

CAN/BikeNZ Internal Media Guide for responding to Cycling Fatalities/Injuries & Other Incidents

This guide is intended to help CAN, BikeNZ, their respective local groups, and other cycling organisations when asked to respond by media about serious injury or fatal crashes involving cyclists. This information is equally applicable whether dealing with TV, radio, print, electronic media. The information presented here may also be useful when communicating to the public and decision-makers in other contexts, e.g. hearings.

When Media contact you:

- Confirm who it is calling – get name, organisation, and contact details (phone/email)
- If you are not familiar with the particular incident, ask if you can get back to them once you have had time to do some research or to touch base with others. If time is of the essence, at least ask them for what details they know about the case.
- Determine whether you are the most appropriate person to be responding:
 - Is there a more suitable media front-person in your group?
 - Do you have time to do justice to what is required to respond (e.g. research, preparing a statement, appearing on radio/TV)? Does someone else have more time?
 - Should the media be referred to CAN or BikeNZ or a local group instead? Urban and cycle touring incidents are typically relevant to CAN, road racing/training incidents to BikeNZ. Have CAN/BikeNZ already put out a media statement?
 - If the incident happened elsewhere in the country, is your group best placed to comment? (It may be appropriate if the local media want a local angle on the incident and its applicability to your area)
- Try to make contact with other key members of your group or CAN/BikeNZ before responding. Partly this is to keep everyone in the loop and ensure that the same agreed-on messages are going out. Prepared media releases should definitely involve prior sign-off by someone else.
- If you are familiar with the site, try to check whether the local group has previously made submissions of concern about this location.

Key things to focus on:

- Firstly express your sincere sympathies with the cyclist concerned (if still alive) and their families and friends.
- Focus only on the facts at hand about the case, being careful to preface your statements (“apparently...”, “it would appear...”, etc) if certain things are only speculative at this stage.
- If there are some key relevant points that you wish to make (e.g. a call for more “xyz”), look for opportunities to bring them into the discussion **early** and repeat them if necessary.
- Highlight how CAN, BikeNZ and their local groups are already working with various agencies (e.g. NZTA, local councils); this is not something new for us.
- Stay positive about how, despite the concern, the many advantages of biking far outweigh any negatives, for both the rider and society in general.
- Try to talk about “**cycling**” (the activity) rather than “cyclists” (which focuses on “us and them”).
- If the site in question has been previously raised as a concern by locals to official agencies (e.g. media, submissions), make a strong point about this if no action has taken place.
- If the media want to raise issues that are not relevant to the particular incident, make it quite clear that they are not pertinent to the case at hand. You may however wish to provide some comment on these issues anyway (esp. if you are part of a more general discussion on cycling safety).
- If an issue is more to do with road safety in general than just cycling, say so; emphasise your concern that a wide variety of road users are being killed/injured because of it, not just cyclists.
- At all times appear reasonable and even-handed, despite the (often frustrating) circumstances of the incident or the resulting response.

How to deal with key issues often raised:

Is cycling dangerous/unsafe?

- Absolutely not! Cycling is in fact a relatively safe activity for the million-plus New Zealanders who cycle to some degree each year. On average only 10 people in New Zealand annually die while cycling, which pales in comparison to the 300 motorists killed each year and the thousands who die prematurely each year from not taking part in healthy activities like cycling.
- To put it in perspective, based on Ministry of Transport travel data, the average person has to ride for **well over 25,000 hours** in NZ before having a significant accident (and the chance of death is 80 times less again, or >2 million hours of riding). For most people that's a lot of riding...
- Cycling is not getting more dangerous; the number of fatalities and injury crashes in NZ has not really changed over the past few years (unfortunately it's not getting better either).
- One of the reasons that every major cycle crash is deemed newsworthy is their relative rarity. Compare that with the regular motorist fatalities that become page-4 column fodder.
- Despite this, it is clear however that cycling is **perceived** as unsafe by many and certainly a lot could be done to improve its actual and perceived safety, i.e. to make it **safer**.

What should be done?

- There is no single "silver bullet". Improved cycling safety relies on introducing a number of initiatives:
 - **More Investment in Cycling Provision:** Provision for cycling has been woefully underfunded for decades. Priorities for cycling investment include expanding cycle networks (on-road and off-road), providing generous shoulders on main routes, traffic calming treatments and fixing key gaps or "pinch-points". Given the relatively low cost and very good economic benefits of most cycling projects, cycling provision is a very cost-effective investment.
 - **Safer traffic speeds:** Reducing traffic speeds reduces the likelihood and severity of cycling crashes and encourages more people to take it up. All over the world, traffic speeds are being reduced to 30-40km/h in urban areas (esp. nears schools, shopping areas, and residential areas) and 60-80km/h on rural roads. Such speed reductions also provide significant safety benefits to all road users.
 - **Better Road User Behaviour:** There is a need for all road (or path) users to better understand the needs of others, respect the rights of others, and to demonstrate good skills and behaviour. Such initiatives could include: "1.5m space" campaigns, practical motorist education on interacting with cyclists, implementing cycle skills training, stricter licensing and testing of drivers, better enforcement of road rules, compulsory third party insurance.
- CAN and BikeNZ are currently implementing a "safer cycling" programme for the NZ Transport Agency, designed to address many of the road user behaviour issues. This includes training cycle instructors, training bus/truck drivers to interact with people cycling, and developing further concepts for "share the road" campaigns.
- The Government's latest Road Safety Strategy ("*Safer Journeys to 2020*") provides an opportunity to make major improvements to cycling safety; it is a pity therefore that cycling is only deemed a "medium-level" priority.

For more advice or to check on media responses by CAN/BikeNZ, contact Patrick Morgan of CAN, phone 04-2104967 or 027-5634733, email patrick@can.org.nz. We also welcome any feedback on the information contained in this guide.

(More detailed background information follows on subsequent pages that may be specific to your particular incident)

How to deal with other general issues raised:

Whose fault is it?

- According to Police data, people cycling are primarily responsible for fewer than 30% of collisions with motor vehicles, with older riders causing an even lower proportion.
- However, clearly the anecdotal evidence suggests that **all** parties need to take responsibility for their behaviour on our roads (and paths).

What about “cyclists vs motorists” tension?

- This “cyclists versus others” mentality is a rather simplistic media labelling for people who happen to cycle sometimes. We’re talking about your workmate, your cousin, the kid next door.
- About 1/3 of motorists also regularly cycle and most adult cyclists also drive.
- I don’t consider myself a “cyclist” but I do cycle (and drive, and walk, and bus...).

Is driver behaviour/attitude a problem in NZ?

- It’s always only a minority that ruin it for everyone else; we’d like to thank the many New Zealanders who do go out of their way to be courteous and patient when around people cycling.
- Anecdotal evidence from many people who have cycled in places overseas suggest that they encountered less problematic driver behaviour there than here. In some cases that may be a consequence of different legislation (e.g. “strict liability” laws) or the threat of litigation.
- Improved understanding and tolerance is the biggest gift people driving can give to those on their bikes. Simple things like: not passing too closely or quickly, slowing down around blind corners, taking an extra look at intersections to make sure that someone cycling hasn’t been overlooked.

What about driver training and licensing?

- Our driver training regime is relatively light on practical instruction about how to interact with people cycling; for those who obtained their licence some time ago it may have been even less.
- Once a fully-licensed driver, there is relatively little incentive in New Zealand to improve driver skills or to undo bad habits.
- CAN/BikeNZ’s current “Safer Cycling” programme for NZTA is looking to improve driver understanding when interacting with people cycling.
- Our driver licensing age is too young in allowing people to start learning to drive from age 16.

Should cyclists be banned from certain roads (for their own protection)? Or be allowed on footpaths?

- Other than most motorways, it is untenable to deny people who cycle the right to use road facilities that they have been able to use since their creation. This is **not** an interim alternative to proper cycleway investment or improved driver behaviour.
- Pushing cyclists onto a footpath instead is only likely to be suitable for some, and simply shift the problem onto pedestrians and side-road traffic.
- Most typical footpaths have inherent safety and operational problems that need to be addressed before they become a viable alternative – simply re-designating a footpath should not be seen as a cheap option.
- We accept that, like in Australia, there may be a case for young children (e.g. up to 12 yrs old) to be allowed to legally ride on footpaths (except where specifically prohibited). Again, this should not be considered a sufficient alternative to adequate investment in proper provision for cycling.

Are NZ roads not suited to safe cycling?

- While NZ has not had the same level of investment in cycle facilities as some other places (Denmark, Netherlands, etc) that is no excuse for some of the road user behaviour observed. Even

with improved cycle facility investment, it's likely that in most places in NZ an existing "shared facility" will continue to play an important role: it's called the **road**.

- Many places in "cycle friendly" locations like Europe actually have quite narrow and winding roads without cycle facilities. The difference is the attitude observed by most drivers when sharing them with people cycling. Lower speed limits (e.g. 30km/h) are also strongly used and observed.

Why don't we build more off-road cycleways or put cyclists behind parked cars?

- We encourage more investment in a variety of different cycling facilities, on and off-road. If we are to get more people taking up cycling, it is likely that we will have to invest quite considerably in more "separated" facilities, as these are perceived to be safer.
- Such off-road facilities are generally not cheap, especially in comparison with on-road lanes, so it's important not to underestimate the investment required. If they are not designed well, they may also suffer from poor use or greater safety problems.
- It is likely that existing roads will still continue to play a large part of cycling routes - it is generally impossible to provide separated facilities everywhere that meet the needs of every person cycling. In many cases, simply reducing motor traffic volumes and speeds would be far more effective.

What about cycling two (or more) abreast or in bunches?

- Most cyclists going about their daily business are actually riding on their **own**. Groups of riders cycling however are more likely to be noticed by motorists.
- Cycling by its nature is a social activity, so it's not surprising that people cycling like to chat while riding (in the same way that two people in a car often sit side by side).
- People cycling have a legal right to ride two abreast, but they also have an obligation to move over when impeding faster traffic. When there is good sight distance, this might not be an issue; a motorist may be able to comfortably overtake on the other side. When that sight distance is limited however we certainly encourage cyclists to move over and form a single line.

Isn't requiring motorists to pass cyclists with at least 1.5m gap impractical on many roads?

- When driving in a cocooned, metal motor vehicle, it is very difficult to appreciate just what it feels like for a person cycling to have such a vehicle "whoosh" pass you at close range. Ensuring that you do enough not to hit them is not sufficient.
- 1.5m is a **guideline** and needs to be considered in the context of the location. For example in a very low-speed environment (or where motorists slow down) a smaller gap may be acceptable. The aim of the guideline is to make motorists think.
- It is not necessary to provide sufficient road width everywhere so that motorists can pass continuously. If there is not enough room to safely pass between a cyclist and oncoming traffic then just **wait**, just like one would when trying to pass other slow vehicles such as tractors.

I've seen a lot of cyclists do silly/dangerous/illegal things, why should they get respect?

- We certainly don't condone any illegal or undesirable activity by people cycling, although we would note that in some cases people choose to do certain actions (e.g. cycling on a footpath) because of a perceived improvement in their personal safety to do so.
- Many people driving (sadly) don't generally notice people cycling; the only ones they do notice are those that are doing something "reckless". From a psychological perspective, it's not surprising therefore that many regular drivers perceive that "most" cyclists break the law.
- A similar critical look at other road users would equally find many of them also carrying out undesirable activities (e.g. cars running red lights or speeding, pedestrians jaywalking). Without playing a blame game, it is important to acknowledge that there are people in each group who are less than perfect; human in fact.
- CAN/BikeNZ's current "Safer Cycling" programme for NZTA is looking to improve cyclist understanding and behaviour when interacting with other road users.

- CAN is also currently running a “Stop at Red” campaign, encouraging people cycling to stop at red traffic lights and show greater courtesy to other road users and pedestrians.
- A suggestion is for people to try looking for the number of people cycling who do the RIGHT thing. They may be pleasantly surprised.

If cyclists want roading improvements, shouldn't they have to pay for them?

- People who cycle generally already pay general taxes and rates (which contribute the majority of roading costs), and, for the many that also drive, they tend to be quite happy for a greater proportion of their fuel taxes to go towards improved cycling provision for them and their families.
- Much of our road funding goes towards what motor vehicles contribute to road damage. As a relatively lightweight vehicle, cycles generate an almost negligible impact on our roads.
- Land transport funds are not a “user pays” system; they are intended to be used in the most effective way to reduce congestion, improve safety, and so on. In that respect, providing better provision for cycling may be far more cost-effective than spending it on additional road capacity.

Should cyclists pay ACC levies for the injuries that happen to them?

- Like everyone else, most people who cycle already pay ACC work levies through their pay packets and ACC non-work levies through their taxes.
- By taking part in a healthy activity like cycling, most bike riders already impose less of a burden on our health system.
- If it makes people feel better, by all means impose a token ACC fee on new bicycle sales, e.g. a \$10 levy would net ~\$2 million annually. But it is incorrect to say that people who cycle do not already pay their share.

Should cyclists also be required to be registered and licensed?

- The administrative costs of such a system would be extremely high for relatively little gain. Given that we want to encourage greater use of healthy activities like cycling, any moves to make it harder to do so need to be strongly discouraged.
- We strongly recommend more cycle training, particularly in our schools. National training programmes have been developed; funding and support is now needed to implement it.
- A licensing regime for motor vehicles is clearly critical as drivers are responsible for operating potentially lethal objects of 1 tonne or more. This is quite different to the risks imposed to society by using a lightweight bicycle.

Should all cyclists be required to wear a high-visibility jacket?

- We are opposed to mandatory requirements for high-visibility clothing, due to difficulties in enforcing such a law and the effect it would have on encouraging anyone to cycle for everyday trips.
- Wearing high-visibility (e.g. fluorescent, reflective, bright-coloured) clothing when cycling can help other road users to perceive you (and sooner) and take appropriate actions. We encourage people to wear such clothing where appropriate when cycling, especially in low-visibility or busy road environments and believe that it can contribute to improved cycle safety.
- It should be noted that, despite wearing high-visibility clothing, many people cycling are still hit by motorists and in many cases the evidence suggests the motorists still did not see them.
- Given that a much higher number of pedestrians are hit by motorists who fail to see them, it would be more logical to require them to wear hi-vis clothing, yet that is patently unworkable.
- Visibility of cyclists in low-light conditions (e.g. night, fog, twilight) is already covered by the legal requirement to have good lights and reflectors on your bike in these situations.

Specific issues dependent on the crash circumstances:

Rural (high-speed) crashes

- Fewer than 10% of cycling crashes occur on the open road; most are in urban areas. Rural crashes are however subject to higher vehicle speeds, so it is not surprising that half of all cycling fatalities occur there.

Urban intersection crashes

- About 2/3 of all cycling crashes occur at intersections or driveways. It is even more important therefore that we treat problematic intersections and ensure that we remain vigilant while travelling through them.
- A common problem in cycle conflicts is that the motorist “didn’t see them”. This is partly because their size and speed does not conform to what most drivers are looking out for. Ensure that you “take another look” before proceeding.

Car-door opening crashes

- Remind everyone that under traffic regulations it is a legal obligation to check before opening a car door (section 7.2 of the Road User Rule).
- We encourage all riders to leave a generous gap when passing parked cars. It may seem counter-intuitive to be further out in the traffic, but you are likely to be at less risk.

Shared pathway crashes

- In New Zealand we still have relatively little guidance on how to safely share pathways. We encourage all path users to apply a similar approach to that on a road, i.e. keep left unless passing and move over if stopped.
- Although there is often a perception of regular conflicts on shared paths or other shared spaces, in reality they are few and far between and rarely involve serious injury.
- We accept that other path users can become alarmed by passing riders. People riding should use a bell to sound warnings when approaching other path users or call out clearly, e.g. “excuse me, on your right”.
- Councils should ensure that shared pathways have adequate width for their use and good sight-lines (many are too narrow with poor geometry)

Crashes where the cyclist was evidently at fault

- We strongly recommend more cycle training, particularly in our schools. National training programmes have been developed; funding and support is now needed to implement it.

“Freak” crashes where the cyclist was just in the wrong place at the wrong time

- Consider that the unfortunate victim in this case could equally have been a pedestrian or another motor vehicle. Cycling is not any less safe in this case.

Cyclist was not wearing a helmet

- Although a helmet may minimise injuries suffered in a cycle crash, it doesn’t prevent the crash from happening. In a high-speed crash or one involving a heavy vehicle, a helmet is likely to have little effect on the resulting injuries or death.
- If the other party was at fault, a lack of cyclist helmet doesn’t lessen their culpability.

Cyclist was listening to music/iPod

- Like all road users, people cycling should ensure that they are well aware of the environment around them and not distracted.

Cyclist was not very conspicuous or did not have lights

- In low-light situations (e.g. night, fog, twilight) there is a legal requirement to have good lights on your bike, and we encourage all people cycling to comply with this.
- Wearing high-visibility (e.g. fluorescent, reflective, bright-coloured) clothing when cycling can help other road users to perceive you (and sooner) and take appropriate actions. We encourage people to wear such clothing when cycling, where appropriate to the conditions.
- Motorists should “drive to the conditions” and, if visibility is poor, they should slow down and take extra care to look out for other road users.

The cyclist was out in the lane

- There’s generally no malice intended by the person cycling; there just may be no shoulder (or debris on the shoulder) or a narrow lane where it would be unsafe for a motorist to pass.
- In the same way that you might need to wait for a safe opportunity to pass a slow tractor, a similar courtesy should be applied when encountering someone cycling. That extra few seconds waiting probably won’t make a difference to your journey but could be quite critical to the safety of the person cycling.

The cyclist(s) was/were riding in a bunch

- CAN and BikeNZ are currently working on programmes to encourage better behaviour from bunch riders. This includes limits on bunch sizes and ensuring that riders follow all road rules.
- People cycling have a legal right to ride two abreast, but they also have an obligation to move over when impeding faster traffic. When there is good sight distance, this might not be an issue; a motorist may be able to comfortably overtake on the other side. When that sight distance is limited however we certainly encourage cyclists to move over and form a single line.

The driver was drunk

- Consider that the unfortunate victim in this case could equally have been a pedestrian or another motor vehicle. Cycling is not any less safe in this case.

The driver was very young

- Although the driver licence age was raised to 16 years, we feel that this is still too young, based on the evidence from overseas.
- Our driver training regime is relatively light on practical instruction about how to interact with people cycling; more work could be done when learning to drive to provide more empathy with riders.

The cyclist was very young

- We strongly recommend more cycle training, particularly in our schools. National training programmes have been developed; funding and support is now needed to implement it.
- Learning to cycle should be considered a “life skill” like learning to swim.
- Children are still developing their road sense and are prone to impetuous acts. As the adult in the situation, motorists should “drive to the conditions” when in the vicinity of young riders (e.g. near schools) and should slow down and be alert for unexpected behaviours.

The driver was travelling too fast

- Motor vehicle speed has a huge impact on the actual and perceived safety of cycling. As a relatively unprotected road user, a person cycling is very vulnerable to the effects of being hit at speed.

The crash occurred on a blind bend

- Particular problems occur in rural areas with limited sight distance, especially if this coincides with no shoulders. More work needs to be done to improve sight distances and add shoulders (which actually provide far greater safety, efficiency and maintenance benefits for motorists).

- However it's also important that drivers are able to stop within the limitations of the distance that they can see, as required by our traffic regulations (section 5.9 of the Road User Rule), and slow down if necessary to achieve this.

The cyclist didn't use the nearby off-road facility

- There is no legal requirement in NZ to use an off-road cycling facility if it is present.
- In many cases, the person cycling may have very valid reasons for staying on the road, e.g. their intended destination doesn't follow the pathway, the pathway has maintenance or safety issues.

The cyclist was riding on a footpath

- It's possible that the cyclist felt safer on the footpath than on the road. This should be a good indicator to roading authorities to look at the cycling environment in this area.
- In Australia, young children (e.g. up to 12 yrs old) are allowed to legally ride on footpaths (except where specifically prohibited). It may be worth considering this for New Zealand as well.

The driver is very remorseful and has learnt their lesson (possibly in relation to sentencing)

- Most people do not wish to bring about the death or serious injury of a fellow human being, and that will continue to haunt them. It will do little to encourage better behaviour from others however if they are not seen to be punished to an appropriate level of the law.
- It would be far more desirable that people applied "defensive driving" behaviours ahead of a potential conflict point to minimise the chance of a serious incident occurring. This applies to road safety in general, not just to cycle safety.

More guidance on some of these topics can also be found on CAN's Policy webpage:

<http://can.org.nz/can-policies>

(We encourage feedback on all of our Policies)

