



# **Pedestrian Council of Australia**

*The Walking Class*



**2050 VISION**

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**ZERO**



# **Pedestrian Council of Australia**

*The Walking Class*



## **E-RIDEABLES & SHARED PATHS**

### **The Scooter Epidemic**

**RACS 2019 TRAUMA SYMPOSIUM**  
**“Pedestrians – Staying Safe”**

**Melbourne**  
**13 November 2019**



**Vision Australia Submission to  
National Transport Commission  
Submitted on 14 March 2019**

(QUOTE): While we support innovation and recognise that electric scooters can be a convenient way of travelling short distances in CBD areas, it is our strong view that there is no justification whatsoever for allowing any rideable vehicle such as an electric scooter to travel at speeds greater than 10 km/h on footpaths that are available for use by pedestrians. The raising of this speed limit to 25 km/h, as has been done in Queensland, is in our view completely irresponsible and shows a wanton disregard for pedestrian safety, especially pedestrians who are blind or have low vision.



2 October 2018

Dear

**Threats to the mobility of the most vulnerable Victorians**

We are writing to all Victorian MPs because our footpaths are facing unprecedented demands that threaten the mobility of the most vulnerable Victorians.

We are seeking your assurance that you will not support a change in road rules to allow teenagers and/or adults to cycle on footpaths in Victoria or to allow electric scooters to travel at speeds greater than 10 km/h.



Last year the Queensland and South Australian Governments gave permission for the Brisbane and Adelaide Councils to allow E-Scooters to be ridden on all footpaths (with some exceptions).

In Adelaide the maximum governable speed (not speed limit) is 15 km/h. In Brisbane it's 25 km/h.

In Brisbane all kinds of E-Rideables are permitted, including Segways which weigh up to 60kgs. If accompanied by an adult a 12 year old child can also ride one of these Segways.



All these E-Rideables are permitted to be ridden on  
Brisbane footpaths at up to 25 km/h





**In Queensland the police turn their collective blind eyes to E-Rideable offences – there have been scores of serious injuries and one death ... It's utter anarchy!**

**Road safety experts expose hundreds of reckless Lime crimes**

# Half of e-scooter riders break law

**JACKIE SINNERTON**

ALMOST half of all e-scooter users in Brisbane are breaking the law, Queensland road safety experts have discovered.

Hundreds of reckless users are carrying passengers, scooting down the middle of roads, or travelling around the city without a helmet, an observational study from QUT's Centre for Accident Research and Road Safety – Queensland (CARRS-Q) has revealed in research published in *The Medical Journal of Australia*. The safety advocates are questioning if bicycle helmets are even suitable for the scooters.

In the study, the researchers counted passing scooters and bicycles at six central Brisbane locations for four days, six hours a day.

The researchers recorded 785 e-scooters, 90 per cent of which were Lime and 10 per cent were private. Of the e-scooters, 45 per cent were being ridden illegally because either the rider was not wearing a helmet properly, riding on the road or carrying a passen-

ger. The most common illegal behaviour related to the use of helmets, with 39 per cent either having no helmet or wearing a helmet that wasn't properly fastened.

Ten per cent of the users in the study were children.

Lime, one of the biggest e-scooter companies, received a permit from the Brisbane City Council to operate in November last year, and there were more than 500,000 trips in the first three months.

"While the e-scooter share schemes are popular, there are concerning reports of escalating emergency presentations due to e-scooter injuries to both riders and pedestrians," Professor Narelle Haworth, from CARRS-Q said.

"It is unclear whether the rules appropriately address the safety risks for riders and pedestrians. In their submission to a national working party investigating the safety of innovative vehicles, the Royal Australian College of Surgeons and the Australian Injury Prevention Network identified 134 Lime scooter riders attending Brisbane hospitals in the first two months of this year. Among the

109 people where injury information was available, 27 per cent had limb fractures, and 14 per cent had some sort of head injury."

The significant factors identified in the injuries were non-use of helmets, speeds exceeding 30km/h and alcohol use.

"Further research is needed to investigate whether the current bicycle helmet standards are adequate for e-scooters," Prof Haworth said.

Brisbane City Council last month announced a second scooter company, Neuron Mobility, would be allowed to operate from July 22 and that Lime's permit would be extended for 12 months.

Nelson Savanh from Lime said rider safety was the company's No.1 priority.

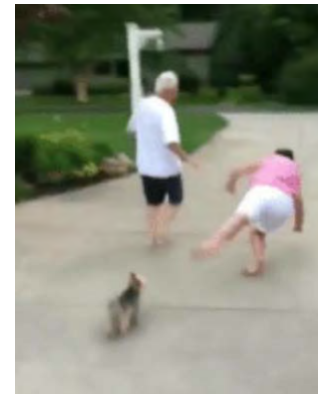
"Just like driving a car, scooter riders must follow the law for their own safety and the safety of others," he said.

"With more than one million rides, the vast majority of our riders do the right thing, but this is a timely reminder that riders must wear their courtesy helmet, follow the speed limit and be mindful of riding around pedestrians."

**LEG UP:** A rider on a Lime Scooter in the City Botanic Gardens.  
Picture: David Clark



***The highest cause of  
avoidable death after 50  
is from a fall ...***



**The footpath has  
become a very  
hostile place ...**

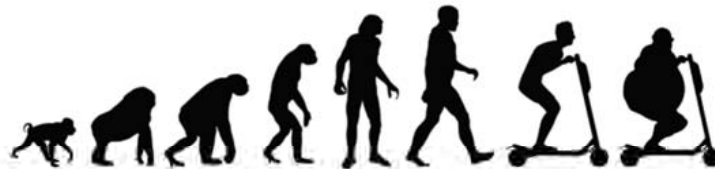
**It's not only when they are being ridden that E-Rideables are dangerous ... It's when and where they are dumped!**

**Imagine being blind (or vision impaired) and trying to navigate through this ...**









It took humans a million years to learn how to walk...  
and five minutes to forget.

We are rapidly becoming one of the fattest nations in the world. Sedentary behaviour which is a primary cause of obesity costs Australia billions of dollars per annum. Regular walking is by far the best exercise for most Australians. E-Scooters (rideables) will not only create an unsafe and hostile footpath environment, they will discourage walking (active transport) and encourage the use of “rideables” (inactive transport).



In a paper regarding Shared Paths, released by Victoria Walks they found:

*In a survey of 607 Victorians with vision impairment, as pedestrians 8% had been involved in a collision and 20% in a near collision over the previous five years. A quarter of these collisions (or near collisions) were with bicycles. Dr Jan Garrard's 2013 report Senior Victorians and walking: obstacles and opportunities demonstrates that walking is critical for senior Victorians to live healthy, independent lives. For those aged 75 and over, walking makes up 77% of their total physical activity. And as seniors get older, their walking is more about everyday needs, with walking for shopping or personal business increasing from 53% of trips for 60-69 year olds to 81% of trips for those aged over 80. The study included a survey of 1128 senior Victorians – 39% rated bicycle riders on shared walking or cycling paths as a moderate to major constraint to their walking. Cyclists on footpaths will deter seniors from walking and limit their ability to live their everyday lives.*

*"Cyclists are really bad...and I ride a bike myself, but they scare me... Bicycle Victoria says 'obey the road rules' but they don't."*

*Senior Victorian.<sup>3</sup>*

**In NSW an E-Scooter trial has  
been proposed ... But only on  
Shared Paths and certain  
roads ...**



**Pedestrian Council of Australia**  
The Walking Class

# **Shared Zones**

**A Major Misnomer**

**In February 2008, it was resolved at a meeting of the National Road Safety Strategy Panel that a national Shared Zone Questionnaire and Survey should be prepared by the PCA in consultation with Prof Raph Grzebieta - Chair of Road Safety - NSW Injury Risk Management Research Centre (IRMRC).**

**The aim of the Questionnaire was to conduct a National Survey of people aged 18 years and over to address awareness and interpretation of the term 'Shared Zone'.**

|



# Awareness and interpretation of 'Shared Zones'

*Prepared for:*

Pedestrian Council of Australia

June 2008  
3956

*Australia Market Research Pty Ltd  
trading as AMR Interactive  
ACN 092 541 896  
ABN 85 092 541 896*

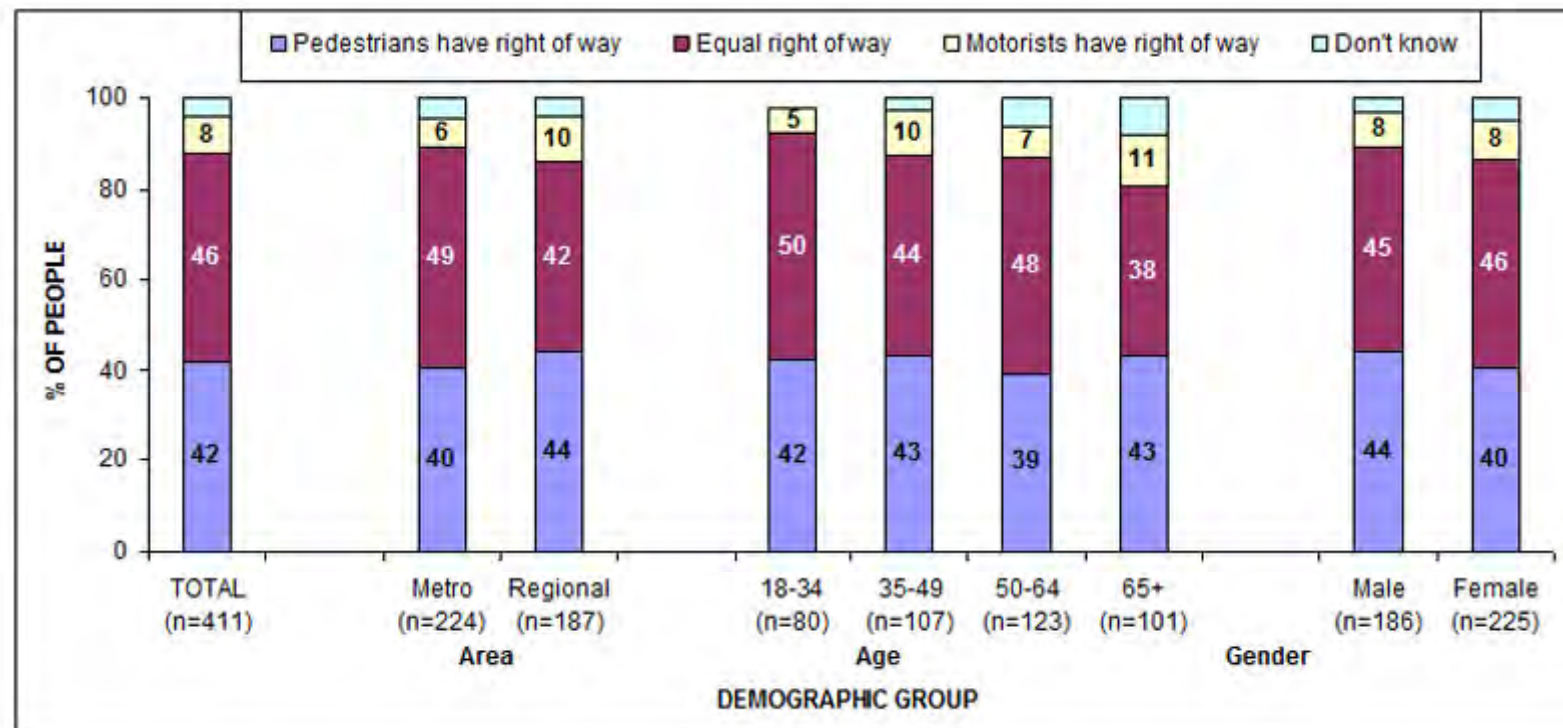
*Level 14, 235-243 Jones St  
ULTIMO NSW 2007  
Ph: 61-2-9020 6700  
Fax: 61-2 9020 6789*

*Network Offices in Australia, Asia,  
Europe and the USA*

All people...

- Pooling the results, for those aware and unaware, showed that only about two fifths (42%) of people considered that that term 'Shared Zone' meant that 'pedestrians have right of way'.
- A similar proportion (46%) considered the pedestrians and motorists had 'equal right of way'.

Chart 4. Interpretation of 'Shared Zone' among all people (sample sizes shown for each group)



## Conclusion

- The focus of the survey was on interpretation of the term 'Shared Zone', in the context of road rules for motorists and pedestrians. That is, what is being communicated by the actual term.
- In this context, the term 'Shared Zone' does not unequivocally communicate that pedestrians have right of way, even among those who had heard of the term before.
- The survey did not assess the communicative effectiveness of the sign that is shown around a Shared Zone.

**Where there's confusion, there's  
Potential for Harm.**

**And when over 40% of Road-Users  
don't know that Pedestrians have  
Absolute Right of Way in a Shared  
Zone ... there's very serious Potential  
for Harm.**

# AUSTRALIAN ROAD RULES

19 October 1999

## Division 5 Crossings and shared zones

### 83 Giving way to pedestrians in a shared zone

**A driver driving in a shared zone must give way to any pedestrian in the zone.**

#### **Offence provision.**

Note 1 Shared zone is defined in rule 24.

Note 2 For this rule, give way means the driver must slow down and, if necessary, stop to avoid a collision — see the definition in the dictionary.

# Macquarie Dictionary

## share<sup>1</sup>

/ (say shair)

--verb (*t*)

3. to divide and distribute in shares; apportion.

4. to use, participate in, enjoy, etc., jointly.

--verb (*i*)

5. (sometimes followed by *in*) to have a share or part; take part.

--phrase

6. share and share alike, to divide things or benefits equally.

[Middle English; Old English *scearu* cutting, division. See [shear](#) (verb)]

--**sharer**, *noun*



## Shared Zones

**Double Jeopardy:** Apart from the confusing name, the logo features a young girl running away from a driverless car.



IN SHARED ZONES PEDESTRIANS HAVE

**ABSOLUTE  
RIGHT OF WAY.**

Shared Zones are being introduced throughout Australia where there is a high level of pedestrian activity, yet the need to allow motor vehicle access.

Hordern Place (adjoining Bridgepoint) is a Shared Zone. The speed limit is 10 kilometres per hour.

Research suggests that very few people are aware of their obligations in Shared Zones.

The RTA, Motor Accidents Authority of NSW, Mosman Council, Berny's Retravision, Franklins, Harris Farm Markets, OPSM and the Pedestrian Council of Australia have sponsored this awareness campaign in order to educate motorists and pedestrians alike of their rights and obligations in Shared Zones.

Please, obey the speed limit and GIVE WAY to pedestrians in Shared Zones.



In 1998, the CE of the RTA supported our campaign and agreed there was merit in changing the name of “Shared Zone” to one which conveys to drivers the priority which pedestrians have in those zones.

Chris Ford  
(02) 9218 6414

**To:** Chief Executive  
**From:** Director, Road Safety and Traffic Management  
**Subject:** Various Issues raised by the Pedestrian Council of Australia - Update for meeting scheduled for 5/6/98.  
**Date:** 4/6/98

Briefing notes are provided regarding various issues raised by the Pedestrian Council of Australia (PCA).

**Issue 13:**

Pedestrian right of way in Council car parks and removal of shared zones.

**Comment:**

Council car parks are defined under the *Traffic Act* and *Motor Traffic Regulations* as “public streets”. That is, all of the regulations which apply to road users on roads also apply in car parks.

The most effective way of providing pedestrian priority in car parks is to make the car park a *Shared Zone*. AUSTROADS says, “*The most common uses of shared zones are in commercial, tourist and heritage areas.....Shared Zones can also be used to advantage in typically mixed use areas, such as parking areas, college and university campuses and caravan parks. The designation of these areas as shared traffic zones, by the necessary signs in addition to speed reduction techniques, where necessary, will provide pedestrians with a legal environment more in keeping with community expectations in these areas*” (AUSTROADS Guide to Traffic Engineering Practice - Part 13, p70).

The basic premise of a ‘shared zone’ is that pedestrians have equal rights with motor vehicles to use the road space. Motor vehicles can use ‘shared zones’, but at a greatly reduced speed of 10 km/h which does not present a safety hazard to pedestrians and are obliged to avoid colliding with pedestrians. Whilst continuing to provide vehicular access to properties and on-street parking, the street can be redesigned to be safer, quieter and more aesthetically attractive.

There are a number of shared zones currently successfully operating around the State. Due to the benefits to pedestrians and other vulnerable road users, the RTA does not intend to remove these shared zones. However, there may be some merit in investigating the potential for changing the name of “Shared Zones” to one which conveys to drivers the priority which pedestrians have in those zones.

The RTA tried three times to get the name Shared Zone changed to Pedestrian Priority Zone, without success.

But the CE confirmed the maximum speed must remain at 10 km/h because it represents the walking speed of pedestrians (85<sup>th</sup> percentile speed of 4.3 km/h)

Our Reference: CE03/1694  
97M2618

15 JUL 2003

Mr Harold Scruby  
Chairman/CEO  
Pedestrian Council of Australia Limited  
PO Box 500  
NEUTRAL BAY NSW 2089



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Dear Harold

Thank you for your electronic mail message dated 19 June, 2003 regarding *Shared Zones*.

For the third time, the RTA raised the issue of renaming *Shared Zones* to *Pedestrian Priority Zones* or *Pedestrian Zones* with the Australian Road Rules (ARR) Maintenance Group at its meeting on 3 July, 2003. However, all States, with the exception of NSW, voted against the change of name to *Pedestrian Priority Zone* on the basis that the ARR do not refer anywhere to anyone or any thing having 'priority'. The Maintenance Group rejected the proposal to change the name of *Shared Zones* to *Pedestrian Zones* on the basis of roads generally being for vehicles, where as in a *Shared Zone*, a driver must share the space with pedestrians and give way to any pedestrian in the zone. Additionally, the Group felt that the term *Pedestrian Zone* would indicate that the area was for pedestrians only and that drivers should not drive in such a zone. The Group further reinforced that the erection of *Give Way to Pedestrians* supplementary plates in conjunction with *Shared Zone* signs reinforces a driver's obligation to give way to pedestrians in a *Shared Zone*.

It would not be appropriate for the RTA to change the name of *Shared Zones* in the absence of a national approach to the issue. The RTA will continue to erect *Give Way to Pedestrians* supplementary plates in conjunction with *Shared Zone* signs.

As stated in previous correspondence, as vehicle speeds increase, the risk of serious injury or death to pedestrians involved in a collision with vehicles increases. In order to minimise the risk to pedestrians in *Shared Zones*, the RTA has mandated that a speed limit of 10 km/h will apply. This speed closely represents the walking speed of pedestrians (85<sup>th</sup> percentile speed of 4.3 km/h) in contrast to a speed limit of 20 km/h. A speed limit of 20 km/h in a *Shared Zone* would introduce a difference five times in magnitude in 85<sup>th</sup> percentile speed between vehicles and pedestrians.

Once again, I appreciate your comments on vehicle speedometers. However, in the interest of pedestrian safety and amenity, the RTA does not support the introduction of speed limits higher than 10 km/h for *Shared Zones*.

The allocation of demerit points and an increase in the penalty to drivers who fail to give way to pedestrians in a *Shared Zone* is being considered as part of the current review of traffic penalties.

Yours sincerely

Paul Forward  
Chief Executive

# **RECOMMENDATION**

**That the NRSSP recommends to the ARR Maintenance Group that Shared Zones be renamed Pedestrian Priority Zones and that the logo be re-designed to reflect the fact that Pedestrians have Right-of-Way in these zones.**



**New  
Logo**



**Pedestrian Council of Australia**  
The Walking Class



# **Barriers to Walking Shared Paths**

**(Bicycles and E-Rideables)**

**All Share – No Responsibility**



## **SHARED PATHS (Bicycles)**

**The first time since Roman times that vehicles have been allowed on the footpath.**

**On these paths, even though the law states that cyclists must give way to pedestrians at all times, even if that means coming to a stop:**

- \* There's no insurance**
  - \*No speed limits**
  - \*No risk assessment**
  - \* No enforcement**
  - \* Pathetic penalties**
- \* No identification or licence**
  - \* No training**
  - \* No number-plates**
- \* Cyclists must wear helmets, so if they hit a pedestrian, they are more protected**

**There are many instances of people being seriously injured by cyclists on Shared Paths and taking years in the courts to get any compensation.**

## **IT'S LYCRA LUNACY**

The Australian Road Rules state categorically that when on a Shared Path:

**(2) The rider of a bicycle riding on a footpath or shared path must:**

(a) keep to the left of the footpath or shared path unless it is impracticable to do so, and

**(b) give way to any pedestrian on the footpath or shared path.**

**Note 2. For subrule (2), give way means the rider must slow down and, if necessary, stop to avoid a collision**

**Councils are expected to comply with the  
Austroads Guidelines when proclaiming a  
Shared Path ...**

**But very few do!**

### *Shared paths*

Table 7.5 shows desirable widths and acceptable ranges of width for shared use paths. As for bicycle paths, the upper limit of the acceptable range in the table should not discourage designers from providing a greater width where it is needed (e.g. very high demand that may also result in overtaking in both directions).

**Table 7.5: Shared path widths**

	Path width (m)		
	Local access path	Commuter path	Recreational path
Desirable minimum width	2.5	3.0	3.5
Minimum width – typical maximum	2.5 <sup>(1)</sup> – 3.0 <sup>(2)</sup>	2.5 <sup>(1)</sup> – 4.0 <sup>(2)</sup>	3.0 <sup>(1)</sup> – 4.0 <sup>(2)</sup>

1 A lesser width should only to be adopted where cyclist volumes and operational speeds will remain low.

2 A greater width may be required where the numbers of cyclists and pedestrians are very high or there is a high probability of conflict between users (e.g. people walking dogs, roller bladers and skaters etc.).

Source: Figure 7.4 of Austroads (2009m).

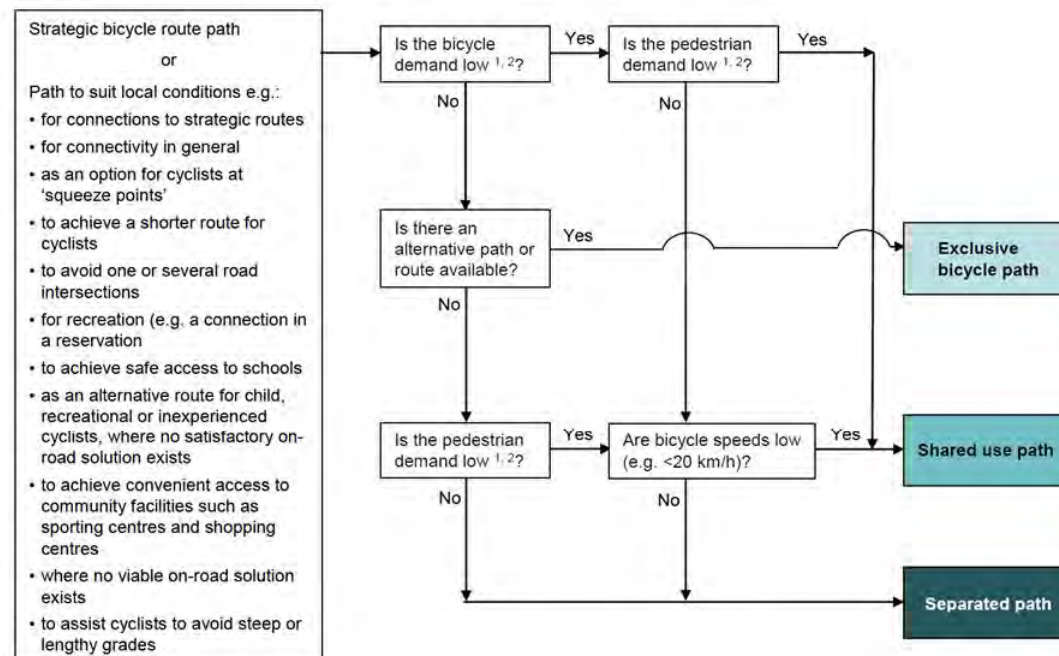


**Where bicycle speeds exceed 20 km/h or there are more than 50 users (cyclists and pedestrians) per hour, the Guidelines state that it should be a Separated Path.**

### 7.3 Choice of Appropriate Type of Path

Types of path are shown in the flow chart in Figure 7.1 which is a basic guide to assist designers to choose an appropriate type of path. The flow chart only considers the primary factors needed to determine the type of treatment required. Prior to this chart being applied a decision will have been taken as to whether an on-road lane or an off-road path, or both, are required. Also, there may be other issues, constraints and practices that will have a bearing on the decision-making process.

The types of bicycle paths and their appropriate uses are discussed in Section 3 of Austroads (2009m).

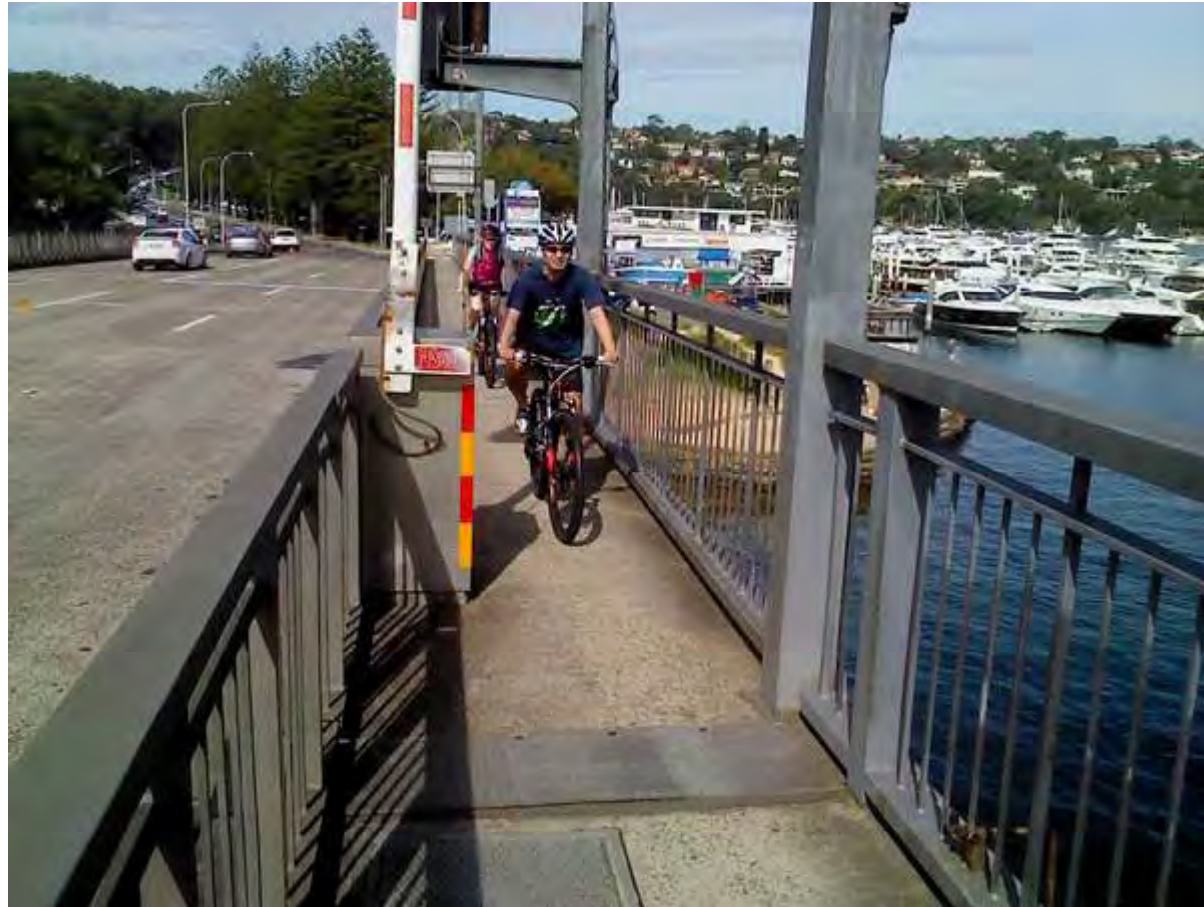


1 The level of demand can be assessed generally on the basis of the peak periods of a typical day as follows:

- Low demand: Infrequent use of path (say less than 10 users per hour)
- High demand: Regular use in both directions of travel (say more than 50 users per hour).

2 These path volumes are suggested in order to limit the incidence of conflict between users, and are significantly lower than the capacity of the principal path types.

Source: Figure 2.1 of Austroads (2009m).



This “Shared Path” on the Spit Bridge in Sydney is 1.2 metres wide. The Austroads Guidelines state that the minimum desirable width for a “commuter path” should be 3 metres.



On this Spit Bridge Shared Path, the Australian Road Rules require pedestrians and cyclists to keep to the left. It's a 2-way path without sufficient room for cyclists to pass without touching, while pedestrians and cyclists are within centimetres of buses and trucks.



The law requires cyclists to give way to pedestrians at all times, even if that means coming to a stop. So why do the signs not state: Cyclists Watch out and Give Way to Pedestrians.



After a vehicle crashed through the fence, leaving a 3 metre drop, the authorities left the area in this state for over a month. Imagine a cyclist hitting this at night. Authorities throughout Australia seem to believe they can simply proclaim these Shared Zones without the need for continuing maintenance and Duty of Care.



Pyrmont Bridge Sydney

**All Share – No Responsibility**

Fluoro clad men with Darth Vader sticks pretending to enforce the law



**Pymont Bridge: This is the only Shared Path in NSW where there's an enforceable Speed Limit of 10 km/h. A study in 2014, by SHFA, found that the "lowest average speed was 23 km/h and the highest was 27 km/h.**

**To our knowledge, to date, not one cyclist has been booked for speeding.**

Daily Telegraph – 19 Oct 2014

# Arrogant, rude and dangerous

## Minister's plan to curb pushbike riders

ALICIA WOOD

ROADS Minister Duncan Gay has accused cyclists of lacking common sense after an audit found many riders were ignoring pedestrian safety on a busy city bridge.

"We've been appealing to their sensible nature, but nothing appears to change," Mr Gay said.

"That's why I've asked RMS to look at the possibility of a licencing system for cyclists."

Mr Gay's comments come after The Daily Telegraph revealed a Sydney Harbour Foreshore Authority audit, obtained by the Pedestrian Council of Australia, showed pedestrians were being put at risk on the Pymont Bridge shared pathway, with cyclists flouting the 10km/h limit.

The audit clocked cyclists at speeds from 16km/h to 35km/h.

Austrroads guidelines state that shared pathways should be used only when "pedestrian demand is low", there is an



Cyclists on Pymont Bridge.

alternative path and bicycle speeds are under 20km/h.

However, Department of Planning data shows pedestrians account for more than 90 per cent of trips across Pymont Bridge.

Pedestrian Council of Australia CEO Harold Scruby said Pymont Bridge was clearly not within accepted guidelines for shared pathways. "There's not a politician in this country prepared to take on the bicycle lobby," Mr Scruby said.

"Austrroads Guidelines are

clear, they must not be declared a shared path if there are more than 10 users per hour. They must not be declared a shared path if any cyclists are expected to exceed 20km/h."

Mr Scruby, who has asked the government to consider forcing cyclists to dismount before crossing the bridge, said pedestrians risked serious injury or even death if they were hit by a speeding cyclist.

If cyclists were to continue to ride across the bridge, Mr Scruby said there should be better enforcement of the speed limit.

The SHFA audit was taken during the morning and afternoon peak over five days, with the lowest average speed over the period at 23km/h and the highest average speed 27km/h.

Civil liability barrister James Sheller said pedestrians who are injured by cyclists would find it difficult to claim for physical damage because there is no compulsory insurance scheme for cyclists.



*Enforceable Speed Limits in Australia are in steps of 10 km/h – they must end in Zero – and be within a red circle (an annulus).*

*Advisory Speed limits are in steps of 10 km/h and end in 5 - they are in black on a yellow background.*



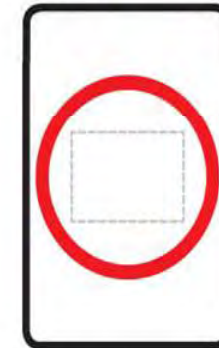
#### 2.1.1 Speed limits and speed zones

A speed limit is the number shown on the regulatory speed limit sign (Figure 2.1) within the red circle (annulus) and defines the maximum legal speed permitted along a specific section of road under good road and travel conditions. The *Road Transport (Safety and Traffic Management) Act 1999* authorises the RTA to set the speed limits on NSW roads through traffic regulations. The RTA has not delegated this authority to any other agency and is therefore responsible for setting speed limits on all roads – State, regional and local.

A speed limit, displayed by the regulatory speed limit sign, is legally enforceable under the NSW Road Rules. According to NSW Road Rule 20, a driver must not drive at a speed over the speed limit applying to the driver for the length of road.

A speed zone is a length of road over which a particular speed limit applies. Speed zones are signposted to clearly define where the speed limit applies, with signs at the start, reminder signs within the zone (if required) and signs at the end showing the speed limit of the next zone.

FIGURE 2.1 REGULATORY SPEED LIMIT SIGN (R4-1)



Other types of speed limit signs are Advisory Speed Limits (W8-2 on yellow background) and Speed Restriction Ahead sign (G9-79 with black circle); see Figure 2.2 and Figure 2.3. They are not legal speed limits and are used to inform motorists of forthcoming changes in alignment and speed limits. For more information, see Section 2.2.7 and 3.3.3 (b), respectively.

All regulatory speed limits are in steps of 10 km/h, always ending in 0. All advisory speed limits are in steps of 10, always ending in 5.

FIGURE 2.2 ADVISORY SPEED LIMIT SIGN (G9-79)



## **QUICK QUIZ:**

**What is the Speed Limit on Shared Paths in Australia (if not sign-posted)?**

**ANSWER:**

**It's the same as the adjacent road.**



**This is the busiest Shared Path in NSW, connecting North and South Sydney across the Harbour Bridge. Children are forced to walk here to School where the speed limit on the footpath is ...**





# Pedestrian Council of Australia

## *The Walking Class*



Channel 10 News - Fort Street Primary School - Cyclists - Shared Path 130919

Watch the video from September 2013 and realise nothing has changed ...

<https://www.youtube.com/watch?v=oltvTip-TLY>



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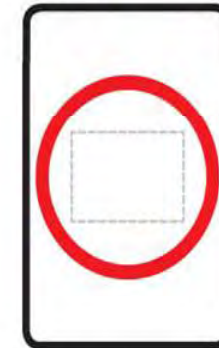
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FIGURE 2.2 ADVISORY SPEED LIMIT SIGN (G9-79)



Shared path sign



End no bicycles sign



**All Share – No Responsibility**

These are the lawful signs required by the Australian Road Rules



### **THE GOOD NEWS**

At a Transport for NSW Masterplan meeting held in Sydney on 20 Sept 2012, the President of Bicycle NSW, Alex Unwin, stated that  
**“Shared Paths should be a maximum speed of 10 km/h”**



**So why has Sydney's Lord Mayor, Clover Moore, introducing a completely new Shared Path logo throughout Sydney?**

What if every Council in Australia did this?

These signs are unlawful and certainly invite cyclists to ride on footpaths which are not lawfully sign-posted Shared Paths.

And where there's confusion, there's potential for harm.

**Note:** The logo of the cyclist in the upright position is designed to give the false impression that Sydney's cyclists on Shared Paths ride passively like in Copenhagen.

**That's probably why the cyclist is not wearing a helmet.**

In fact the vast majority of Sydney cyclists commute wearing Lycra, arched over the handlebars, in Tour de France fashion, trying to beat their PBs!





*The RMS confirmed in October 2016 that cyclists can not legally cycle on footpaths displaying Lord Mayor Clover Moore's Shared Path logos unless ARR signs are properly displayed.*

*It means that in these locations, all over Sydney, the CoS has invited cyclists to disobey the law.*

CE16/1355

Mr Harold Scruby  
Chairman/CEO  
Pedestrian Council of Australia  
PO Box 500  
NEUTRAL BAY NSW 2089

Dear Mr Scruby

Thank you for your email of 14 October 2016 to the Minister for Local Government, which was referred to Roads and Maritime Services, about shared pathway signage in the City of Sydney local government area.

As you are aware, under the NSW Road Rules 2014 (rule 242), a shared path begins at either a shared path sign or shared path road marking. These signs and road markings are shown in rule 242(2), and consist of a pedestrian symbol above a bicycle. **If a path does not have these signs or road markings, then adult cyclists (aged 12 and over) cannot use the path.**

The blue path markings in the photographs you provided do not meet the requirements for indicating a shared path under the NSW Road Rules. However, if used in conjunction with the shared path signs or road markings outlined in rule 242(2), City of Sydney can use the blue path markings to provide behavioural suggestions to cyclists and pedestrians. Other councils use these and similar markings on shared paths as behavioural suggestions.

Although Road Rule 242 includes an illustration of an end shared path sign, these signs are not essential. A shared path ends either at a road, at the end of the path and/or at an end shared path sign.

Thank you for taking the time to write.

Yours sincerely



Adam Berry  
Principal Network Manager CBD & East Precinct

# Australian Road Rules: Shared Paths

- (2) A *shared path* is an area open to the public (except a separated footpath) that is designated for, or has as one of its main uses, use by both the riders of bicycles and pedestrians, and includes a length of path for use by both bicycles and pedestrians beginning at a *shared path sign* or shared path road marking and ending at the nearest of the following:

Rule 242(2)  
amended by 4<sup>th</sup>  
pkg. Item 75

- (a) an *end shared path sign* or end shared path road marking;
- (b) a *no bicycles sign* or no bicycles road marking;
- (c) a *bicycle path sign* or bicycle path road marking;
- (d) a road (except a road-related area);
- (e) the end of the path.

Rule 242(2)(a)  
amended by 4<sup>th</sup>  
pkg. Item 76

Rule 242(2)(c)  
amended by 4<sup>th</sup>  
pkg. Item 77

*Note* *Bicycle* and *no bicycles road marking* are defined in the dictionary, *road-related area* is defined in rule 13, and *bicycle path road marking* and *separated footpath* is defined in rule 239.

Rule 242(2) note  
substituted by 4<sup>th</sup>  
pkg. Item 78

Shared path sign



End shared path sign





**IT'S LYCRA LUNACY**



**Risk Management Plan -  
Risk Assessment Report  
Shared Cyclists/Pedestrians  
Path System**

(This Plan is based upon  
AS/NZS4360:2004 – Risk  
Management)

September 2009

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Spackman Mossop Michaels (SMM)

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NCSI Certified Quality System ISO 9001

**In 2010, the PCA issued a FoI  
(Freedom of Information) and  
obtained a copy of the City of  
Sydney's Risk Assessment and  
Management Plan for their  
Shared Paths System.**

**This is the document which  
forms the template for all  
Shared Paths in the City of  
Sydney.**

**On Page 2 of this document there are two definitions:**

***1.2.7 Pedestrian***

*A person walking, and including people in wheelchairs, on roller skates or riding on “toy vehicles” such as skate boards or other vehicles, other than a bicycle, powered by human effort or a motor and with maximum speed of 7 km/h.*

***1.2.8 Cyclist***

*Rider of a bicycle or a human powered vehicle, **with maximum speed of 15 km/h.***

Since obtaining this document, the PCA has written to Parsons Brinckerhoff on 4 occasions asking them to show how and upon what evidence they arrived at this conclusion. They have never even acknowledged our correspondence.

Because there are no speed limits in NSW on Shared Paths, and because the CoS Shared Path Risk Assessment is predicated on a Maximum Speed of 15 km/h, it is our view that the entire CoS system is fundamentally and fatally flawed.

**In 2002, Mrs Maria Guliano was struck on a Shared Path in Balmain (Sydney). She was permanently brain damaged and required a full-time carer. The cyclist left the scene. An expert witness testified that the cyclist was travelling at less than 20 km/h. It took her husband 6 years in court to sue the RTA and Leichhardt Council. They finally settled out of court.**

**Read the Slater & Gordon advice:**

<https://www.walk.com.au/pedestriancouncil/page.asp?PageID=3125&SiteID=1>

***(QUOTE): I am therefore of the opinion that local government road authorities may be found to be in breach of duty of care for failing to impose safe speed limits for bicyclists on Shared Bicycle Paths although any such finding of breach of duty of care must necessarily depend upon the particular facts of the case before the Court.***

***There is no insurance for pedestrians hit by cyclists on Shared Paths.***



**ANZAC Bridge (West) – Shared Path  
Sydney**



JORDAN BAKER

The Sunday Telegraph - 16 December 2012

***”CYCLISTS are clocking speeds of up to 47km/h on paths shared with pedestrians, and walkers are terrified. ... Most were travelling between 30km/h and 40km/h, but more than a dozen clocked more than 40km/h and the fastest flew past at 47km/h.”***

**Watch the video:**

[www.youtube.com/watch?v=fZBHrKZGixE](http://www.youtube.com/watch?v=fZBHrKZGixE)

# **Question:**

**How are blind people to know they are on a Shared Path?**

**How are people who are deaf expected to know there are cyclists behind them ringing their bells (as instructed by many authorities)?**

**People who are blind can't  
drive.**

**They must use the footpath to  
reach public transport and/or  
their destination.**

**This is clearly discriminatory:**

**The PCA intends taking these  
very serious issues of  
discrimination to the Human  
Rights and Equal  
Opportunities Commission.**

**Governments across Australia are about to or have approved 250 watt electric bicycles. They are capable of speeds up to 25 km/h. They will be permitted on Shared Paths.**



**It is compulsory throughout Australia to wear a helmet when riding a bicycle. In a crash between a pedestrian and a cyclist, the cyclist is better protected.**



## Before Cyclists and E-Rideables take over our footpaths ...

An immediate moratorium is required on all shared paths until the following laws, regulations and systems are in place:

- A MAXIMUM speed limit of 10 km/h throughout Australia and serious penalties for speeding on a bicycle;
- COMPULSORY third party insurance;
- SOME compulsory form of identification for riders aged 18 and over (as per NSW);
- REALISTIC penalties for all bicycle offences in NSW. In Victoria, it's \$66,000 and five years' jail for failing to stop if a cyclist hits a pedestrian;
- RIGOROUS enforcement by police and council rangers;
- FULL consideration for all people with disabilities, especially people who are vision and hearing impaired;
- NO electric or motorised bikes on shared paths;
- CAMPAIGNS reminding cyclists that on a shared path, cyclists must keep to the left, slow down and give way to pedestrians – even if that means coming to a STOP (that's the law);
- CORRECT, well- maintained signage that complies with Australian road rules;
- THE use of bells only in emergencies, not for intimidating or frightening pedestrians; and
- DEDICATED bike paths - shared paths installed only as a last resort.
- In New Zealand, shared paths are called Pedestrian Priority Zones. There's no confusion. It's time to banish the word "shared" from the road rules lexicon.

## **Recommendation:**

**That there be an urgent and independent inquiry into Shared Paths by the Federal Dept of Infrastructure to consider:**

**the name, the logo, a mandatory default speed limit of 10 km/h, insurance, risk assessment, enforcement, identification of cyclists, penalties etc..**

## **A WARNING TO ALL COUNCILS AND GOVERNMENTS**

**The courts are now proving that Councils must be very careful to comply with the Austroads Guidelines when proclaiming Shared Paths.**

**Once proclaimed, they have a Duty of Care to maintain them.**

**Unlike pedestrians, cyclists require a far smoother, regularly maintained , well lit, shared path, if injuries are to be avoided.**

**Over time, they will also be required to ensure the laws are vigorously enforced.**

**With a rapidly ageing population, Councils must be reminded that the greatest cause of death for people over 75 is from a fall.**

## **MONTY vs. BAYSIDE COUNCIL - 2010**

Cyclist, John Monty, sued BCC and was awarded \$229,000 in damages when he was permanently injured after a fall from his bike on a Shared Path

Judge Phillip Coish found:

***I find that BCC breached the duty of care it owed to the plaintiff by approving the installation of the bluestone kerb at the edge of the bike path in a situation in which this meant there was zero lateral clearance on the eastern edge of the path, the bike path was only 2.5 metres wide***

# MONTY vs. BAYSIDE COUNCIL - 2010



**Injured cyclist John Monty at the scene of his accident.**

Bayside's director of city strategy, Guy Wilson-Browne, said the council would now examine safety of the entire path in addition to regular six-month inspections.

Quiet Corner remains unchanged.

Bicycle Victoria spokesman Garry Brennan said it was incumbent on councils to identify, assess and remove safety risks on bike paths.



In New Zealand they correctly and sensibly call Shared Paths “Pedestrian Priority” zones. “The misnomer, “Shared” creates the impression of equal rights, not pedestrian priority.



# **Pedestrian Council of Australia**

**The Walking Class**



**Let's remove "Shared" from the Road Safety lexicon.**

**Let's**

**DEDICATE**

**&**

**SEPARATE**



# **Pedestrian Council of Australia**

**The Walking Class Heroes**

**walk.com.au**