

# New Cycling Laws

Have your say on laws to help cyclists and motorists share the roads safely.



Comments are invited on proposed new laws to help people share the roads.

These changes were outlined in the *South Australian Government response to the Citizens' Jury Report on Sharing the Roads Safely*, released by the Premier on 22 January 2015.

## What are the new rules?

Changes to cycling laws include:

- allowing cycling for all ages on our footpaths, and
- defining the overtaking space between a vehicle and a cyclist as a minimum of one metre, or 1.5 metres where the speed limit is over 60km/h.

Minor amendments are proposed to the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014, as outlined below.

## Riding on footpaths

In South Australia, regulation 33 of the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 currently prohibits anyone 12 years or older from riding on a footpath unless he or she is 18 or older and is accompanying a rider under 12. Regulation 32 allows for an exemption for a rider who has a physical disability that necessitates riding on a footpath.

It is proposed to repeal regulation 33 and remove the possibility of an exemption under regulation 32. This will result in the removal of restrictions on riding on footpaths in South Australia and bring South Australia in line with laws in Queensland, Tasmania, Australian Capital Territory and the Northern Territory.

There are already protections for pedestrians in place in the Australian Road Rules and these will remain.

Under rule 250, when riding on a footpath or shared path, a cyclist must:

- keep to the left unless it is impracticable to do so; and
- give way to any pedestrian on the footpath or shared path.

Councils will continue to be able to erect signs prohibiting bicycle riding on footpaths which are considered unsuitable for shared use. Under rule 252, it is an offence for a cyclist to ride where such a sign applies.

As well as giving way to pedestrians, cyclist behaviour on footpaths is regulated by the requirement in rule 251 to keep to the left of any oncoming bicycle on the path. Section 99A of the Road Traffic Act requires a cyclist riding on a footpath to give warning (by bell, horn or other means) to other persons using the footpath, if it is necessary to do so for the purpose of averting danger.

The maximum court imposed penalty for these offences is \$2,500 and the expiation fee is \$53.

## Minimum distance for passing cyclists

The current rule for passing a vehicle (which includes a bicycle) is in rule 144 of the Australian Road Rules, which requires a driver to keep a safe distance when overtaking a vehicle.

This rule will continue to apply, but an additional provision will be created to require a driver to keep a minimum of one metre from a bicycle when passing and 1.5 metres where the speed limit is over 60km/h.

Queensland adopted this rule in April 2014 by way of amendment to its Australian road rules. Queensland found that a critical aspect of the amendment was allowing motorists to drive to the right of the centre of the road and cross dividing lines/strips and painted islands when passing a cyclist, with the proviso that the driver must have a clear view of any approaching traffic and can do so safely.

South Australia proposes to adopt the same changes as Queensland. This will provide a foundation for a nationally consistent approach on this issue.

This means motorists will have to give a minimum of:

- one metre when passing a cyclist where the speed limit is 60km/h or less; or
- 1.5 metres where the speed limit is over 60km/h.

The passing distance will be measured from the right most part of the bicycle or its trailer, or the person on the bicycle or in the trailer (including any basket or panniers) to the leftmost part of the motor vehicle, or something projecting from the motor vehicle (e.g. a side mirror).

The minimum passing distance will apply whether the motor vehicle and bicycle are travelling side-by-side in separate lanes on a multi-lane road, or the bicycle is in a bicycle lane, or when the cyclist is riding around an obstacle.

Penalties will be the same as for an offence against rule 144 (maximum court imposed penalty of \$2,500, an expiation fee of \$280 and two demerit points).

To assist with compliance of this requirement a driver will be permitted to:

- drive to the right of the centre of the road
- drive to the right of the dividing line
- drive on a dividing strip that is at the same level as the road
- drive on or over continuous lines around a painted island
- straddle lanes
- move across lanes
- drive not completely in a single line of traffic

**but only if** the driver has a clear view of any approaching traffic and can do so safely.

In South Australia the amendment will be made to the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014.

## Further information

For further information on the proposed new cycling laws, please refer to the questions and answers on the following page.

For further information on the *Citizen's Jury on Sharing the Road Safely*, please visit [www.yoursay.sa.gov.au/citizens-jury](http://www.yoursay.sa.gov.au/citizens-jury).

Feedback closes at 5pm 20 March 2015.

- Post: New Cycling Laws, Planning and Transport Policy, Reply Paid 1533, Adelaide SA 5001
- Email: [DPTI.newcyclinglaws@sa.gov.au](mailto:DPTI.newcyclinglaws@sa.gov.au)
- Complete the form online [www.yoursay.sa.gov.au/yoursay/new-cycling-laws](http://www.yoursay.sa.gov.au/yoursay/new-cycling-laws)

### *Why do cyclists need these new laws?*

Cyclists have less protection than motorists and are more likely to be injured if a crash happens, so they need adequate space when interacting with vehicles.

### *Will the minimum passing distance apply to all motor vehicles?*

Yes, the rule applies to all types of motor vehicles, including cars, motorbikes, trucks and buses when passing a cyclist.

### *What if a driver can't give a metre?*

Drivers will need to check their surroundings to ensure it is safe before indicating and passing the cyclist leaving at least the minimum distance. If it is not safe they will need to slow down and wait until it is safe to pass.

### *Will a driver be able to cross centre lines to pass a bicycle?*

Yes, if a driver has a clear view of any approaching traffic and can do so safely they will be permitted to:

- drive to the right of the centre of the road
- drive to the right of the dividing line
- drive on a dividing strip that is at the same level as the road
- drive on or over continuous lines around a painted island
- straddle lanes
- move across lanes
- drive not completely in a single line of traffic.

### *Will a cyclist need to give a metre when passing a vehicle?*

Cyclists are expected to keep a safe distance when passing other traffic. However, the minimum passing distance will apply to motorists, not cyclists. This is because of the greater risk faced by cyclists when motorists pass them too closely. Cyclists do not pose the same risk to motorists.

### *What if a cyclist pulls up beside a vehicle within the minimum passing distance?*

If a vehicle is stopped, for example at traffic lights or in a line of traffic, and a cyclist stops beside it within the minimum passing distance, the driver will not be committing an offence. When the traffic starts moving the cyclist is likely to ride ahead, and the driver can only pass when they can safely leave the minimum passing distance.

### *Is it safe for cyclists to ride on footpaths?*

Cyclists are more likely to use the footpath where the road is considered unsafe or inconvenient (eg, one-way streets) rather than for the entire trip. Research suggests that riding on the footpath does not increase crash risk and that cyclists are more careful of pedestrians and travel more slowly on footpaths than on shared paths.

### *How will I know if a cyclist is approaching on a footpath?*

Cyclists are required to give warning by using their bell or horn or other means, if necessary to avert danger. In conditions of low light they are required to display a white light to the front and a red light and reflector to the rear.

### *Will footpaths be marked with lanes separating bicycles from pedestrians?*

No, because pedestrians would be restricted to using half the footpath and commit an offence under rule 239 if they strayed into the part designated for the use of bicycles.

### *What is the rule for motorists backing out of driveways?*

A driver entering a road from private land or a car park etc must give way to anyone using the footpath – pedestrians and cyclists.