

Road Traffic Amendment (Keeping Safe Distances from Bicycles) Bill 2014

Explanatory Memorandum

Overview of the Bill

This Bill addresses the danger posed to bicycle riders from motor vehicle traffic by introducing a simple amendment to the Road Traffic Act 1974.

Cyclists need the protection of space when sharing roads with motorists.

Currently, the Western Australian road rules require drivers of motor vehicles to allow sufficient overtaking distance when passing a bicycle rider. Sufficient is an inadequate and unclear instruction that has repeatedly not protected bicycle riders. Amendments to road rules to specify a minimum overtaking distance are critical to improving the safety of bicycle riders.

Under the Road Traffic Code 2000, a safe passing distance between a cyclist and a motor vehicle is considered to be “a sufficient distance to avoid a collision with that vehicle or to avoid obstructing the path of that vehicle.” This is specified in part 11, division 3, regulation 124 of the Code. In addition, in part 11, division 1, regulation 109, a safe distance behind vehicles is considered to be a distance at which it “will enable the driver to stop the vehicle in an emergency with safety, and without running into the vehicle in front of him or her.”

Legislative amendment, with appropriate education and enforcement, to mandate a minimum distance that motorists must keep from bicycle riders is currently the single most important action needed to reduce bicycle rider fatalities.

This Bill provides for a protective space that will significantly reduce the risk of bicycle rider crashes. Drivers of motor vehicles are provided with a clear, easily recognised measure when overtaking bicycle riders; otherwise, drivers must slow down and wait. This reduces the bicycle rider-driver crashes, and bicycle rider crashes resulting from being side-swiped, but not hit, by motor vehicles. It allows law enforcement officers and witnesses to readily evaluate a driver’s actions. It also provides bicycle riders with space to avoid obstacles.

Summary of substantive provisions

Clause 1 – Short title

Clause 1 provides that when enacted the short title of the Act will be the *Road Traffic Amendment (Keeping Safe Distances from Bicycles) Act 2014*.

Clause 2 – Commencement

Clause 2 provides for the Act to come into operation in two parts.

Sections 1 and 2 of the Act are to come into operation on the day the Act receives Royal Assent. The remainder of the Act will come into operation one month after assent.

The commencement date is set to one month after assent allowing a period of time to pass for the purpose of educating road users about the new rule and establishing police procedures.

Clause 3 – Act amended

Clause 3 notifies that the Bill provides for amendments to the *Road Traffic Act 1974*.

Clause 4 – Section 63A inserted

This clause inserts a new section 63A. This section requires drivers of motor vehicles to keep a distance from bicycle riders: one metre on roads up to 60 km/h, and 1.5 metres on roads of speed limits above 60km/h.

Other relevant definitions

Regarding bicycle lanes, it is important to note that a road includes a bicycle lane and the distance needs to be maintained nonetheless.

The Bill applies to drivers of motor vehicles only, so exempting riders of bicycles from having to keep a distance from other bicycles.

Power-assisted pedal cycles are considered bicycles. This is an important distinction, because the potential for injury is related to the kinetic energy involved. The mass of a car or truck, travelling at considerable speed, is the danger to vulnerable road users.