

Minimum Passing Distance Law (MPDL)

INTRODUCTION

Firstly we need to understand that we have a problem with the dangerous overtaking of bicycle riders in Ireland. We are not unique in that but we are becoming unique in doing very little about adding this layer of extra protection for a vulnerable road user class.

The aim is to create an environment where all road users can utilise a healthier, cleaner sustainable form of transport without feeling threatened by a badly planned, close and dangerous overtaking manoeuvre. The creation of a virtual safety zone through the introduction of Minimum Passing Distance Law is not just for middle age men in lycra, this is aimed at all people who ride bicycles and especially those who are currently too scared to do so.

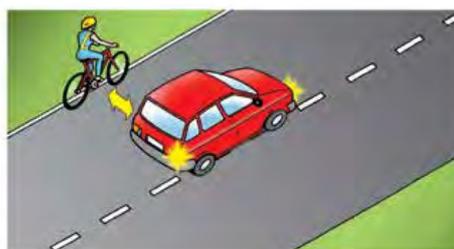
This obligation on motorists is aimed at making that critical interaction on the road a safe one.

Current laws and rules of the road in relation to overtaking?

The current reference to this issue is on page 53 of the Irish Rules of the Road, Following recent engagement with the Road Safety Authority, the latest edition contains a recommended at least a 1.5 metre lateral space when overtaking a pedal cyclist. Previously this was determined by the driver's discretion and provided drivers with no guidance about a minimum safe distance.

Údarás Um Shábháilteacht Ar Bhóithre
Road Safety Authority

It is recommended that you give extra space (at least 1.5 metres) when overtaking a cyclist, as they may need to avoid uneven road surfaces and obstacles. This is particularly important on wet or windy days.



The current laws on dangerous overtaking:

A driver shall not overtake, or attempt to overtake, if to do so would endanger, or cause inconvenience to, any other person.

A driver shall not overtake, or attempt to overtake, unless the roadway ahead of the

driver (a) is free from approaching traffic, pedestrians or any obstruction, and (b) is sufficiently long and wide to permit the overtaking to be completed without danger or inconvenience to other traffic or pedestrians.

An infringement of this law involves a fine of €80 and 3 penalty points. However, it does not seem to be enforced in its current guise. In 2011 there were only 411 such offences detected and in 2012 there were 406 offences detected. Furthermore, this category is not sub-divided further so as to reflect 'Dangerous Overtaking of Cyclists'. The deterrent value of this law seems weak and needs to be 'beefed-up' and enhanced by with additional legislation in order to make it more effective in line with other jurisdictions.

(Countries in Europe including France, Belgium, Spain, Portugal, over half the states in the USA, 2 Canadian Provinces, 5 Australian states and territories have minimum overtaking distance legislation).

What would this law mean for Irish cyclists?

*It would mean improved safety by providing a definition of a specified overtaking distance.

*It would recognise cyclists as legitimate road users who are more vulnerable than other drivers.

*It would recognise a cyclist's need to the protection of a defined space whilst sharing the road with other road users.

*It would provide motorists with a clear, unambiguous, easily recognised measure when overtaking cyclists.

*It could reduce the risk of cyclist/motorist crashes and also cyclist crashes caused by being side-swiped (not necessarily hit) by motor vehicles.

*It would be enforceable, in that such a clear law would allow a Garda or witness to readily evaluate a driver's actions either through eyewitness, camera footage or/and ultrasonic device.

*It would provide cyclists with space to avoid obstacles (e.g. pot-holes, glass, etc.)

*It would ultimately assist in reducing cyclist fatalities and serious injuries.

THE STRAW MAN

In order to get the best out of the debate for minimum passing distance law, it is important that we take the straw man discussion out of it.

Most people on the roads try to obey the rules - and pedal cycle specific minimum passing distance laws are seen as a good way of educating drivers on how to overtake cyclists safely.

It would appear that there is an unnerving section of the populace who are extremely prejudiced towards bicycles and the human lives they carry. This can be seen under open comments following cyclist related articles and social media.

Social media is awash with comments such as "I won't respect cyclists on the road until they pay road tax, have insurance and their bicycles NCT'd" and the usual ranting about Lycra, law-breaking and perceptions of over-entitlement.

The thinking appears to go like this: "I see lots of cyclists breaking the law, and I hear about cyclists getting hurt – which is no wonder, because they break the law."

But a range of studies have found that when cars and bikes collide, it is overwhelmingly the driver who is to blame.

And a study of the role of traffic violations in bicycle crashes in Queensland by CARRS-Q concluded that: "While driver perceptions are of cyclists being mavericks on the road, the crash data does not support this position ... this research demonstrates a cyclist is unlikely to commit a traffic violation that results in a single vehicle crash, or collision with another road user." <https://eprints.qut.edu.au/34208/1/c34208.pdf>

These perceptions are hard to counter – even more so if cyclists are being loudly trumpeted as a problem. However, it would seem that the spread of uninformed and illegitimate views, particularly by opinion leaders such as the media and even politicians, is fuelling misconceptions of cyclists and helping normalise dangerous driving directed towards people on bicycles. A cultural shift in attitudes towards cyclists is possible by reinforcing the message that cyclists are legitimate and vulnerable road users, deserving of motorists' and society's respect.

This is where 1.5 metres matters.

Is cyclist error or even lawlessness the major cause of collisions between bikes and cars?

Let's take the anecdote out of this and go down the road of researched referenced fact.

Here are some crash data analysis from countries with arguably similar road cultures to Ireland.

1. Adelaide University report which found that motorists were at fault in 79 per cent of the cases studied where cyclists had been seriously injured in collisions with cars. That's almost four out of five times.

<http://www.adelaidenow.com.au/news/south-australia/four-in-every-five-crashes-between-cars-and-bicycles-caused-by-driver-of-car/news-story/dab0917b15a181f68c433e0eb74c8ab2>

2. Research by the New Zealand Ministry of Transport found that, in car/bike injury collisions, cyclists were primarily responsible 23 per cent of the time, and had some responsibility 14 per cent of the time. No cyclist fault was identified in 63 per cent of cases.

<http://www.transport.govt.nz/assets/Uploads/Research/Documents/cycling-crashfacts-2013.pdf>

3. A study by the UK Department of Transport found that, when adult cyclists were in collision with cars, the driver was solely responsible in about 60-75 per cent of all cases, and riders were solely at fault 17-25 per cent of the time.

<https://www.theguardian.com/lifeandstyle/2009/dec/15/cycling-bike-accidents-study>

4. A recent study of central London drew similar conclusions. One interesting aspect was that pedestrians were found to be at fault in 60 per cent of the cases where riders and walkers collided.

<http://www.standard.co.uk/news/london/drivers-to-blame-for-two-thirds-of-bicycle-collisions-in-westminster-8602166.html>

Do these studies mean that all cyclists are blameless? Absolutely not – there are inexpert, risk-taking and law-breaking bike riders out there, and some of them come to grief solely as a result of their actions. However, if these bicycle riders were to feel the full force of the law, it's unclear how this might assist with safe overtaking manoeuvres.

(Nor does it mean that motorists don't care about the safety of cyclists - they often simply do not see cyclists, or make errors of judgement)



Myth debunk:
The majority of bicycle riders run red lights

The Road Safety Authority Ireland conducted a study which looked at the behaviour of cyclists at traffic lights in 2015.

The report says that 1-in-8 cyclists were observed passing through a red light. In other words 87.5% of people on bicycles stopped at red lights and this study was done before the current Fixed Charge Notices were introduced. These figures seem to debunk the myth.

This extensive study examined 25,126 cyclists at 60 sites in 9 cities/towns across the country.

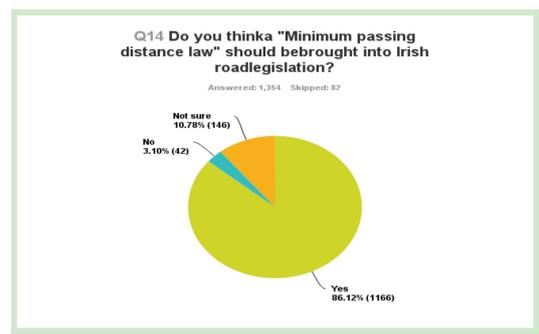
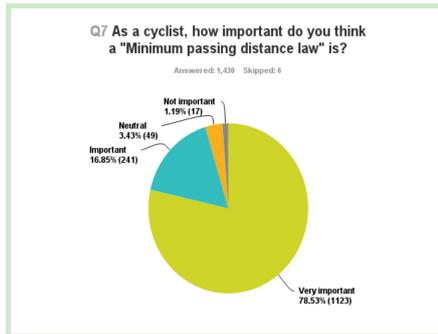
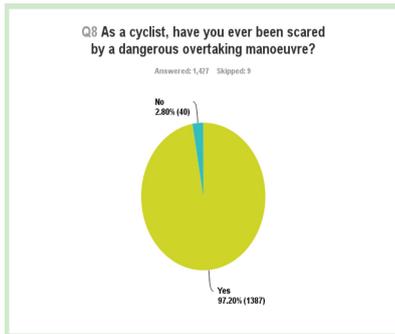


THE PROBLEM

We regularly hear the headline figure of the 19 bicycle riders who have died on Irish roads over the last 2 years (2015-16). 5 bicycle riders have also lost their lives in collisions with motor vehicles so far (*March '17*) in 2017. Some of these people have been killed in collisions with vehicles traveling in the same direction as a result of a badly planned overtaking manoeuvre.

When we drill down further though, what we don't often hear of are the many unreported near miss incidences of close dangerous overtaking of bicycle riders.

This is a short selection of clips filmed in Ireland by riders of the type of behaviour that Minimum Passing Distance Law tries to address. <http://www.safecyclingireland.org/irish-close-passes/> The Stayin' Alive at 1.5 campaign conducted a survey late last year in association with the Dublin Cycling Campaign and the following results were garnered.



1. 97.2% of respondents had been scared by a dangerous overtaking manoeuvre whilst cycling.
2. 95.38% of respondents felt that MPDL was very important or important.
3. 86.12% of respondents want MPDL to be introduced.

Also as part of the Stayin' Alive at 1.5 campaign, there are almost 6,000 signatures between online and paper petitions of people who seek Minimum Passing Distance Law for Ireland. (Please take a moment to have a look at some of the comments to realise just how important this is to those signing).

<http://www.safecyclingireland.org/online-petition-2/a>

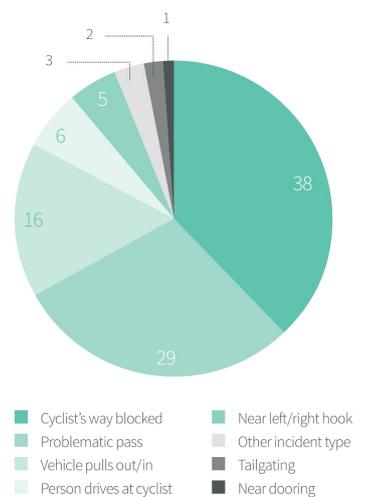
Other Irish research is weak in this area so I wish to refer to one from a country with arguably a similar driving culture, the U.K. Rachel Aldred from the University of Westminster conducted a near miss project in 2015 in an effort to shine a spotlight on near misses of bicycle riders.

<http://www.nearmiss.bike/wp-content/uploads/2014/12/Nearmissreport-final-web-2.pdf>

According to findings from Dr Rachel Aldred's Near Miss Project, close passes account for a third of threatening encounters cyclists have with motor vehicles. They present a significant barrier for people new to cycling, or who cycle at a more sedate pace (<8mph). The project found close passes are particularly a problem for women, who on average cycle more slowly than men, and

experienced a 50 per cent higher rate of close passes.

TYPES OF INCIDENT



08 | The Near Miss Project: 2015

SPOTLIGHT ON CLOSE PASSES

Close passes made up nearly a third of all incidents and were a particularly common type of incident in rural locations – close passes made up nearly half of all rural incidents,

This is clearly a problem when we are trying to encourage more exercise and active smarter travel.

| COLLISION TYPE | # | %* |
|--------------------------|-----|-----|
| REAR END | 194 | 40% |
| CYCLIST SIDE/CAR FRONT | 51 | 11% |
| T-HIT | 46 | 10% |
| HEAD ON | 40 | 8% |
| NONE | 33 | 7% |
| RIGHT HOOK | 30 | 6% |
| DRIVER FAILURE TO YIELD | 29 | 6% |
| OTHER | 22 | 5% |
| SIDESWIPE | 17 | 4% |
| CYCLIST FAILURE TO YIELD | 10 | 2% |
| LEFT CROSS | 6 | 1% |
| LEFT HOOK | 4 | 1% |
| UNKNOWN | 146 | N/A |

* %=481

Source: League of American Bicyclists, Every Bicyclist Counts

In 2014, one of the findings from a report from American League of bicyclists revealed:

'For example, the most common collision type in our Every Bicyclist Counts data is a rear end collision. Approximately 40% of fatalities in our data with reported collision types were rear end collisions'.

http://bikeleague.org/sites/default/files/EBC_report_final.pdf

We therefore have a clear and present problem that we as a society have made no real effort to deal with and now needs to be engaged with in a meaningful manner in order to improve safety for pedal cyclists in Ireland.

The Stayin' Alive at 1.5 campaign, has made use of social media, various awareness videos, vehicle signage, safety campaigns, press releases etc. to ask motorists to “give space” to bicycle riders. (See link for details)

<http://www.safecyclingireland.org/what-we-do/>



The Road Safety Authority (RSA) has been active in this area too by adding a 1.5 metre recommendation to the rules of the road following engagements with the Stayin' Alive at 1.5 campaign.

They have made use of press releases including this full page ad last summer in the Irish Times along with asking SAA1.5 to include an article in the same RSA pull-out. (See link)

<http://www.irishtimes.com/life-and-style/health-family/going-the-distance-to-prevent-fatalities-1.2606408>

The RSA creating awareness ads etc.:

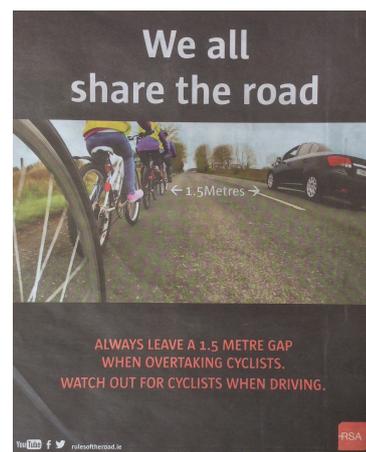
TV ad: <https://vimeo.com/61895259>

Radio ad: <http://www.safecyclingireland.org/1037-2/>

But this has been ongoing with cyclists for some time now and although has some positive effect it doesn't reach the target audience we need to engage, those who might view people on bicycles as road furniture, as an inconvenience, which needs to be overtaken hastily and at the first opportunity irrespective of the danger; those unwilling to take on the message or dismissive of vulnerable road users altogether.

Introducing a minimum passing distance law would be a significant and progressive step in changing the focus on sharing the road.

This proposed MPD law would transform perception of cycling as being 'unsafe' for a lot of commuters, in particular. The very people we need to get out of cars to attain a modal-shift to sustainable/active travel



HISTORY

Minimum Passing Distance Law (MPDL) is not a new or (as one newspaper called it a 'radical') concept. In 1973, Wisconsin U.S.A. became the first jurisdiction to introduce this law in an effort to deal with the lack of clarity of a defined measurement in their overtaking law. There are now 28 US states with cyclist specific MPDLs. Across the border in Canada, Nova Scotia became their first province to introduce MPDL and has since been followed by Ontario, their most populous province. In Europe, MPDL applies in Belgium, France, Spain and Portugal. In South Africa, it applies to Western Province. In Australia, Queensland became the first state in 2014 and have since been followed by 4 states and territories.

The Stayin' Alive at 1.5 campaign came in to being in 2013.

Since our foundation, MPDL has been introduced in California, Virginia, West Virginia, Alabama, Sth. Dakota, Portugal, Ontario, Queensland, New South Wales, Sth. Australia, ACT and Tasmania. Currently, along with ourselves in Ireland MPDL is also being considered in the US in Massachusetts, Michigan, Hawaii, Ohio and Rhode Island; In Canada, New Brunswick; In Australia, Western Australia; In Europe, Italy and The Isle of Man.

All these jurisdictions have seen an anomaly in their undefined dangerous overtaking law and added (or propose to add) a cyclist specific minimum passing distance law to rectify this situation.

UNINTENDED CONSEQUENCES:

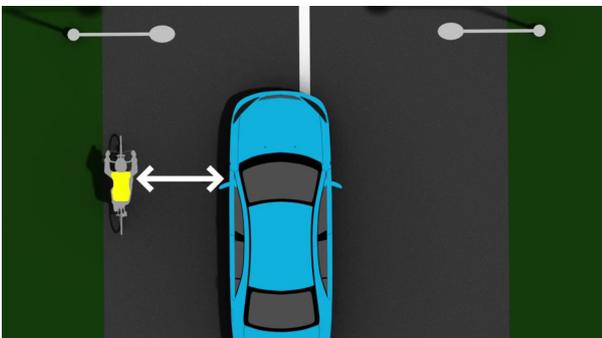
The whole point of introducing a cyclist specific MPDL in all other jurisdictions and indeed, Ireland is that the original dangerous overtaking law has had unintended consequences for bicycle riders in that it doesn't provide clarity on how to overtake this vulnerable road user class.

It works fine when the occupant is protected in a ton and a half of metal with airbags and all the other safety features that a motorised vehicle possesses and the speed differential isn't large. However, with a 10kg bicycle being balanced by unprotected flesh and bones and traveling much slower, then another layer of protection is needed. This is further exasperated when a bicycle is effected by side winds and may have to swerve to avoid pot-holes, elevated manhole covers, glass, debris etc.

Let me explain this further..Basically, from analysis of above stated risks that are imposed upon a different road user, such as a cyclist, it may appear rational to some road users, that they can be treated in the same way as a car. However, while most drivers would not think twice about the fact they should change lanes to overtake another car, the way it's interpreted visually is by the gap between the vehicles. Two cars in adjacent lanes are a lot closer than say, a cyclist in the left hand tyre track and a car while changing lanes. However, the actual distance moved across the road to provide this safe passage is the same. Providing clarity in our law in the guise of a specified measured distance eliminates this anomaly.

It is also important to realise that there has never been a jurisdiction that has implemented this law that subsequently revoked it. There's are a lot of jurisdictions and a long period of time involved and none have seen any significant unintended consequences.

However, most jurisdictions where MPDL applies have allowed drivers to cross continuous white lines, painted traffic islands etc. to further facilitate overtaking. This is a common practice for Irish drivers in any case. This pic on the left is an awareness video from Australia, explaining how this works. https://youtu.be/U-at_HaUPlg



The initial 'unintended consequence' in a Irish context comes from taxi drivers who feel that taxi

fares may have to increase because they would have to obey a safety measure recommended by the authority charged with road safety in our country. I'm not sure this decision should be theirs to make? (The same argument could be made regarding speed in this point they have made..)

<https://www.thesun.ie/news/648238/taxi-fares-set-to-increase-if-new-law-making-it-an-offence-for-drivers-to-pass-close-to-a-cyclist-are-brought-in/#comments>

ENFORCEMENT:

Your next point deals with enforcement and is an area that requires further information.

The enforceability of any future law is only one part of the issue. Ideally you stop drivers from passing cyclists too closely in the first place and for that you need driver education.

To this end, I and many bicycle riders would be delighted if no driver was ever charged under this proposed legislation if it means that 99.9999% of drivers are overtaking people on bicycles, with this defined safe margin for error. Indeed this new proposed law would mean very little to the majority of motorists who heed the advice from the Road Safety Authority by staying wider of the rider and leaving the recommended 1 metre or 1.5 metres of lateral space when overtaking a person on a bicycle. In fact, most places that have introduced this law have not seen rigorous enforcement of this. The awareness created and underscored by legislation backed up with appropriate awareness and subsequent enforcement is seen as the best way forward with this. MPDL has been around for decades now so we are able to see what works best.

As with all such matters, Gardaí have discretionary powers and other jurisdictions treat MPDL as they would treat a speeding offense where most likely no damage to person or property has occurred but is there to modify future behaviour.

There are 3 main ways that MPDL is enforced:

1. Garda eye-witness..

Gardaí can observe relative distances based on identifiable road features. As a quick example of this, our top selling car currently is a Hyundai Tucson. It's width is 1.85 metres and when you add in its passenger side mirror you have roughly 2 metres. Most of our roads are 3 to 3.2 metres wide so when we allow for the 1.5 metre lateral overtaking space, this will mean that this vehicle would at least have to straddle the median white line in order to fulfill MPDL obligations. This is a very simple observation to make. Similarly, a regular frightening occurrence for bicycle riders is being overtaken between traffic calming concrete traffic islands - this too would become instantly recognisable as an encroachment of the proposed MPDL. (This pic on the right is one such example from Barntown, Co. Wexford)

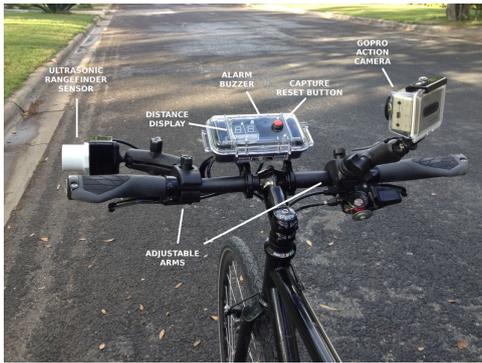


2. The use of third party camera footage - offenders should realise that there doesn't need to be a Garda present and witnessing for their offending to be detected and punished. We have agreed templates from overseas on how these can be reported and we may need to create our own local variant. This is an agreed one with New South Wales peak cycling body and the police there entitled "How to Report Minimum Passing Distance Incidents – A Step-by-Step Guide"

<https://bicyclensw.org.au/advocacy/mpdl/>

The rider must be able to clearly show relative distances based on identifiable road features. This will usually involve a visit to the site with a tape measure.





3.BSMART ultrasonic device. This is an ultrasonic device currently in use in the US to help enforce MPDL there. Please see link attached.

<http://www.timesfreepress.com/news/local/story/2015/jun/07/3-feet-or-else/308339/>

From Chattanooga traffic cop, Rob Simmons.

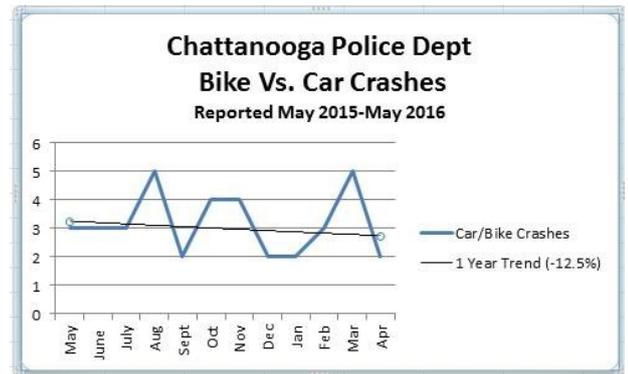
"I have written approx 200 citations with the device but the majority of those citations have been "warning" citations which carry no fine and serve as a courtesy for the violator to change his/her ways.

The reason we do not issue many official citations is due to the massive effect of "Educational Stops" with the device. When I stop a violator, i first explain why I stopped them, then I link the GoPro camera to a tablet and actually SHOW them a video of them passing. This gives them a "first person" view of what it looks like to be passed closely by a motorist while riding a bike. Usually the violator is surprised and comments that they did not realise how close they were to the cyclist. This opens up the traffic stop for an educational opportunity. I give the violator a pamphlet of local cycling and driving laws and then let them go.

The whole experience is good, and the driver walks away with a better understanding of cyclist rights. Of course some do get a citation, but it is usually their attitude which dictates this.

*At first people said that "warnings" would not work. I agreed that they would not be effective, however a year later we had **reduced traffic crashes involving cyclists by 26%**.*

As far as court, I have not had anyone contest the charges at this time. One of the engineers who helped developed the device is looking into getting it "certified" much like a speed radar gun is certified for court. I think this process takes time however".



IMPORTANT NOTE:

Queensland, Australia passed Minimum Passing Distance Law in to legislation in April 2014 and witnessed a significant drop in cyclist related injuries and a 35% reduction of cyclist fatalities in the now almost 3 years since the introduction of MPDL there.

This has happened without much police involvement and a total of just 72 prosecutions recorded in the first 2 years mainly from 3rd party footage. **Their government has put an ultrasonic device out to tender that would satisfy their own police and judiciary**, just like a 'speed gun' would have been when it was first introduced. They have completed the design at this stage and will begin testing shortly and will have this up and running by summer. We may have to do the same here.

This will be a fail-safe method of enforcing this proposed law.

NARROW ROADS.

It's important to realise that Ireland isn't the only country that has narrow roads. Countries such as Belgium, France, Spain, Australia for example that have a minimum passing distance law in place have plenty of them especially in rural areas.

But in the context of MPDL, Roads that can facilitate a car overtaking another car is wide enough for MPDL.

Roads that are narrower than this must mean that an oncoming vehicle doesn't have room to pass.

MPDL is designed as a split rule where in speed zones of 50km/hr or less the minimum space comes down to 1 metre. In such roads maybe we need to have a conversation around the 80km/hr allowable speed limit; thus making those roads a much safer and more pleasurable experience for walkers, hikers, horse riders, cyclists etc.

Ireland's current top selling car, the Hyundai Tucson has a car width is 1.85 metres for example. When we add the 2 side mirrors at around 20cm each, we have a road occupancy space of 2.25 metres. For a bicycle rider's own safety it is not recommended to ride too close to the kerb, or edge of the road and this suggested distance can be between .5 metres and 1 metre. More depending on the situation on the road. If we take the median of this at .75metres as is being used as a guide by U.K. police currently, and add in the minimum passing distance, then we come to the same width of 2.25metres that the Hyundai Tucson occupies.

Any road therefore that we are happy to allow 2 of our top selling cars to meet and pass on safely in wide enough to accommodate the proposed MPDL.

Roads that aren't, maybe the first conversation we should be having here is the speed limit on those. Bear in this is a split rule where the minimum passing distance reduces to 1 metre in speed zones of 50km/hr or less.

Jurisdictions where MPDL applies have not seen fit to add provisos around roads that are actually too narrow and, like them, it's important to not throw the baby out with the bath water. Instead we live in a country where our Gardai also have discretionary powers that are used in just the same way that it is unusual for a driver to be fined for doing 101km/hr in a 100km/hr zone for example, unless there is maybe a secondary charge.

When we are talking about really narrow roads that can't accommodate MPDL, let's have a look at this graphic from the Irish Times.

We are looking at a total road width of 4.1 metres in speed zones on greater than 50 km/hr and 3.6 metres on roads of 50km/hr or less. There is also further scope for the bicycle rider to momentarily ride closer to the edge at the point of overtake if the following vehicle slows to the rider's speed and road conditions allow to do so safely. This further narrows the necessary road width.



We currently have section 51A 'Driving without reasonable consideration'!

A person shall not drive a vehicle in a public place without reasonable consideration for other persons using the place. This law could perhaps be used for those roads that are actually too narrow so long as there is no conflict of interests or unintended consequences of doing so. Indeed this existing law is probably broad enough and flexible enough to give Gardai ample scope to prosecute motorists for passing dangerously close in the majority of situations in general, but it doesn't send that signal loudly enough to cyclists, motorists or the Gardai.

A specific, well-publicised provision is more likely to get through to the public. This would change a 'hidden message' in the Rules of the road of a recommendation of a minimum passing distance to one what a driver must do in line with other laws. This in turn could be added to driver theory tests and driver CPC training. The minimum passing distance could be added to road signage as many see in Spain, France, Australia, Canada, USA etc. It would also allow the opportunity for the RSA to roll out a specific campaign as other jurisdictions with MPDL have witnessed.



I have cycled on narrow roads in France, Spain & Belgium...all of which have MPDL in place and I will give you an example of an overtake that I was part of in Picardie in France last year.

This road (pictured on the right) was as narrow as any road we have in Ireland. I became aware of the driver approaching from behind and

glanced over my shoulder. The driver slowed down to my speed. I glanced again and moved as close to the verge as I could when it was safe to do so. The driver gave me a wave and proceeded to overtake as wide as he could in a careful and measured manner....no drama. In Ireland it is not uncommon for the driver to skim past the rider without even slowing down. This is what has to change in these interactions. Introducing a cyclist specific Minimum Passing Distance Law can help us to achieve this through changing the focus on sharing the road.

RESEARCH:

The attached link provides research from the US.

This report by researchers at Rutgers University cites evidence that fear of being hit from behind by a motorist is a key reason travellers don't cycle. If there's a greater sense of subjective safety the number of cyclists is likely to increase.

From this report we can be reasonably confident it will increase cyclists' sense of subjective safety. We don't need to wait for evidence on that score.

The new law signals loudly and clearly to both riders and motorists that cyclists have a right to be on the road.

(Conclusion from US).

'For the most part, advocates in states that have passed the 3 Foot Law believe that safer interactions and a growing sense of legitimacy for the cycling community are occurring. They point to anecdotal evidence such as a general sense that motorists are giving more space to cyclist as they pass to support their argument. However, advocates in most cases were unable to point to any specific data or measures to support their claim of success, and few states anticipate developing formal success measures. This is largely due to the lack of funding necessary to undertake such a study'.

http://njbikeped.org/wp-content/uploads/2013/04/3-Foot-Final-Report-Draft_V7.pdf

The most up to date and research comes from Queensland on 22 Feb 2016 entitled 'Evaluation of the Queensland Minimum Passing Distance road rule.

The two-year trial of the Queensland minimum passing distance (MPD) road rule began on 7 April 2014. The rule requires motor vehicles to provide cyclists a minimum lateral passing distance of one metre when overtaking cyclists in a speed zone of 60 km/h or less, and 1.5 metres when the speed limit is greater than 60 km/h.

This document summarises the evaluation of the effectiveness of the new rule in terms of its: practical implementation; impact on road users' attitudes and perceptions; and road safety benefits

https://eprints.qut.edu.au/94655/1/Final_Report_TMR_170316.pdf

(One of the researchers, Narelle Haworth, was recently interviewed on George Hook's High Noon programme on Newstalk. The relevant section is around 8mins 30 secs in. http://www.newstalk.com/listen_back/9/34410/06th_March_2017_-_High_Noon_Part_1/)

This link covers the QLD roads Minister announcing that Queensland will keep the law requiring motorists keep at least one metre between their vehicle and cyclists on the state's roads following a successful two-year trial.

<http://www.abc.net.au/news/2016-04-07/cyclist-one-metre-rule-to-stay-in-queensland-mark-bailey-says/7305998>

This link comes from The Sydney Morning Herald's Executive Style section which deals with some of the same fears as we are currently hearing regarding MPDL and how this has played out in practice. <http://www.executivestyle.com.au/metre-passing-laws-for-cyclists-queensland-trial-proposal-in-victoria-1mcr30y>

Some of the main findings from this report include:

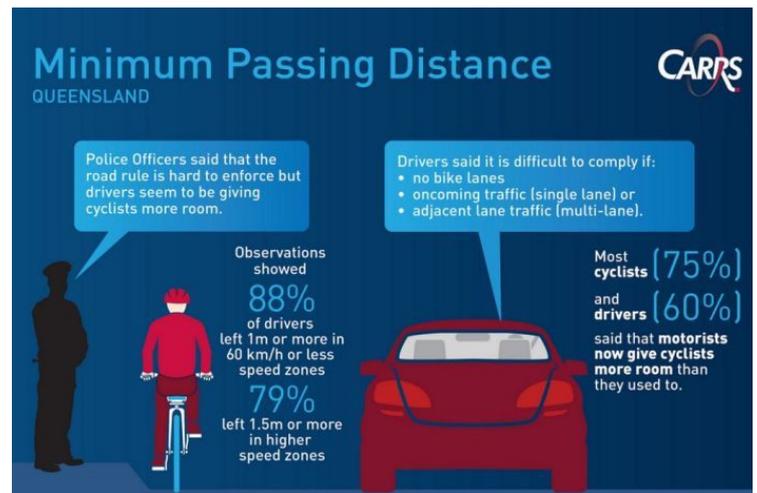
***Bicycle rider Fatalities:** Queensland Main Roads statistics showed the number of road fatalities involving cyclists had fallen from 22 in the two years prior to the trial to 16 since the law came into effect.

***Bicycle-related crashes:** From the commencement of the trial until October 2015 there has been a statistically significant decreasing trend. This has resulted in 48.5 fewer serious bicycle crashes in the post-commencement period, or 2.7 fewer crashes per month, than would have been expected based on extrapolation from the pre-trial trend. The extent to which this reduction can be attributed to the MPD road rule trial is unclear, but it is nevertheless encouraging.

***Most riders (73.2%) and drivers (59.5%) in the current survey agreed or strongly agreed that they have observed motorists giving bicycle riders more room when overtaking than they used to.**

***Observational studies revealed that 88 per cent of drivers left one metre or more in 60 kilometre per hour or less speed zones, and 79 per cent left 1.5 metres or more in higher speed zones**

***Survey results showed that most cyclists [75 per cent] and drivers [60 per cent] believe they can accurately judge one metre when being passed by drivers or passing riders.**



These results as outlined, are possible to achieve too in an Irish context with MPDL legislation in place and associated awareness campaigns.

Now is the time for Ireland to step up and add this important tool in the larger tool-kit of awareness creation.

Failure to do so will certainly lead to unnecessary and wholly preventable deaths of bicycle riders and a lifetime of heartache not just for their family, friends and communities but also for the uninformed motorist.

FALSE SENSE OF SAFETY

The argument has been made that minimum passing distances could create a false sense of safety for both cyclists and drivers, without accompanying objective safety benefits. This hasn't played out or certainly can't be proven from anywhere that MPDL exists and would probably have been flagged as one of the unintended consequences if it existed.

LAW ABUSE

There is a perception among some commentators that providing safe passing legislation maybe will lead to abuses, i.e. *unscrupulous individuals might falsely target others*.

The quick response to this is it's absurd, why do legal protections exist at all?

Why should the more vulnerable have to forego protection for the fear they may abuse it against their would be abusers?

If we take our current offense of sexual assault/aggravated sexual assault for example, then is a victim any more likely to make spurious claims against others because this law is in place?

That aside, the long response is that the law simply doesn't work like that. Unsupported accusations are not taken seriously. An allegation can only be made with impartial evidence. This usually requires video evidence or witness testimony at a minimum. The vehicle must be positively identified as well as the driver if possible. If the claim process was weaker than this, it would already have been seriously abused.

CAVEATS.



Another point of discussion comes in the guise that for MPDL to work in a legal sense that we would have to add many caveats and exclusions.

Places that have introduced MPDL have not seen fit to do this.

(The image on the left is from Queensland where a MPDL of 1.5 metres applies. On this road it's legal to ride 2 abreast and for trucks to travel).

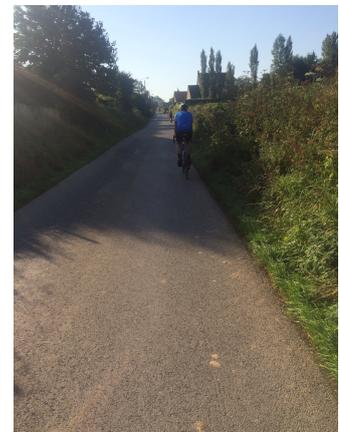
Instead they have allowed it to bed in and have used discretionary powers that are common to traffic police.

If we take the offense of speeding for example, we could ask for it to be revisited and perhaps add caveats to this too..these could include, let's say driving your partner to hospital after her waters had broken; driving a

couple of kms over the speed limit etc. or the many other situations where Garda discretion is applied.

As an example of how this works in practice comes from Picardie in France. France is one of the European countries where MPDL exists. Like our own proposal, it works as a split rule. The Minimum Passing Distance is 1 metre urban and 1.5 metres rural.

This rural road (pictured on the right) was as narrow as any road we have in Ireland. I became aware of the driver approaching from behind and glanced over my shoulder. The driver slowed down to my speed. I glanced again and moved as close to the verge as I could when it was safe to do so. The driver gave me a wave and proceeded to overtake as wide as he could in a careful and measured manner....no drama.



In Ireland it is not uncommon for the driver to skim past the rider without even slowing down. This is what has to change in these interactions. Introducing a cyclist specific Minimum Passing Distance Law can help us to achieve this through changing the focus on sharing the road.

EXISTING LAW

Some people would argue that our existing law is probably broad enough and flexible enough to give Gardai ample scope to prosecute motorists for passing dangerously close in the majority of situations in general but it doesn't send that signal loudly enough to cyclists, motorists or the Gardai. Indeed some traffic police themselves may not even see close passing of bicycle riders where no collision has occurred, as problematic. In this regard, it is important that we have a clear law that would reflect the fact that it is not necessary for a motorist to collide with a cyclist in order to endanger either life or health. This is an anomaly our current law doesn't seem to deal with. This is akin to a speeding offence where most likely no damage to person or property has been sustained, but is there to prevent potential future damage should behaviour not be modified.

This is where 1.5 metres is important.

Compare this to what we have now. We have an undefined dangerous overtaking law which is subjective. I say it scared me, the driver says he/she didn't hit me so what's the problem? Careless driving...again subjective....dangerous driving? Again subjective. Driving without due care and attention?..still not iron clad.

Another one of these current suggested laws that could be used for example, is Section 51A Driving without reasonable consideration. *A person shall not drive a vehicle in a public place without reasonable consideration for other persons using the place.*

This offence too comes down to interpretation and is far from being that of strict liability. The best comparison that I can think of is speeding. A car might look like it's speeding and that could be given in evidence, it will be argued then that there is no proof of the actual speed - case gone. The speed camera eliminates the ambiguity, 100K in a 60k is just that.

Similarly this ambiguity is eliminated with the existence of a Minimum Passing Distance Law.

A specific, well-publicised provision is more likely to get through to the public. This would change a 'hidden message' in the Rules of the road of a recommendation of a minimum passing distance to one that would have a 'must' in line with other laws. This in turn could be added to driver theory tests and driver CPC training. The minimum passing distance could be added to road signage as many see in Spain, France, Australia, Canada, USA etc. It would also allow the opportunity for the RSA to roll out a specific campaign as other jurisdictions with MPDL have witnessed.

When it comes to policing such specific problems using a broad brushstroke measure, it's important to bear this current case in mind. If such a strong case seems so open to appeal, one wonders how this would work where indeed no collision had occurred as is mainly the case where MPDLs are prosecuted overseas?

In this determination (DPP v O'Shea) the Supreme Court granted the DPP leave to appeal the Court of Appeal's decision that careless driving is not a strict liability offence.

<https://scoirl.wordpress.com/2016/06/22/new-appeal-is-careless-driving-a-strict-liability-offence/>

2 abreast cycling.

Bicycle riders ride 2 abreast for safety. Since founding Stayin' Alive at 1.5 three and a half years ago, 38 pedal cyclists have died on Irish Roads. In so far as I'm aware, none of these people were cycling 2 abreast at the time of their death. People regularly point out that they see cyclists riding 4/5/6 or the most I've heard was 8 abreast which was reported on a narrow road. This is simply not possible. When viewed from an angle that the driver approaches the group this can look this way.



Cycling 2 abreast:

Sometimes bicycle riders can look like they are more than 2 abreast depending on what angle you see this from. In this case these cyclists may look like they are 4,5 or even 6 abreast but on closer scrutiny, they are cycling 2 abreast (taking a right turn).

There is no evidence that riding two abreast causes any real road safety issues at all, anywhere. There is only evidence that it annoys drivers sometimes. But the point of introducing MPDL is to improve safety. - Not to alleviate people's impatience about a practice they don't understand.

The decision as to whether to ride single or double rests with the riders themselves, because they alone have a full understanding of the situation. They alone can properly assess the danger posed by the condition of the road ahead, or the debris or the upcoming traffic island that would prevent a car from passing safely.

Most riders will be courteous to drivers behind. Nobody wants to annoy a person operating a motor vehicle any more than they have to for their safety. The vast majority of adult bicycle riders are also drivers so perhaps the notion that riders will go out of their way to cause this annoyance is nonsensical.



This pic above right is from Spain, which is one of the European countries that has MPDL. Clearly this road cannot accommodate 2 abreast cycling and a wide vehicle overtake. However, a caveat to the law hasn't been applied and is left to road share and police discretion.

This is one person's comment that is regularly echoed on our social media page.

"Can you please try and explain then why people on bicycles get more close calls and verbal abuse from drivers when cycling alone? I cycle probably mostly on my own but also occasionally in a group. It feels at least 10 times safer in the group. Not just for me but other innocent road users also. When on my my own I get people squeezing by when there just isn't room and often when there are approaching vehicles who sometimes have to slow or stop to avoid a collision. This happens regularly when I cycle alone and almost never when in a group. Please explain why if drivers hate cyclists riding 2 abreast so much then why aren't they content when they aren't?"

Cycling 2 abreast:

[SI No. 182 of 1997, s. 47 - (1)] this states:

Pedal Cyclists

47. (1) A pedal cyclist shall not drive a pedal cycle on a roadway in such a manner as to result in more than two pedal cyclists driving abreast, save when overtaking other pedal cyclists, and then only if to do so will not endanger, inconvenience or obstruct other traffic or pedestrians.

(2) Pedal cyclists on a roadway shall cycle in single file when overtaking other traffic.

You are therefore permitted to cycle two-abreast. (*Indeed it could be argued that cyclists could actually momentarily be 3 abreast in the event of a single cyclist overtaking 2 cyclists riding side by side*). However when you come up to parked vehicles or overtake other cyclists you must revert to single-file until past the obstruction.

This means cycles are perfectly legal to cycle side by side on all roads (apart from motorways) in Ireland. Although at times common sense will mean you will fall in to single file to allow cars access on some roads and situations and to allow following vehicles to overtake when conditions are safe to do so.

If someone in your group hears a car from behind, a simple call can be used to get the other riders to slip into single file, but only when it is safe to do so..

Why do some drivers allow themselves to get frustrated and angry?

Without wanting to delve into the minds of the motoring public here are some of the possible reasons:

They think it's illegal

They think it's harder to overtake

They think it's dangerous in general

They think it means cyclists are not paying attention to the road

So why do cyclists cycle two abreast?

There are many reasons why cyclists choose to cycle two abreast so I'll give you the reasons that I know of.

It's Safer!

Simply put, it's safer for cyclists to ride two abreast, it means that drivers usually have to overtake properly rather than skimming past the rider in the same lane. If a group of cyclists are in single file, motorists will often assume they can overtake in places which are not safe and will not leave the cyclist enough room. Drivers of motor vehicles should give cyclists 1.5 metres when overtaking according to our rules of the road (page 53) and a recent RSA ad, This means they probably



should be in the adjacent lane or on the other side of the road, to do this safely means they would to wait until there are no oncoming cars. Being in double file forces this scenario. Another safety reason is in visibility. Two riders side by side can be seen much further away and will look like a bigger vehicle. This is even more evident when running flashing rear lights, so to catch the eye of the approaching drivers. Two abreast in this situation will aide the driver in seeing slower moving objects in front and giving the driver more time to prepare to safely overtake, timing his approach with vehicles approaching on the oppisite side of the road, or allowing the vehicle time to move into the adjacent lane.

It allows motorists to overtake quickly.

Riding two abreast also allows the motorist to overtake the group of cyclists quicker as the line is only about half as long. This allows the vehicle to pass the group in just over half the time (giving for moving in and out to the correct location on the road). A good over take is safer for everyone, the other vehicles on the road, the driver and their passengers and all the riders on the road in the group.

It's also a social activity, so why should we not enjoy the ride!

Cyclists that ride like this are usually training, participating in an organised activity, keeping fit or just out having fun with friends.

EVIDENCE

As for evidence that MPDL works, the best and most up to date one we have comes from Queensland where they witnessed a 35% decrease in cyclist fatalities and a significant decrease in cyclist injuries. MPDL has also had the effect of cyclists being recognised as legitimate road users who are more vulnerable than other drivers. (We regularly come across comments relating to respect: For a vocal minority of motorists, not having 'road-tax', insurance, NCT, proficiency test etc. means that they don't respect a bicycle's rightful place as a legitimate road user)

Providing this simple change for a vulnerable road user class, something recommended by the authority charged with road safety in our country, something of very little cost, something that reduces congestion and pollution, something that would be a significant and progressive step in changing the focus on sharing the road, something that legitimises road use by bicycle riders and indeed something capable of reducing some of the risk of serious injury or death of people who choose to ride a bicycle, is of paramount importance.

On the week that MPDL was introduced, It received an exceptional amount of publicity and created much discussion during the week. The aggressive nature of the commentary that many motorists were compelled to post to social media was a real indication of just how important this particular law really is. The confrontational reaction motorists displayed was actually a frightening example of the type of person who cyclists have to share the roads with each and every day.

If we continue to focus on the lack of other hard evidence as to whether MPDL is a worthwhile change to make, doesn't recognise the lack of funded research in injury prevention to begin with. This is a poorly researched space and drilling down further, cycling is itself under-researched in terms of evaluating road safety programs.

Importantly too, there's no evidence it wouldn't work either; the necessary research simply hasn't been done. However the potential benefits as stated from the Queensland research are high enough to make this very worthwhile.

Irish bicycle riders are NOT a road safety experiment.

The idea that there's going to be a body of evidence we can point to is less likely is simply because cycling safety issues are themselves under-researched.

Evaluation or not, giving that extra bit of space, and drivers knowing that it's not some space or a little bit of space, but it's the specified minimum distance is really going to help stop crashes, stop bike riders getting killed and stop them being seriously injured.

FIANNA FÁIL POLICY DOCUMENT

The 2012 Fianna Fáil policy document entitled 'Improving the Urban Cycling Experience'.
One of the proposals included Mandatory minimum amount of space to be given by motorists when passing cyclists



passing cyclists

This document was reiterated by the FF party leader, Micháel Martin in the lead up to the last election in a response to one of his constituents.

This document identified, in addition to the 'zero-cost' proposals identified above, certain 'cost neutral' proposals should be prioritised to improve cycling in our cities. Studies undertaken in other countries would indicate that in the long run, most aspects the 'National Cycle Policy Framework' would be cost neutral, as the health of the nation improves and the quality of urban life is enhanced.

The proposals in our 2012 policy document included the following:

*Law requiring

mandatory use of cycle lanes by cyclists to be revoked (unsafe for cyclists to use certain cycle lanes due to the condition of the road surface)

*Implementation of a ban on parking in cycle lanes at all times

***Mandatory minimum amount of space to be given by motorists when passing cyclists**

*Legalize the practice of cyclists passing cars on the inside

*Integrate cycling with public transport (dedicated carriages on trains and frontcarriers on buses)



SUMMARY

In summary, the Stayin' Alive at 1.5 campaign has done all in our power to get this bill to this stage with the assistance of TD Ciaran Cannon supported by chief whip, Regina Doherty. This will now need the support of politicians like yourself to help add this important tool to the overall road safety tool-kit. We have outlined the potential benefits that this can achieve.

Making the choice to support this bill will no doubt save lives and prevent life changing injuries.

It will also send a clear signal not just to Ireland's bicycle riders, but to all road users that that 1.5 metres matters and bicycle riders' lives matter.

With the many aforementioned campaigns globally for MPDL, the world is watching how we as a society view the safety of bicycle riders.

Failure to make this choice, make no mistake, will certainly lead to unnecessary and wholly preventable deaths of bicycle riders and a lifetime of heartache not just for their family, friends and communities but also for the uninformed motorist.



