

Briefing Paper: Minimum passing distance that must be observed by drivers when overtaking bicycle riders

The Amy Gillett Foundation is calling for action to amend the Australian Road Rules to legislate that **drivers allow a minimum of 1 metre when overtaking bicycle riders on the road.**

Background

Every year in Australia, an average of 35 bicycle riders are killed and more than 9,500 are seriously injured; most collisions involving bicycle riders occur on our roads.

While the number of people riding is increasing, up to 4 million in 2011, and the national target is to double by 2016 – participation gains must not lead to more people being killed or injured.

The human trauma costs of cycling in Australia are unacceptable.

A 1 metre minimum overtaking distance
will provide a protective space that will **significantly reduce the risk of crashes**
resulting in the death or serious injury of bicycle riders.

A minimum overtaking distance of 1 metre provides absolute and practical clarity. It:

- will improve safety for bicycle riders
- recognises bicycle riders as legitimate road users that are more vulnerable than other road users
- recognises that bicycle riders need the protection of space when sharing roads with drivers
- provides drivers with a clear, easily recognised measure when overtaking bicycle riders – otherwise drivers must slow down and wait
- reduces the risk of bicycle rider-driver crashes, and bicycle rider crashes resulting from being side-swiped (but not hit) by motor vehicles
- is enforceable; it allows a law enforcement officer/witness to readily observe a driver's actions
- will maintain efficiency for all road users across the road transport system
- will optimally incorporate more distance for higher speed zones, though standardised legislation is more readily implemented, communicated and enforced
- provides bicycle riders with space in which to move to avoid obstacles such as glass, pot holes etc that motorists may not be aware of
- will ultimately reduce bicycle rider fatalities and serious injuries.

In Australia, most states and territories already recommend that drivers leave at least 1 metre when overtaking a bicycle rider, but the law does not require it. Minimum of 1 metre (or 3 feet) safe passing distance legislation, or established legal precedence, exists in several European countries and about half the states in the USA.

Road rules – the specifics

Existing Australian Road Rules (ARR) and their adoption as legislation in states and territories do not adequately protect bicycle riders.

The lack of a clear measurement of a ‘sufficient distance’ (ARR144) means that drivers can make subjective decisions – which continues to lead to fatal outcomes for bicycle riders.

Specifying that drivers must allow a **minimum of 1 metre at all times** when overtaking bicycles/bicycle riders will provide clear guidance to drivers about ‘sufficient distance’.

The primary ARR (and its equivalent state/territory road rule) which requires change to address minimum overtaking distance when passing bicycle riders is:

ARR144 Keeping a safe distance when overtaking

A driver overtaking a vehicle:

- a) must pass the vehicle at a sufficient distance to avoid a collision with the vehicle or obstructing the path of the vehicle; and
- b) must not return to the marked lane or line of traffic where the vehicle is travelling until the driver is a sufficient distance past the vehicle to avoid a collision with the vehicle or obstructing the path of the vehicle.

At a minimum ARR144 should be amended to include a sub-rule that states:

- *For the purposes of this rule, a ‘sufficient distance’ for a driver passing a bicycle is taken to be not less than 1 m*

While standardised legislation is more readily implemented, communicated and enforced, the ARR144 rule amendment would optimally include a split sub-rule to require a higher minimum distance when overtaking bicycle riders on higher speed roads.

Notes to ARR144 should include:

- *A sufficient distance for a driver passing a bicycle is measured from the right side of the bicycle rider to the left side of the driver’s vehicle including mirrors or other projections including trailers and other attachments.*

Simple amendments to other road rules are also needed to distinguish bicycles/bicycle riders from vehicles/drivers in the context of being overtaken.



The rationale (FAQs)

There are several roles of road rules legislation including: education, behaviour change and law enforcement – in this case all are relevant regarding the requirement for drivers to leave a safe distance when overtaking bicycle riders.

The following responds to commonly asked questions about how the amendment legislation would operate in practice. ARRs listed have been adopted as legislation in each state/territory.

Issue	Consideration
Such a move [specific overtaking distance law] would be a backward step and leave riders more vulnerable than before.	<p>This is unsubstantiated opinion.</p> <p>ARR144 currently specifies that in a single lane a driver must pass another vehicle at a <i>sufficient distance to avoid a collision with, or obstructing the path of, the other vehicle</i>.</p> <p>‘Sufficient distance’ is arbitrary and determined by the driver’s discretion. It provides drivers with no guidelines about the relative safety risk of passing too closely to bicycle riders. It does not consider the related risk of passing too closely that might cause a rider to be sucked under the body of a large vehicle, be ‘clipped’ or sway and crash from the gust or fright of being sideswiped.</p> <p>‘Sufficient distance’ also does not consider a margin of error for the driver or the bicycle rider.</p> <p>Several countries in Europe and half the states in the USA have minimum overtaking distance legislation.</p>
Why 1 metre and not more, or less?	<p>1 metre <i>as a minimum</i> is a practical and readily identifiable distance. It gives drivers an objective measure of the minimum distance needed between their vehicle and a bicycle rider. It allows for a margin for error on the part of the driver, or variation in the path of the bicycle rider.</p> <p>In lower speed zones, 1 metre minimum allows room for safe overtaking while maintaining efficient flow of vehicles on urban roads.</p> <p>Legislation for a higher minimum distance for higher speed zones is recommended, though standardised legislation is more readily implemented, communicated and enforced.</p>
Is prescribing a side distance an excessive application of ‘measurement’ for drivers?	<p>The ARRs contain the minimum distances that vehicles must leave when travelling behind another vehicle (ARR126). A minimum distance ‘to the side’ provides necessary protection for bicycle riders to mitigate for ‘near crashes’.</p>
Legal experts say it would be difficult to prove exact measurements in court.	<p>Many ARRs are based on measurements and could also be considered ‘difficult to measure’; however they are deemed to be clear, effective and enforceable e.g.: drivers must not travel in a cycle lane or bus lane for more than 50 m.</p> <p>1 metre is the most commonly recognised ‘measure’ in the metric system and can be easily approximated physically or visually e.g. an arm span, a large step, a yard (metre) stick. Exactness would not need to be proven to the ‘centimetre’.</p>

Issue	Consideration
<p>A minimum passing distance would bring under legal pressure the existing lane splitting regulations.</p>	<p>The ARR's are currently unclear about whether/when a driver may overtake by partially or fully moving into a parallel lane or line of traffic. ARR144 and ARR146 reference this.</p> <p>Hence, the ARR's currently leave the driver <i>unclear</i> about whether to attempt to overtake a bicycle rider within the same lane, or must (on a multilane road) move to another lane.</p> <p>The proposed amendment to the ARR's will allow partial lane changing when overtaking bicycle riders, if it is safe to do so.</p>
<p>Existing law prohibits driving across double parallel solid lines</p>	<p>There is an existing provision in the road rules, ARR132, specified in ARR139(2) that to avoid an obstruction, drivers may cross a double line when there is a clear view of traffic, it is necessary and reasonable to do so safely.</p> <p>The rule needs to be extended to bicycle riders, who are not classified as obstructions. There is precedence for this inclusion in the UK road rules.</p>
<p>The right of bicycle riders to filter through traffic to the stop line at intersections is legal and commonly practised. Will this still apply?</p>	<p>The proposed law is aimed at vehicles overtaking bicycle riders – not bicycle riders overtaking vehicles.</p> <p>There is no proposal to remove the current legal ability for bicycle riders to filter on the left hand side of the road.</p>
<p>The proposed legislation will have a significant impact on drivers.</p>	<p>All ARR's have an impact on the free use of the road by all road users, in order to maximise safety and maintain the efficiency of the road transport system. This proposal is no different.</p> <p>The proposed minimum overtaking distance simply requires drivers to be patient and wait, that is 'give way' in order to leave at least 1 metre. 'Give way' is a fundamental premise in the ARR meaning <i>the driver must slow down and, if necessary, stop to avoid a collision</i>.</p>
<p>What's the payback for drivers?</p>	<p>The amendment will provide drivers with practical information about how to overtake bicycle riders safely. Currently the guidance is unclear.</p>
<p>Will bicycle riders by and large agree to its efficacy?</p>	<p>The overwhelming sentiment of the bicycling community is 'yes'. Public surveys range from 66% to 90% support across the community (including non-bicycle riders).</p>
<p>Is it easily communicated to all?</p>	<p>Yes. At present nearly all states/territories recommend drivers leave at least 1 metre when overtaking bicycle riders (Qld and ACT provide no 'measure in their guidance). This communication is clear and easily understood. However, there is no active or prolonged encouragement for this recommended behaviour. Consequently translating near-universal recommended driver behaviour and overseas precedent into legislation in Australia is a logical and practical step to changing behaviour.</p>

We welcome your feedback on the presented arguments.

Send your contribution to: advocacy@amygillett.org.au .