



Minister for Transport and Main Roads

Your ref: MC107584

19 AUG 2019

Dr Richard Bean
Co-convenor
Brisbane Central Business District
Bicycle User Group
brisbanecbdebug@gmail.com

1 William Street Brisbane 4000
GPO Box 2644 Brisbane
Queensland 4001 Australia
Telephone +61 7 3719 7300
Email transportandmainroads@ministerial.qld.gov.au
Website www.tmr.qld.gov.au

Dear Dr Bean

Thank you for your letter of 17 May 2019 to the Honourable Mark Bailey MP, Minister for Transport and Main Roads, about online road rule information. The Minister has asked that I respond on his behalf.

The Palaszczuk Government is committed to the safety of all road users, in particular, vulnerable road users such as bike riders. Bike riders are legitimate road users with equal rights and responsibilities as motorists. They must follow the same road rules as motorists, including some rules which are specific to bike riding.

The Queensland Government's website aims to inform the community of road use obligations, as well as providing safety messages. The website uses a plain English writing style so that the information can be readily understood by all Queenslanders. The majority of people in the community do not possess expert legal knowledge of transport laws. As such, a plain English style to inform the community on the road rules allows the key elements of a rule to be communicated, while reducing confusion around the meaning of the rule.

The online information about the road rule in section 129 of the *Queensland Road Rules* (QRR) aims to describe vehicle positioning between a single lane and a multi-lane road. Reference to 'as near as practicable' in the case of bike riders reflects that, in some circumstances, it would be unsafe for bike riders to ride on the road shoulder. As you point out, this could be because of hazards or obstructions on the road, such as loose gravel, uneven surfaces, potholes or parked cars.

The website uses the word 'possible' which may be more easily understood than 'practicable'. The use of the word 'possible' as a plain English alternative is consistent with the intent of the legislation and does not compromise the integrity of the road rule.

Ideally all roads would be wide enough to incorporate bike lanes as well as provide adequate room for motorists. This is the case with the Ferny Grove to Samford Corridor Stage 1 project, which provides 1.3-metre wide on-road cycle lanes on Lanita Road between Archdale Road and Mur Street. The Wynnum Road Bike Lanes project also provides 1.8-metre wide cycle lanes from New Lindum Road along Wynnum Road and Wynnum North Road to Cameron Parade. These projects were delivered by Brisbane City Council with a \$212,727 funding contribution from the Queensland Government through the Cycle Network Local Government Grants program.

While your concerns about enforcement are appreciated, the government cannot comment on how road rules are enforced in a given circumstance because it would depend on an investigation of the individual facts of the matter by the Queensland Police Service (QPS).

Ultimately, it is at the discretion of an intercepting QPS officer to determine whether a bike rider has breached section 129 of QRR by taking up a position further out into a road. This would include circumstances where a bike rider is avoiding the possibility of being hit by a driver opening a door of a parked car. However, in Queensland, bike riders have the choice of whether to use a bike lane where one is available. They can also choose to ride on paths where road conditions are unsafe.

QPS discretion also applies to how the minimum passing distance rules in section 144A of QRR are enforced in relation to whether a driver has kept a safe lateral distance when passing a bike rider. While it is not possible for QRR to deal with every road scenario that could arise, QRR informs motorists and guides enforcement by defining a sufficient distance as being at least 1 metre when the speed limit is under 60 km/h, or 1.5 metres when the speed limit is more than 60 km/h. The points on a bike and vehicle from which lateral distance is measured are also described to assist with interpretation of the road rule.

As your concerns about QPS enforcement of these QRR provisions fall under the portfolio responsibilities of the Honourable Mark Ryan MP, Minister for Police and Minister for Corrective Services, I have forwarded a copy of your correspondence to Minister Ryan's office for consideration.

Improving bike rider safety is a priority of the government. As part of *Safer Roads, Safer Queensland: Queensland's Road Safety Action Plan 2017–19*, the government is committed to delivering safer roads for Queenslanders and encouraging safer road use by implementing measures to improve the safety of vulnerable road users like bike riders.

Key actions administered through the Targeted Road Safety Program include delivering infrastructure safety treatments on state-controlled and local government roads, and prioritising the delivery of projects that target the protection of vulnerable road users.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'TAM VAN ALPHEN', written over the words 'Yours sincerely'.

TAM VAN ALPHEN
CHIEF OF STAFF