



THE BICYCLE INSTITUTE OF SOUTH AUSTRALIA

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Cycling for the Environment, for Health, for Pleasure

22 June 2017

Dear Mayor and Councillors,

The Bicycle Institute of SA was disappointed to hear of Holdfast Council's recent decision to oppose DPTI's plans to improve cycle safety at tram stop 16. We understand that you have concerns about DPTI's design, but would encourage you to reconsider your decision for the following reasons.

- 1) This location is the state's greatest safety hazard for cyclists.

This location poses a real and immediate danger; that danger is up to and including death; and this danger isn't limited to when a tram is at the stop but increases in the much more common situation when no tram is there.

We know 13 cyclists have been injured in the last 5 years, but these are only the ones in police records, i.e. those taken away by ambulance. We believe that far more injuries occur that aren't recorded. One trader told us he'd seen 3 cyclists on the ground in 2 weeks. In Edinburgh recently, a female cyclist was run over and killed by a car after crashing on tram tracks. While we are lucky that this hasn't yet occurred in Jetty Road, it is probably just be a matter of time.

In comparison, the risk to pedestrians from DPTI's design is low – and quite possibly less than that of any shared use path in your council area.

While this design is new for Adelaide, it is based on international experience. Under the design, cyclists will not cross the walking path along the tram stop: the stop is higher than the adjacent pavement to give disabled access to the tram and is therefore separated from the adjacent footpath height by a fence. The equivalent of zebra crossings at the actual crossing locations protect pedestrian rights. And this part of Jetty Road is not a high-speed cyclist environment: it is a continuation of the Mike Turtur Bikeway, which attracts families and relaxed cycling. Cyclists are used to having to wait if a tram actually stops here, so waiting for tram passengers won't be much more inconvenient, especially as this stop doesn't have the high patronage levels of a terminal or CBD stop.

If you are really concerned about pedestrian safety, cars pose a much greater risk. At Moseley Square, pedestrians have to give way to cars using Jetty Road and must stand in the middle of the road to do so.

The Bicycle Institute believes that a good walking environment is also good for cyclists. We don't believe that protecting pedestrians from the fear of risk benefits anyone.

- 2) While you may be concerned about the loss of two car park spaces, the action you are taking is bad for Jetty Road's traders.

Presently, there is no good alternative way to improve cyclist safety. "Cyclists Dismount" signs are equivalent to a "Go Away" message to cyclists, and cyclists will take notice. Holdfast Council has invested heavily in making Mike Turtur Bikeway into a premier facility, and Glenelg has benefited from being the destination point for the Mike Turtur for over a decade. Traders have benefited as cyclists can and will spot a shop, a friend or an interesting offering, and pull up to investigate – a luxury drivers needing parking simply do not have. This impulse behaviour is more likely to translate into spending than the person who thinks "I'll come back later", and doesn't fill up limited car parking. Studies have also shown that cyclists tend to spend more than drivers due to their more frequent, repeated trips, with more being spent on boutique products whose value is kept locally than on utility shopping, where profits go to multi-national owners. These are reasons why the discretionary cyclist dollar is highly rated, and was reflected by traders consulted about DPTI's plans being supportive of them.

However, when works along the Outer Harbor Greenway (OHG) are completed later this year, making it more direct and pleasant, the Mike Turtur will face stiff competition. The Cities of Charles Sturt and Port Adelaide-Enfield are already focusing on how to maximise use of the OHG once it's finished, and help its traders leverage off it to capture the cyclist spend.

Faced with the choice between two councils that are bending over backwards to welcome cyclists and one that is telling them their well-being and safety are irrelevant to it, cyclists will vote with their wheels. Cyclists may be less visible than trams or cars, but they are a powerful economic force council risks losing by repaying their loyalty and goodwill with alienation and physical endangerment.

- 3) To address your public liability risk.

Reporting of your council decision indicates that the "Cyclists Dismount" signs are intended to address the public liability issue you have knowingly created by opposing necessary and important safety works. While there is no doubt about the public liability the City of Holdfast Bay has incurred as a result of your decision, we cannot see how erecting signs with no legal force or even warning value, in the clear knowledge that these will do absolutely nothing to address the hazard, can possibly mitigate – much less eliminate – your public liability. Indeed, the laws around public liability are specifically intended to force authorities to comply with their duty of care to those using their facilities when they otherwise fail to do so. To put it clearly, protecting cyclists where council refuses to carry out its responsibilities towards them is exactly the type of situation the public liability system is intended to address.

From 1 July 2017, the Bicycle Institute will be urging any and all cyclists injured on the tram tracks at stop 16 from 23 May 2017 onwards (i.e. when your council decision stopped DPTI from addressing the hazard) to contact personal injury lawyers and pursue the City of Holdfast Bay for any damages to property, medical costs and lost wages caused by council's decision. Holdfast Bay will of course face the costs of defending such legal action in addition to any claims awarded.

You may consider that the costs for three hospitalisations a year are tolerable, but as noted, we suspect that this is the tip of the iceberg. Nor are we sure what damages might be awarded in the event that a cyclist becomes a paraplegic, quadriplegic or dies as a result of a crash.

We urge you to reconsider your opposition to safer cycling on Jetty Road.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Fay Patterson', with a stylized, cursive script.

Fay Patterson

Chair, Bicycle Institute of South Australia