Do not get me wrong: we support anything that is going to improve safety for any road user, but not to the degree that it imposes upon our safety, and filtering is there for our safety. It gets us out of the traffic, from being rear-ended. The highest percentage of accidents within the urban area for motorcyclists are from being hit from behind, because you are stuck in traffic. Now that was the reason for filtering — so that we get out of the

traffic lane and we get between them. Even if we are not actually moving past, we are positioned such that if somebody rear-ends, they can rear-end a car — that can take the impact, we cannot. We are soft, pink bodies and it hurts when we get hit, so we do not like to put ourselves in danger and we do not like to be put in a situation where our danger is increased unnecessarily.

Just sticking on the distance, on the calculations that have been made and referred to about passing distances and the amount of road space that cyclists are taking up, I think that overall it fails to allow for the actual width of the rider. Most of us are, across the handlebars, across the shoulders, close to 80 centimetres; put two alongside each other riding side by side, you have got 1.6 — then there is the distance between them, then there is the distance from the kerb. Now, if we are forced out 1–1.5 metres, it is going to be pretty close, almost to the extent that we will be in the other lane. I mean, 3.5 is the optimum lane width, but a lot of lanes are down to 2.9.

This leads on to the next issue, of exempting motorcycles — or single-track motorcycles, sorry. Do not include sidecars. Single-track motorcycles and scooters quite honestly should be exempt from the 1 metre/1.5 metre. We are infinitely capable of judging our distance. I do it all the time when I am out on Around the Bay rides. That is not a competition; that is a fun cycle ride for ordinary cyclists. There is never ever any issue whatsoever about us being less than a metre away, because they understand that we are a single-track vehicle. The proposed law exempts cyclists from the 1–1.5 metres for the very same reason — that they can judge their distance. We are all, generally, grown adults who are capable of making a judgement and proper decisions. If it needs reinforcing with a good education campaign, then so be it. But to mandate an unnecessary clearance such as that is not good practice.

I do a lot of riding overseas, and I have obviously pushbike ridden overseas. There does not seem to be the problem that we have here, the almost ‘us and them’ mentality. There is a lot more sharing of the road from all structures, everything — cycles, scooters, cars, trucks. Everyone seems to get on so much better than we seem to. I had a delightful time in Italy. There are cyclists, everyone slows down, the cyclists move over to the side of the road and people go past.

The reports I have had from interstate, especially Queensland, are that there has been far more angst and upset since the introduction of the trial that they are having than there ever was before — far more. There is a disregard, a casualness from cyclists expecting a degree of protection. There is certainly angst from motorists and other road users from being held up. That is a direct observation from other motorcyclists. Now, I do not say that it is right or wrong.

I heard earlier the comment about the reduction in accident rates. That could be for a number of reasons. I think you will understand that. Without a baseline, all sorts of things can contribute, even the weather — the weather not allowing cyclists out. Look at the storms they have had in the past few days. I know it is not in the same period, but there are so many variables that to actually cite that as justification is drawing a long bow.

I think I have pretty much covered all my main points, so thank you very much for listening. Your turn.

The CHAIR — Thank you. I thought I might begin with a question related to that last paragraph in your submission, where you state:

We strongly encourage the committee to take the proposed new road rules to a proper public consultation ...

I am just wondering, what would you envisage that that public consultation might look like?

Mr EACOTT — I saw — and I am talking personally here, obviously, although I am representing my club — this as unexpected, and I think the general public would see it in the same manner. I understand that it had two readings in Parliament, but the introduction of any such legislation needs very, very careful and very good public consultation so that they know what is going on — both sides, everyone, all road users. I am not saying any one particular road user.

The CHAIR — Would that be in the form of public meetings or information sessions? What would you see that as?

Mr EACOTT — All of the above — yes — anything that can be done. We are in a similar situation with the filtering laws, which were introduced last year with very, very low-key publicity, and we still encounter

motorists who open their doors to stop motorbikes filtering. You cannot do that because at the moment there is still a high degree of unawareness from the general motoring population.

The CHAIR — Sure.

Mr EIDEH — Just a couple of questions. What amendments would you like to see made to the proposed law to make them more compatible with motorcyclists' safety?

Mr EACOTT — From our point of view, certainly single-track motorbikes and scooters should be exempt, and it should just simply rely upon the existing law of a safe distance. The other thing is that I have great problems with the judgement call allowing any motorist to cross the solid centre line, because it is putting motorcyclists — and oncoming pushbike riders — at an unnecessary risk.

Mr EIDEH — Another question: would you support the introduction of mandatory passing distances, if motorcyclists were exempt?

Mr EACOTT — With reservations, yes.

Ms HARTLAND — I do have several questions, and some of them I might get you to take on notice. I have been really interested in your submission, and you have said it a few times today, that motorcyclists are very capable of judging the distance. Now, I find that interesting because the police have actually said to us that they feel one of the flaws in this is that it is very difficult to judge 1.5 metres. So can you explain to me how a motorcyclist is so capable of doing that? I think you actually say that all motorcyclists are capable of making that judgement.

Mr EACOTT — Yes, because we are sitting on the centre line of our vehicle. Motorcar drivers, bus drivers, everyone else, are anything from 1.5 to 2 metres from the point at which they have to judge that 1 to 1.5-metre distance, and they are doing it obliquely as well as laterally. They are trying to judge the distance from the front of their vehicle, which is up ahead, not to one side, and the side of their vehicle as they go past. The front, the side and the back of our vehicle are right there. We are sitting in it. It is, as I said, no different to allowing a pushbike rider to be exempt from the same law. It is already written into the proposed legislation that a pushbike rider would be exempt.

Ms HARTLAND — And pushbikes are going at 20 kilometres and motorcycles probably on the average would be going 60 and upwards, so I think that is an unfair comparison.

Mr EACOTT — I will take you out on my bike and show you the speed of some pushbike riders who overtake motorcyclists. So the rate of closure, the passing rates, are so variable that it is not fair to try to hold one side against the other. The passing rate is another judgement call. This is where it is safe distance. The safe distance varies with the road conditions, the capability of the pushbike rider that you are overtaking — whether they are riding a straight line, wobbling a little bit, whether they are taking a corner — and the other road factors. It is so infinitely variable that you cannot put a quantifiable amount on what is a safe distance for every occasion. It is not a one size fits all.

Ms HARTLAND — Yes, because commuter cyclists would be travelling at about 15 kilometres, and I would think in most situations motorbikes would be travelling at 40, 50 or 60 kilometres, so it is a different thing. But can I ask you about what you see as a minimum safe distance in a 60-kilometre zone, in a 100-kilometre zone or at 30 kilometres?

Mr EACOTT — Just exactly what I just said: it is so variable that I would not put a specific figure, be it 1 foot, 2 feet, 5 feet, metres — whatever. You cannot put a quantifiable amount. That is where this 1–1.5 metres is a compromise — because the conditions dictate what is a safe distance.

Ms HARTLAND — I have one further question at the moment, and then I will come back if there is more time. On the photo that you have given us of the Nepean Highway, you say:

Since cyclists already have the protection of a bike lane it is questionable that further lateral separation is required, especially in rural 100-kilometre-per-hour roads (e.g. the Nepean Highway) ...

I understand that photo is the Nepean.

Mr EACOTT — I did not submit a photo, so I assume that that has been given by somebody else. I attached no photos to our submission.

Ms HARTLAND — Sorry; I see what I have done. It is actually a photo we have taken to show the issue. We are trying to figure out where on the Nepean Highway there is a single lane, because as we understand it, it is all double lanes, so how would that — —

Mr EACOTT — Single lanes in each direction. I go down to Red Hill frequently on the Nepean Highway.

Ms HARTLAND — Maybe you could take that on notice, and you could describe which parts of the Nepean Highway are single lane.

Mr EACOTT — Yes, down the southern end where it is a two-lane road. I go along there quite frequently, and there is a cycle track.

Ms HARTLAND — Could you supply to us where you are aware of that?

Mr EACOTT — Yes, sure. Not a problem.

Ms HARTLAND — Also a lot of evidence we have received from country cyclists is that one of the problems that they have in these zones is that they have got nowhere to go, in fact that the cycle lanes often disappear, and there is no hard shoulder. So for them riding on country roads when they have got people trying to overtake them et cetera is quite difficult. How do you think we should resolve that issue, besides having a massive amount of new infrastructure, which is just never going to happen? How do we make sure that cyclists and motorcyclists are kept safe in those situations?

Mr EACOTT — I am a country resident. I live up at Macedon Ranges, and I will give you a prime example where the Old Calder Highway, a two-lane road which was unrestricted back in the days, became 100, came down to 90 and then was going to be turned into a single-lane road. The cyclists were offered a large cycle lane alongside, and they were the main people saying, ‘We don’t want single lanes with a bike lane’. They did not want that. They wanted to be able to ride in the left-hand lane of a dual-lane highway, and we get on well together. They keep over. We pass them. One metre might be a metre and a half if we are in the 90. When you get up to Woodend and it gets down to 60, you will be back down to one to one and a half feet. There is never a complaint.

Ms HARTLAND — I understand that stuff about road culture.

The CHAIR — I am conscious of the time, Ms Hartland.

Ms HARTLAND — Yes, all right. I will come back to that.

The CHAIR — We might move along now.

Mr ELASMAR — John, thank you very much. It is good to know that you have experience in all of this on the road here and overseas. In your contribution you spoke about a short video. You said to overtake it was illegal, and we all know it is illegal, but you said in your contribution, if the distance is passable, it will be more dangerous. Are you talking about the driver having to think about keeping the distance and then not overtaking illegally? Is that what you meant? Is that where it would be more dangerous, or the new one? Can you explain that?

Mr EACOTT — With an introduction of legislation allowing people to cross the single or double white line it is going to increase the occasions on which it occurs. That video that the VMC produced was — under current legislation that is illegal, what happened. What I am saying is that if you allow this through and allow vehicles to pass, it would increase the risk to motorcyclists because it is going to happen more frequently.

Mr LEANE — John, the argument around making a vulnerable road user more vulnerable to try to protect them while another vulnerable road user is — it is a good argument, but you being involved in cyclist groups and being a motorcyclist, what is the answer? Do our job for us. Do our report for us. I will put you on the spot.

Mr EACOTT — Wonderful! Do I get your pay?

Mr LEANE — I am not on as much as you think, mate.

Mr EACOTT — I am a poor, old retiree. Oh, gee. Do not go there. The answer, and I think it has been raised many, many times, is we have got to have a culture change. We have become exceptionally selfish almost as a nation, and it is sad. I am getting philosophical here, but until we can learn to share the road responsibly — it is not difficult; it really is not. We have as many angry motorcyclists as we have angry cyclists. I do not recall it ever being this bad. Decency being reintroduced into society where you can share the road would totally obviate all this.

Mr LEANE — And a bit of patience.

Mr EACOTT — Yes. I hark back to how delightful it was to ride in Italy, because you did not get the feeling that the other road users were out there to claim their part of the road: 'That's ours, and that's it. We're not going to share'. This constant gathering of road space, which is what we are talking about, to the advantage of one or other road user is dysfunctional. We are here to get the roads moving, not to hold up different people. Anyway, okay; philosophy over.

Mr LEANE — No, that was good. Thank you.

Mr ONDARCHIE — John, thanks. I would like to have a practical discussion with you if I can. We saw some video by the VMC where a car at that time illegally overtook on a double white line on a bend to get around cyclists. If this bit of legislation comes through, they will be able to do that legally. Should a motorcyclist be coming the other way, talk to us about the practicality of the motorcycles being able to swerve around that oncoming vehicle.

Mr EACOTT — Once again it depends on conditions. If you are in the middle of a corner and you have come around a corner and there is a car on your side of the road, your options are very limited, guided by the capability of the rider, the bike and the road conditions. Some of the roads are not brilliant. If you have just got the capability of swerving, you might hit a pothole which you had lined yourself up to miss. You might find yourself on a damp patch of road. Once again, unfortunately, there are so many variables that it is very difficult to give a good answer, but the point is that the ability to change your line when you have already set up in a corner can be very limited. You should never go so fast that you cannot see your way ahead, but you do have a rightful expectation that if you are on your side of the road and there are double white lines, your side of the road is going to remain your side of the road.

Mr ONDARCHIE — Is it logical to say it is easier to swerve in a car than on a motorbike?

Mr EACOTT — And get away with it, yes.

Mr FINN — Thank you for that, John. Already this year we have seen far too many motorcyclists killed on our roads. Do you see this legislation helping that in any way, or do you see that as further endangering motorcyclists on our roads and causing further deaths?

Mr EACOTT — Inasmuch as I said before about putting an allowance on motorists across solid white lines, yes, it will increase the risk. I would not link it to the fatalities so far this year. We certainly have had a number of fatalities subsequent to what we referred to earlier as SMIDSYs, where, for instance, one motorcyclist was stopped at a red light and was hit from behind. Two were hit by cars that had crossed onto the wrong side of the road. Whether that would flow on is very, very difficult to say, but I would just reiterate what I said earlier, that by allowing by legislation motorists to cross to the other side of the road — albeit that they are already allowed to cross solid centre-lines should there be an obstruction, but that obstruction is not other moving traffic. There is an expectation that people will stay on their side of the road.

Mr FINN — I was very interested to hear you saying that the Queensland trial has already significantly increased aggravation between motorists and cyclists. Given that I am somebody who drives through Brunswick and Carlton on a pretty regular basis and sees a good deal of that aggravation already, I assume that you would be suggesting that such legislation would also create increased aggro, if that is possible, down here as well?

Mr EACOTT — Unless we can have a sea change in attitudes whereby we get back to sharing the road, then there is a strong likelihood that cyclists, having the extra priority that this would give them, will be holding

up traffic, and there are too many hotheads around who would be upset by that. I do not think anyone could argue with that.

The CHAIR — Thank you very much, Mr Eacott, for coming in and providing evidence to us today. I just remind you that you will be provided a copy of the transcript for proofreading of today's evidence. Ultimately the transcript will be made available on the committee's website. Once again, thank you for your contribution today. I will suspend our hearing at this point. Thank you.

Mr EACOTT — Thank you.

Witness withdrew.