

16 July 2012

Submission to the Coroner's inquest

Introduction

My name is Bevan Woodward, I have been involved with the promotion and implementation of cycle safety since 2004. I have held the roles of chair of Cycle Action Auckland and board member of Bike NZ. I am a qualified transport planner based in Warkworth, specialising in cycling.

In April 2006 I advised transport staff and the General Manager of Transport at Auckland City Council of the specific dangers for cyclists on Tamaki Drive.

In particular, I highlighted the Kelly Tarlton's corner where Council has recently installed a new pedestrian refuge which created a lane width dangerous for cyclists (see Appendix 1). I advised could this "pinch point" hazard could be addressed simply by removing adjacent car parks.

Auckland City Council chose to take no action to remedy the hazard and four years later on 17 November 2010, cyclist Jane Bishop was killed at that very location when left with no room between a motorist exiting his vehicle and a slow moving truck.

Two days after her death Auckland Transport removed the adjacent car parking as recommended in my April 2006 letter, thus addressing the hazard.

The subsequent prosecution by the Police of the motorist involved in the incident was unsuccessful, the findings of Judge J P Gittos were that the motorist was clearly not at fault (see Appendix 2)

Let me be very clear about this... the Council's actions were a significant contributory cause responsible for the death of Jane Mary Bishop. Council officers oversaw the installation of the pedestrian refuge which created the "pinch point" hazard for cyclists, they chose not to do anything to remedy the hazard when it was brought to their attention.

Whilst Auckland City Council no longer exists, those same officers work for Auckland Council and its subsidiary Auckland Transport. And unfortunately this appalling example of disregard for the safety of cyclists highlights a nation-wide issue which continues across the country today.

Mindful of circumstances that lead up to Jane Mary Bishop's death, I would like to discuss the NZ context and then describe the key actions that need to be implemented if cycle safety is to be improved.

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Context

NZ's cycling conditions are often very poor due to:

- High speed of traffic
- Too much traffic
- Lack of appropriate facilities for cycling (eg: wide shoulders, cycle lanes, paths, etc.)

This situation has arisen from:

1. A bias by roading agencies towards big projects and high Benefit/Cost Ratios (BCR's) which favour new roading projects
2. The Government's preference for addressing congestion through road building. Cycling is not seen as part of the answer to reducing congestion, hence improving cycling safety is given very low priority.
3. The long lead time in the transport planning and implementation process, so it is difficult to get small but important (and obvious) safety improvements carried out.
4. The lack of accountability in the transport sector of the roading authorities (cf: compared to OSH requirements in the workplace environment, see attachment X).
5. Very active and successful lobbyists (eg: AA, Road Users Forum, etc.) whose goals are often at odds with a safer cycling.

We know what we have to do to fix the problem (see key actions below).

It is not to unduly expensive or difficult (in fact it is likely to result in an overall reduction in transport costs and challenges), unfortunately there is a lack of will to address the problem.

Action to improve cycle safety in NZ

Whilst there is no silver bullet for improving cycle safety, there are many things we can do that when taken together will have a significant effect. The following actions are recommended for implementation.

Objectives	Actions	Who
Safer traffic speeds on key cycling routes	1. Reduce speed limits on urban and rural roads wherever appropriate (eg: to 30 and 80 km/h respectively). Introduce more school zones and raised platform pedestrian crossings.	NZTA & local Councils
	2. Reduce the tolerance for speeding to 5km/h.	Police
	3. Ban the use of radar detectors.	Govt
Protect cyclists	4. Require by law 1.5 metres of space when passing cyclists.	Govt to enact
	5. Make motorists responsible for crashes with cyclists, unless proven otherwise.	Govt to enact
	6. Impose tougher penalties for those causing cyclist injuries.	Govt & Courts
	7. Run a national Share the Road promotional campaign educating motorists and cyclists.	NZTA
Increase funding	8. Increase the investment in cycle safety funding (by reducing the investment in new roads) to improve existing road design and cycle facilities.	Govt, NZTA & local Councils
	9. Fund and implement a national system of cycle skills training in all schools.	NZTA
Improve road design	10. Require NZTA to give cycle safety highest priority on popular routes and promote best practice implementation.	MoT
	11. Implement a certification process for road safety auditors	NZTA
	12. Extend OSH requirements to road design.	Govt
	13. Require that roading maintenance works improve conditions for cycling whenever possible	NZTA & local Councils
Enforce the law	14. More rigorous prosecution for those causing cyclist injuries.	Police
	15. Greater enforcement of the speed limits by Police.	Police
Improve driving behaviour	16. Reduce the blood-alcohol levels to 50mg per 100ml and less for younger drivers.	MoT
	17. Re-sitting the driver's theory test as part of the 10 yearly licence renewal.	NZTA
	18. Require professional training for obtaining a driver's license and include questions in the theory tests on sharing the road with cyclists.	NZTA

	19. Make 3 rd party insurance compulsory to reduce the number of modified cars and incentivise drivers to maintain a clean driving record.	MoT
	20. Raise the age to get a full licence to 17 years old	MoT

The actions outlined above have been derived from reviewing overseas best practice to understand how other nations have improved cycle safety.

In order to implement the above actions, a paradigm shift is required at three levels in NZ:

Audience	Paradigm shift
Politicians	To no longer accept NZ's poor cycle safety conditions. Be prepared to adopt the actions (see below) to bring NZ's cycle safety into line with OECD nations.
Roading Engineers and Transport Planners	Change the focus from maximising the road capacity for motor vehicles to one that recognises that roads are an integral part of the public realm that must provide safe access for all types of users.
Public	Replace the thinking that it's our "right to drive" with the realisation that it's a "privilege to drive". The road is to be shared with care, especially when driving a motor vehicle.

The approach taken is that an ounce of prevention is better than a pound of cure, hence measures such as compulsory high visibility clothing or daytime lighting for cyclists are not considered to address the underlying safety issues for cyclists and will only deter more people from choosing to cycle.

Differences between the workplace and transport sectors whenever a potential hazard is identified:

Hazard in the workplace	Hazard in the transport environment
OSH legislation creates onus of responsibility	Roading authorities are unaccountable
Must mitigate or remedy	"No one has been seriously injured here before"
Cost of remedy is no excuse for inaction	"The BCR is not high enough"
Impact on production capacity no excuse for inaction	"It will affect capacity for vehicles"

Supporting Appendices:

Appendix 1: Letter to Council warning of the hazard for cyclists on the Kelly Tarltons' corner, Tamaki Drive

Appendix 2: Oral Judgement by Judge J P Gittos; Police Vs Becker case

Appendix 3: Expert witness statement by Bevan Woodward for the court case over Jane Mary Bishop's death

Appendix 4: 80 km/h is too fast on undivided roads

Appendix 5:



Cycle Action Auckland: PO Box 91-301, Auckland www.caa.org.nz

Thursday, 27 April 2006

Stephen Rainbow
General Manager, Transport
Auckland City
Private Bag
Auckland

Dear Stephen,

Auckland Cyclists: valid road users or are they expendable?

I am writing to express Cycle Action Auckland's concern that the needs of Auckland cyclists are not being adequately catered for by Auckland City planners and designers.

I would like to draw your attention to four recent examples that highlight a city wide problem:

1. Quay Street (between Plumer St & Maritime Museum)
2. Tamaki Drive (outside Kelly Tarlton's)
3. K Rd (Intersection with Symonds St)
4. Meola Rd (mid block pedestrian refuge)

Photo's and specific comments are attached.

When we raise our concerns within Auckland City we are often told "there is not space for cyclists", "not enough money" or even "oh, we forgot to consider cyclists".

We believe that with good design and review, projects need not cost any extra or cause significant disadvantage for vehicle access or pedestrians.

Assuming that Auckland City does want to cater for those Aucklanders who wish to ride their bicycles, Cycle Action Auckland would like to address this issue by:

1. development of minimum (basic) facilities to ensure cyclist's needs are catered for in every roading project.
2. providing training to all Auckland City planners and designers on the fundamentals of designing for cycling
3. ensuring every roading project is signed off (pre and post-implementation) as meeting the needs of cyclists.

Cycle Action Auckland (CAA) is a registered charitable trust with the objective of promoting cycling as a non-congesting, non-polluting, energy-efficient and health-promoting form of transport for the Auckland region. CAA is affiliated to the NZ Cycling Advocates' Network, New Zealand's national voice for cyclists.

We suggest a working group is appointed to oversee the establishment of the above and Cycle Action Auckland would welcome the opportunity to be involved.

Please do not hesitate to contact me with any questions.

Regards,

Bevan Woodward
Chairperson
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(1) Quay St

Footpath has recently been widened and bollards installed.



Turning right into Quay St from Hobson St.

No space allocated for cyclists, this is an intimidating place to cycle as the traffic volumes and speeds are high and the row of bollards make the cyclist feel trapped and most unwelcome.



Quay St near Plumer St.

Tree planted in bike path.

There are currently major works happening in Quay St, but we have no knowledge of how these will cater to for cyclists.

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(2) Tamaki Drive

Approximately a year ago the Council made roading changes on Tamaki Bay Drive opposite Kelly Taltons.

These included installing a separator between the traffic lanes, footpath changes and also changing bus parking locations.





While the changes may be safer for cars and pedestrians, no consideration appears to have been made for the safety of cyclists.

The combined effect of the road, footpath and parking changes has resulted in a dangerous situation for cyclists.



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	<p>(3) K' Rd</p> <p>Looking east to intersection with Symonds St</p> <p>Footpath recently widened but no space allocated to cyclists.</p> <p>This is a key access point to Grafton Bridge and one of very few options for cycling east from the CBD (the only other option is Quay St).</p>
	<p>(4) Meola Rd</p> <p>Pinch point on Meola road where cars are traveling often at speeds exceeding 50 kph</p> <p>See attached correspondence from Auckland City, nothing has been done since the Council acknowledged this is an unsatisfactory situation in March 2005 (over a year ago).</p>

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