

Canberra Pedestrian Forum response to proposed 2008 Australian Road Rules changes.

The Canberra Pedestrian Forum objects to the changes proposed to Australian Road Rules 62, 64, 67, 69, 72 and 73 – *Giving way to pedestrians when turning at an intersection*, and in particular to the proposed Rule 353: *References to pedestrians crossing a road*.

The reasons for this objection are:

1. The proposed changes would in effect re-introduce the failed and dangerous legal principle of *Right-Of-Way*.
2. Proposed Rule 353 goes beyond the stated intention of removing the requirement for a driver, when turning, to give way to a pedestrian who is crossing the road that the driver is leaving. With only one exception it also removes the requirement for the driver to give way to other pedestrians, including those travelling along the road that the driver is entering.
3. In some circumstances, the proposed rule changes would create a dangerous impasse in which pedestrians were effectively required to give way to vehicles, but could not legally or safely do so.
4. The proposed rule changes are illogical, making it difficult for drivers to determine whether or not they are required to give way to pedestrians. In some cases a pedestrian must turn in order to give way to a car. The simple act of turning would mean that the car must then give way to the pedestrian.
5. The proposed rule changes would discriminate against pedestrians by making some walking journeys unsafe. This will encourage pedestrians to drive rather than walk, thus adding to cost, road congestion, pollution and health costs.

These reasons are explained in more detail below.

The proposed changes would in effect re-introduce the failed and dangerous legal principle of *Right-Of-Way*.

Proposed Rule 353 includes the statement, “*the driver is only required to give way to the pedestrian if the pedestrian's line of travel in crossing the road is essentially perpendicular to the edges of the road the driver is entering.*”

The use of the term “only” effectively gives the driver *right of way* over all pedestrians other than those described in this rule.

In Victoria in the 1970s, the universal “Give way to the right” rule was progressively replaced by a system of “Stop,” “Give Way” and “Rocket” signs.

“Rocket” signs indicated that drivers were not required to give way to the right or left. They encouraged drivers to “take” right of way even when they could otherwise avoid a collision. Their use was subsequently abandoned.

Background: Pedestrians travelling along a road

Under Australian Road Rule 238 (below), a pedestrian may travel along a road if it is impractical to travel along an adjacent footpath or nature strip. This situation is not uncommon on rural roads or suburban streets without footpaths. Landscaping or other

factors can make it impractical to walk along a nature strip, especially when pushing a small-wheeled baby carriage.

238 Pedestrians travelling along a road (except in or on a wheeled recreational device or toy)

- (1) *A pedestrian must not travel along a road if there is a footpath or nature strip adjacent to the road, unless it is impracticable to travel on the footpath or nature strip.*
- (2) *A pedestrian travelling along a road:*
 - (a) *must keep as far to the left or right side of the road as is practicable; and*
 - (ab) *must, when moving forward, face approaching traffic that is moving in the direction opposite to which the pedestrian is travelling, unless it is impracticable to do so ...*

When walking along a normal two-lane single-carriageway road, a pedestrian must walk along the right hand side of the road, facing oncoming vehicles and sharing the same lane of the road. This can create a conflict.

If the other lane of the road is not clear, and the pedestrian cannot retreat to a footpath or nature strip, then the only way to avoid a collision is for both the pedestrian and the driver to give way. “Give way” means to slow down and, if necessary, stop to avoid a collision, or to remain stationary until it is safe to proceed.

Except at intersections, there does not seem to be a rule that either the pedestrian or the oncoming vehicle should give way. If and when the other lane of the road is clear, the driver can drive around the pedestrian.

Under the current rules, a driver turning at an intersection must give way to pedestrians.

The problematic changes

The problematic changes are shown in the Attachment at the end of this document.

In summary, the problematic changes:

1. remove the requirement for a driver, when turning at an intersection, to give way to a pedestrian (unless the pedestrian is crossing the road that the driver is entering).
2. specifically state that a driver is ONLY required to give way to a pedestrian if the pedestrian's line of travel, in crossing the road that the driver is entering, is essentially perpendicular to the edges of the road the driver is entering.

These changes mean that a driver turning at an intersection is specifically NOT required to give way to a pedestrian who is – consistent with Rule 238 above – walking along the road that the driver is entering.

In some circumstances, the proposed rule changes would create a dangerous impasse in which pedestrians were effectively required to give way to vehicles, but could not legally or safely do so.

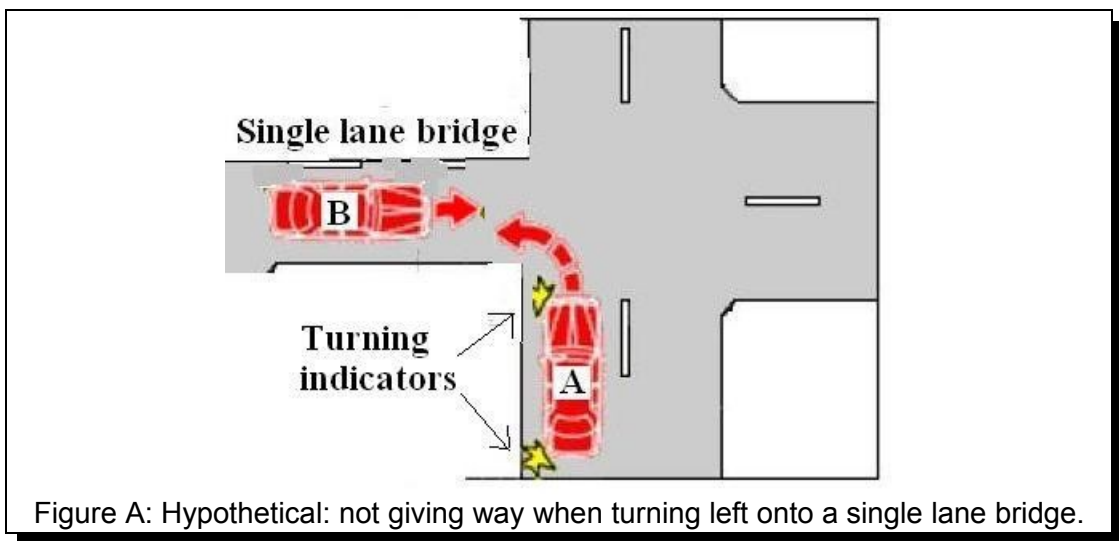
A car-based analogy

The dominant paradigm in road engineering is “traffic = motor vehicles.” For the benefit of those who have difficulty understanding the concept of “pedestrian traffic,” we will start with a car-based analogy.

In figure A below, car A is turning left. Under a hypothetical rule change (equivalent to proposed Rule 353), car A is NOT required to give way to car B.

Car B is in effect required to give way to driver A.

The result is an impasse.

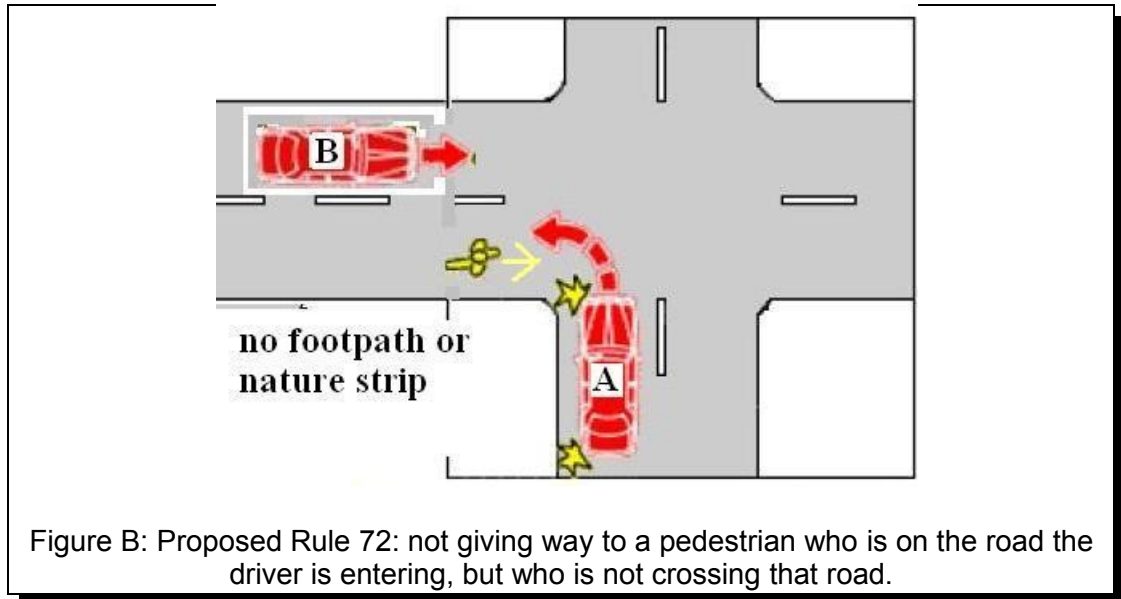


One example of the problems introduced by the new rule

Turning for example to proposed Rule 353, in combination with Rule 72.

<p>353 References to pedestrians crossing a road</p> <p><i>If a driver who is turning from a road at an intersection is required to give way to a pedestrian who is crossing the road that the driver is entering, the driver is only required to give way to the pedestrian if the pedestrian's line of travel in crossing the road is essentially perpendicular to the edges of the road the driver is entering – the driver is not required to give way to a pedestrian who is crossing the road the driver is leaving.</i></p>
<p>72: Giving way at an intersection (except a T–intersection or roundabout): ...</p> <p>(3) If the driver is turning left (except if the driver is using a slip lane), the driver must give way to: ...</p> <p>(b) any pedestrian at or near the intersection who is crossing the road the driver is entering.</p>

Figure B below depicts a possible scenario under proposed Rule 72. This is just one example of the dangerous impasses that would be created by the proposed changes to Rules 62, 64, 67, 69, 72 and 73.



In this scenario, a pedestrian is walking along the road that Car A is about to enter. Rule 238 requires pedestrians to under these circumstances to keep as far to the left or right side of the road as is practicable and, when moving forward, to face approaching traffic that is moving in the direction opposite to which the pedestrian is travelling.

Under the proposed Rule 72, car A would not be required to give way to the pedestrian. In effect, the pedestrian would have to give way to car A.

However:

- there is no adjacent footpath or nature strip for the pedestrian to move onto;
- unless the pedestrian moves, there is an impasse; and
- the pedestrian may not cross to the other side of the road, because this would place him or her in the path of car B and thus breach Rule 236 (1): *A pedestrian must not cause a traffic hazard by moving into the path of a driver.*

Other issues

The proposed changes to Rule 72 would create similar problems for pedestrians facing a car that is turning right (rather than left). Similar problems would also be created by the proposed changes to:

Rule 62: Giving way when turning at an intersection with traffic lights

Rule 64: Giving way at a flashing yellow traffic arrow at an intersection

Rule 67: Stopping and giving way at a stop sign or stop line at an intersection without traffic lights

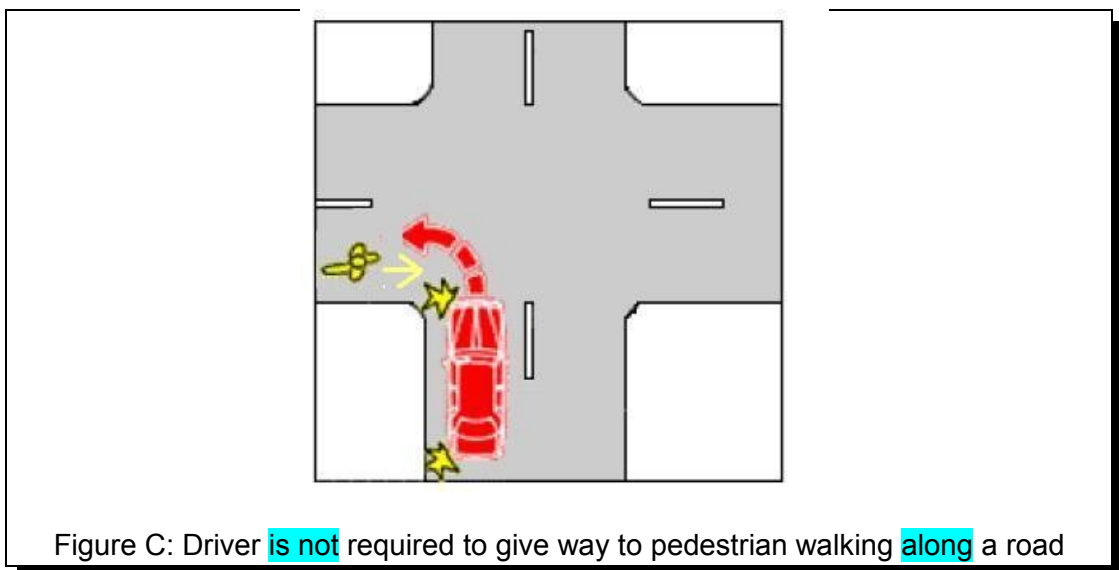
Rule 69: Giving way at a give way sign or give way line at an intersection (except a roundabout)

Rule 73: Giving way at a T–intersection.

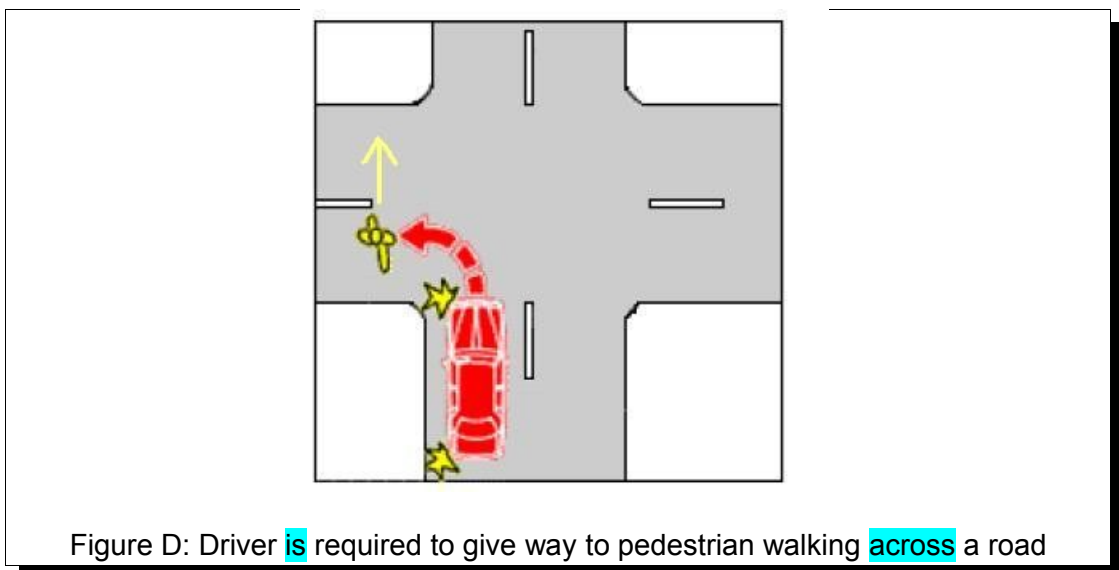
The proposed rule changes are illogical, making it difficult for drivers to determine whether or not they are required to give way to pedestrians. In some cases a pedestrian must turn in order to give way to a car. The simple act of turning would mean that the car must then give way to the pedestrian.

In order to determine whether or not he or she is required to give way to a pedestrian at an intersection, a driver would need to determine not only the location of the pedestrian but also the direction the pedestrian is travelling. The driver would not have to give way to a pedestrian walking along the road. If the pedestrian turns to cross the road, then the driver would have to give way to the pedestrian.

In Figure C (below), the driver would not be required under the proposed changes to give way to the pedestrian, because the pedestrian is not crossing the road that the driver is entering.



If the pedestrian turns to cross the side road (Figure D), the car must now give way to the pedestrian.



The proposed rule changes would discriminate against pedestrians by making some walking journeys unsafe. This will encourage pedestrians to drive rather than walk, thus adding to cost, road congestion, pollution and health costs.

The above examples show that, the proposed changes are significant flawed and that, if the proposed rule changes are implemented, there will be a class of intersections that cannot be safely traversed on foot.

This will have two implications:

1. Approximately one third of the population will find that some trips are simply no longer available to them. These include those too young to drive (including school children who might otherwise be able to walk to school), and adults who for various reasons do not drive.
2. Those who are able to drive will be discouraged from walking and encouraged to drive. This will:
 - add to travel costs, road congestion and pollution;
 - reduce exercise levels; and
 - add to health problems and health costs that relate to heart disease, obesity and other health problems that are related to lack of exercise.

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Attachment: The problematic proposed changes

Existing Road Rules (at February 2008)	Proposed 2008 change
<p>62 Giving way when turning at an intersection with traffic lights</p> <p>(1) A driver turning at an intersection with traffic lights must give way to:</p> <p>(a) any pedestrian at or near the intersection who is on the road the driver is entering ...</p> <p><i>Note 2</i> For this rule, <i>give way</i> means the driver must remain stationary until it is safe to proceed — see the definition in the dictionary.</p>	<p>62 Giving way when turning at an intersection with traffic lights</p> <p>(1) A driver turning at an intersection with traffic lights must give way to:</p> <p>(a) any pedestrian at or near the intersection who is crossing the road the driver is entering; and</p> <p><i>Note 2</i> For this rule, <i>give way</i> means the driver must remain stationary until it is safe to proceed — see the definition in the dictionary.</p>
<p>64 Giving way at a flashing yellow traffic arrow at an intersection</p> <p>A driver turning in the direction indicated by a flashing yellow traffic arrow at an intersection with traffic lights must give way to: ...</p> <p>(b) any pedestrian at or near the intersection who is on the road the driver is entering; ...</p> <p><i>Note 2</i> For this rule, <i>give way</i> means the driver must slow down and, if necessary, stop to avoid a collision — see the definition in the dictionary.</p>	<p>64 Giving way at a flashing yellow traffic arrow at an intersection</p> <p>A driver turning in the direction indicated by a flashing yellow traffic arrow at an intersection with traffic lights must give way to: ...</p> <p>(b) any pedestrian at or near the intersection who is crossing the road the driver is entering; ...</p> <p><i>Note 2</i> For this rule, <i>give way</i> means the driver must slow down and, if necessary, stop to avoid a collision — see the definition in the dictionary.</p>
<p>69 Giving way at a give way sign or give way line at an intersection (except a roundabout) ...</p> <p>(3) If the driver is turning left or right or making a U–turn, the driver must also give way to any pedestrian at or near the intersection on the road, or part of the road, the driver is entering.</p> <p>(5) If the driver is turning right, the driver must give way to: ...</p> <p>(c) any pedestrian at or near the intersection on the road the driver is entering.</p>	<p>69 Giving way at a give way sign or give way line at an intersection (except a roundabout) ...</p> <p>(3) If the driver is turning left or right or making a U–turn, the driver must also give way to any pedestrian at or near the intersection who is crossing the road, or part of the road, the driver is entering.</p> <p>(5) If the driver is turning right, the driver must give way to: ...</p> <p>(c) any pedestrian at or near the intersection who is crossing the road the driver is entering.</p>
<p>72 Giving way at an intersection (except a T–intersection or roundabout)...</p> <p>(3) If the driver is turning left (except if the driver is using a slip lane), the driver must give way to: ...</p> <p>(b) any pedestrian at or near the intersection on the road the driver is entering.</p> <p>(5) If the driver is turning right, the driver must give way to: ...</p> <p>(c) any pedestrian at or near the intersection on the road the driver is entering.</p>	<p>72 Giving way at an intersection (except a T–intersection or roundabout)...</p> <p>(3) If the driver is turning left (except if the driver is using a slip lane), the driver must give way to: ...</p> <p>(b) any pedestrian at or near the intersection who is crossing the road the driver is entering.</p> <p>(5) If the driver is turning right, the driver must give way to: ...</p> <p>(c) any pedestrian at or near the intersection who is crossing the road the driver is entering.</p>

Existing Road Rules (at February 2008)	Proposed 2008 change
<p>73 Giving way at a T–intersection... (2) If the driver is turning left (except if the driver is using a slip lane) or right from the terminating road into the continuing road, the driver must give way to: ... (b) any pedestrian on the continuing road at or near the intersection.</p>	<p>73 Giving way at a T–intersection... (2) If the driver is turning left (except if the driver is using a slip lane) or right from the terminating road into the continuing road, the driver must give way to: ... (b) any pedestrian who is crossing the continuing road at or near the intersection.</p>
<p>73 Giving way at a T–intersection... (4) If the driver is turning left (except if the driver is using a slip lane) from the continuing road into the terminating road, the driver must give way to any pedestrian on the terminating road at or near the intersection.</p> <p>(6) If the driver is turning right from the continuing road into the terminating road, the driver must give way to: ... (b) any pedestrian on the terminating road at or near the intersection.</p>	<p>73 Giving way at a T–intersection... (4) If the driver is turning left (except if the driver is using a slip lane) from the continuing road into the terminating road, the driver must give way to any pedestrian who is crossing the terminating road at or near the intersection.</p> <p>(6) If the driver is turning right from the continuing road into the terminating road, the driver must give way to: ... (b) any pedestrian who is crossing the terminating road at or near the intersection.</p>
	<p>353 References to pedestrians crossing a road If a driver who is turning from a road at an intersection is required to give way to a pedestrian who is crossing the road that the driver is entering, the driver is only required to give way to the pedestrian if the pedestrian's line of travel in crossing the road is essentially perpendicular to the edges of the road the driver is entering – the driver is not required to give way to a pedestrian who is crossing the road the driver is leaving.</p>