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Coroner Gordon Matenga

Cycling Inquest

Wellington District Court room 5.2, 15 June 2012



Submission from Cycling Advocates Network

can.org.nz

1. About CAN

The Cycling Advocates' Network of NZ (CAN), the peak body of 22 local advocacy groups, is New Zealand's national network of cycling advocates. It is a voice for all people who cycle - recreational, commuter and touring. Its membership includes nearly 1500 members with more than 2000 additional friends on email networks.

CAN has an Executive group and employs part-time staff. We also have a number of supporting member organisations that include local authorities, cycle retailers, cycling groups and environmental organisations.

We work with central government and local authorities, on behalf of cyclists, for a better cycling environment.

As well as taking on board the extensive cycling experience of many of our members, our submission is also based on contributions from those well versed in broader road safety policy, engineering and research.

Note that CAN also made a submission on 13 July 2011, at the Palmerston North hearing.

2. What do we want?

CAN believes that road safety is no accident.

There are three actions we need to take, to make our roads safer for everyone, whether you are on a bike or behind the wheel.

First, **investment in cycling** has failed to keep up with public demand. Less than 1% of our land transport spending is going on cycling (and walking) at a time when ordinary people and local government both want to invest more in these areas to address a multitude of issues (congestion, safety, health, etc). Therefore we need quality cycling infrastructure. Let's build connected cycleways in all major centres, and seal the shoulders on key rural roads. Let's also encourage other cycle-friendly street environments by means of "quiet streets" with lower traffic speeds and volumes.

Second, we want Government-funded **cycle training** for all school children, and on-road cycle training for adults. The idea is to give people the skills to use roads safely and responsibly.

Third, let's launch a new **public education programme** with specific messages to upskill both cyclists and motorists on how to share roads.

For example, cyclists to use lights and hand signals, motorists to pass cyclists wide and slow, etc.

We all win when there's more people cycling, more often.

3. Benjamin Lawless

Our thoughts are with Benjamin's family.

The exact circumstances of each crash are unique, but there are lessons to be learned which apply to cycling and driving. We would like to focus on five issues.

3.1 Lights

Ben met the legal requirement for lighting, and therefore shouldn't have any blame ascribed to him.

Given that lighting technology has significantly advanced since the regulations were written, CAN believes we need to set higher standards. (Refer to Simon Kennett's submission.)

3.2 High-visibility clothing

Wearing high-visibility (e.g. fluorescent, reflective, bright-coloured) clothing when cycling may help other road users to perceive you (and sooner) and take appropriate actions. **CAN encourages people to wear such clothing** where appropriate when cycling, especially in low-visibility or busy road environments and believes that it may contribute to improved cycle safety.

However CAN is opposed to mandatory requirements for high-visibility clothing, as there is no evidence it would be an effective measure, but several practical problems.

Mandating high-vis would have a negative effect on encouraging people to cycle for everyday trips. There are difficulties in enforcing such a law. Other factors are more important influences on cycling safety, such as road design, traffic speeds, cycle positioning on the road, lighting and awareness of other road users.

It is accepted that wearing hi-vis garments is a requirement of many work places (e.g. roadworks, construction, postal delivery, carparks). However that is a Health & Safety condition of employment, for the protection of both employers and employees, which is quite different to private activities often undertaken in the same locations (e.g. pedestrian crossing a road, customer walking across a carpark).

It is important to also recognise the differences between fluorescent clothing (which shows up well under UV light like sunlight) and reflective clothing (which shows up well under reflected lights such as headlights and street-lights).

Thus, hi-vis garments appropriate for daytime riding may not be appropriate for night-time riding (and vice versa). We suspect that many people are not aware of this. The picture is further

complicated by other brightly-coloured clothing that may not meet either requirement yet still be quite conspicuous.

A review of cycling fatalities in NZ between 2006-2011 found that (of those where clothing colour was recorded) half were already wearing bright-coloured or reflective clothing; clearly this did not guarantee a safer outcome. **Many motorists did not notice the cyclist prior to the crash even when they were wearing reflective or bright colours.** In fact the proportion of drivers not noticing a cyclist prior to a crash was no different regardless of whether they were wearing high-visibility clothing or not.

Given the greater number of pedestrians killed or injured crossing the road in New Zealand, one could argue that all people walking near roads should be required to wear hi-vis garments. Most people however see the impracticalities of this approach and the effect it would have on encouraging people to take up a healthy activity like walking (that's not to say that pedestrians shouldn't be encouraged to make themselves more visible, especially in low light conditions). This same logic should also apply when considering the million-plus New Zealanders who choose to make some trips by cycle.

(Reference: <http://can.org.nz/canpolicy/high-visibility-clothing>)

3.3 Speeds

A 50 km/h speed limit on residential streets is simply too fast when unprotected road users are present.

International evidence consistently shows that the risk of a fatality if struck at 50km/h is twice that of being struck at 40km/h and five times that at 30km/h.

Lower speeds and speed limits have many benefits. They allow more time for drivers and people on bikes to read the road ahead, and to take action to avoid any hazards. In the event of a crash, slower speeds mean less chance of injury. Lower speed environments are also more likely to encourage people to walk and cycle more, with all the benefits that brings.

A number of cities and towns in New Zealand have introduced safer speed limits such as 30 and 40 km/h zones near schools and in shopping areas. However the current take-up is ad hoc, and not strongly supported by current national guidelines, thus denying many New Zealanders the same rights to safer street environments.

CAN believes we would all be better off if safer speed limits were adopted, along with appropriate design features. For example, lane width, road surface, plantings, traffic islands, kerb extensions, intersection controls and street furniture can be used to influence traffic speeds.

For example, a simple side-road traffic island at the site of Ben Lawless' case (thus minimising any cutting of the corner) may have helped to slow down the turning motor vehicle sufficiently to avoid this tragedy.

3.4 Driver training

CAN believes we should change the driver licensing system and driver instruction (including bus and truck drivers) so motorists are better educated about how to take care around cyclists.

CAN runs workshops where bus and truck drivers, and cyclists swap seats to better appreciate road safety issues. These have been run in Wellington, Taranaki, Auckland, Christchurch, and

Dunedin. NZTA has funded the development of these workshops, which have proven enormously successful with participants. CAN believes that these could be extended to more parts of New Zealand and introduced to other practical target groups, such as taxi drivers and driving instructors.

One of the most common problems cited in past cycle fatalities (and mirrored in this current case) is drivers failing to see the person cycling until it is too late, or not at all. In many cases, where visibility has clearly been sufficient to see the other party, it would appear that the real problem is "failed to look". Therefore more work needs to be done to instill in motorists a need to properly check for other road users (who may not all be large motor vehicles) - and if need be, to check again. Road safety agencies need to determine how this message can get through.

3.5 Cyclist training

CAN runs a cycle training programme for children and adults called Bikeability.

It is a practical programme covering cycling skills, the road rules, and risk management.

Other organisations also provide similar cycle training opportunities around New Zealand; however the take-up is inconsistent nationally, depending on the focus of respective local authorities, schools, and other relevant agencies. This means that many people who would benefit from better guidance on cycling skills are not able to access it.

Access to dedicated funding for cycle training would improve the skills of the million and a half people in New Zealand who ride bikes. It is interesting to compare the attention currently focused on ensuring that our nation's children are able to swim, yet cycling receives scant attention and financial support.

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More people on bikes, more often