

BICYCLE LAW ENFORCEMENT

In road safety plans, engineering and education are vital components - easily justified and strongly supported. Globally, there are many fine models in place, new projects are being implemented and other examples continue to be developed.

Such is not necessarily the case with bicycle enforcement, another vital element in road safety. Appropriate enforcement and the perception regarding the threat or risk of being caught are major factors contributing to the success of campaigns - good examples include the anti-drink driving campaign and the use of traffic cameras for speed enforcement.

Cyclists are over- represented in road trauma. They have a much higher hospitalisation rate than other road users, and there is concern that education programs and legislative measures have not been adequately reinforced. Cycling fatalities are not great in number. The national total of cyclist fatalities since the year 2000 is 220, an average of 27 per year. In Victoria cyclists fatalities total 47 during the same period, which is an average of 7 per year and bicycle crashes are grossly under-reported at a conservative estimate of approximately 1 in 30.

There are difficulties with bicycle enforcement - fewer models, less support and it is generally a low-priority activity for police. There are a number of reasons for this, including the fact that the true extent of bicycle trauma is not clearly defined in road casualty information.

THE NEED FOR ENFORCEMENT OF BICYCLE LAWS

Data from Victoria Police Corporate Statistics shows that during 2005 there were 917 reported traffic offences per 10,000 population - just over 2.4% of these were for cycling offences. These figures suggest an unbalanced level of enforcement between motor vehicles and bicycles. It could be argued that this comparison is over-simplified through failure to account for differences in distances travelled; but some balance is restored when times of exposure are considered. Furthermore, when comparing behaviours of cyclists and motorists, cyclists demonstrate extremely low levels of law compliance.

A South Australian study on bicycle helmet misuse indicates that 20% of cyclists do not wear helmets. Of those wearing helmets, 6% had straps excessively loose and 5% had the straps unfastened. 33% carried their helmets on the handlebars. Of all cyclists observed, just over 50% were wearing their helmet incorrectly. A Bicycle Victoria study in 2007 found that 28% of cyclists riding at night failed to have lights. A study in Newcastle by the Newcastle Cycleways Movement (N.C.M) in the 90's supports this information and observed that motorists' law compliance rates were above 95%. Anecdotal information also supports the notion that cyclists do not attract an equitable level of enforcement, as many cyclists will relate experiences where police have ignored bicycling offences committed in front of them.

The major concerns regarding cyclists' failure to comply with road laws are primarily related to trauma. A number of sources indicate that the majority of serious non-fatal

bicycle injuries involve cyclist error and that lack of law compliance by cyclists is a strong factor in bicycle/ motor vehicle collisions. Other concerns include the development of poor attitudes to road use generally, and the development of a disregard for laws and authority. It is argued that improved law compliance by cyclists, particularly the younger cyclists, will result in safer road users in the future.

Bicycle laws are traffic laws and there are no sound reasons to ignore bicycle offences. Enforcement of road laws is vital as reinforcement of education programs, and can also be considered as an education process in itself. The benefits of effective bicycle law enforcement are not restricted to the issue of traffic safety but, as many police have found, the contacts are quite useful in terms of criminal activities.

CYCLISTS FAIL TO ATTRACT POLICE ATTENTION

Police generally regard the enforcement of traffic laws on most road users as relatively important, but bicycle laws receive low priority. Therefore, in the context of bicycle safety programs, the term “enforcement” needs some discussion.

The indication, gleaned from enforcement data, of the police lack of interest in cycling offences is supported by a survey conducted in the 90’s in Victoria on police attitudes to traffic law enforcement. The study revealed that the low priority is influenced by a perceived lack of community support and problems of enforcing penalties on children. Other reasons given by police for their lack of interest in this issue include lack of time, other more important responsibilities, peer pressure, identification difficulties, and the view that cyclists only hurt themselves. However, these are only considered as convenient arguments to justify the response.

In face-to-face group discussions with police, the findings of the above-mentioned survey are repeated, but other reasons are given, such as indifference in the Court system, no interest or commitment from superiors and a lack of in-service education on the extent and cost of cyclist trauma.

IMPROVING THE POLICE RESPONSE

Experience in Victoria and N.S.W has shown that most police attending in-service training on bicycle safety issues are not aware that cyclists are over-represented in road trauma and that bicycle casualties are grossly under-reported. Faced with these facts, police apathy is most often replaced by concern, particularly in the short term. However, on return to regular duties after these training sessions, some police succumb to demands of other commitments and to the traditional pressures from less informed peers. Yet progress has been made in raising the levels of this type of enforcement over the last decade.

The re-emergence of Bicycle Offence Reports (BOR) in recent years through improved ‘on line’ access to electronic reporting has seen a positive change in bicycle law enforcement techniques. This non-punitive system has been adopted or adapted in other States. Despite some difficulties, levels of bicycle law enforcement continue at a higher level. The introduction of “on the spot” fine systems for cycling offenders in the latter part of the ‘80’s, influenced a move away from the BOR procedure. However, since mid 2004 there has been renewed interest in the BOR’s for use with younger cyclists, particularly due to the punitive cost of some infringements or because of age, they cannot legally be issued with an ‘on the spot’ fine.

Police involvement in bicycle programming has been an important step in developing a wider understanding of these issues. Victoria Police representation on the Victorian Bicycle Advisory Council has meant interaction with other agencies and support for police-related programs.

If further improvements are to be gained in the standard of bicycle law enforcement, greater numbers of police must be exposed to bicycle safety issues and informed of the problems. A commitment is required from senior management to ensure that support and directions are provided at the supervisory level. The commitment needs to be organisation-wide and should be included in operational objectives. These 'required needs and shoulds' can be achieved through appropriate education of personnel.

Over the past seven years with support from Vic Roads the State Bicycle Coordination Unit has arranged a series of training and in-service seminars on bicycle issues. The seminars have been pitched to different levels of the organisation, and subsequent action by the police who attended these seminars has justified this approach in gaining a commitment.

There are other in-service opportunities where this type of education can be included. In Victoria there are courses conducted on general traffic matters, on bicycle safety and in other situations where it is possible to address the issues of bicycle safety and cyclist law enforcement.

It is not considered appropriate to include this instruction in recruit training at the Police Academy, as there is already a busy agenda to complete. These recruits are faced with information overload, which only commences to clear during practical application on the street.

THE RESPONSIBILITY FOR ENFORCEMENT

Bicycle law enforcement is the responsibility of all uniformed officers policing the road system. It is not a specialist task and it is not about issuing infringements and making bookings. Not every road user is booked when spoken to by police, and not every offence is threatening to life or limb. An effective approach to enforcing laws on cyclists includes a strong emphasis on education and reinforcement, rather than on punishment alone.

In Australia, each State has just one Police Department, sub divided to Police Service Areas (PSA) or Local Area Commands (LAC). The majority of personnel in each area are general operational police, who deal with the day-to-day activities, including traffic issues. These police are supported by a range of specialist services which usually includes a traffic management unit assigned especially to traffic enforcement, control and crash investigation. As bicycles are defined under traffic regulations as vehicles, bicycle law enforcement is clearly the responsibility of both general operational police and traffic police.

It has been suggested that specialist bicycle law enforcement patrols should be developed. However, on a broad scale, such a move is considered impractical in terms of efficient deployment of staff. There is also a risk when appointing specialists that other police will choose to avoid the activity, citing it as the responsibility of the specialist.

Police bicycle patrols are now operating in most areas of Victoria and in many of jurisdictions throughout Australia. These patrols generally function just as car patrols, but

with some added benefits. Personnel assigned to this activity are also responsible for bicycle law enforcement as part of their duties.

It has been found that although the bicycle patrol police take up the position with the intention of crime detection as a priority, it is noticeable that after some time there is an increase in bicycle law enforcement activity. This attention to bicycle matters is influenced by the better understanding of bicycle use and the potential danger invited by poor cyclist behaviours.

It is not recommended, or even suggested, that police should ignore other responsibilities and tasks to concentrate on bicycle laws. However, whenever possible, it is explained that a small increase in commitment by a large number of police has the potential to improve cycling behaviours and road trauma associated with bicycle use.

If cyclists begin to believe they do not have to comply with road laws, then police could be seen as contributing to bicycle trauma by neglect.

METHODS OF ENFORCEMENT

The tools to enforce bicycle laws exist already. In Victoria there are four methods of enforcing traffic laws, which are not exclusive to cyclists.

- Verbal Warning - Used with all ages of cyclists when an offence is considered to be of a less serious nature or in other circumstances where this approach is considered most appropriate by the detecting police.
- Bicycle Offence Report - An informal non-punitive notice issued at the time for all ages. In the case of juveniles, a copy of the notice is forwarded to parent or guardian. Records of these notices are kept, for twelve months, at a local level to facilitate more formal proceedings for repeat offenders.
- Penalty Infringement Notice - An 'on the spot' fine may be issued to cyclists aged from 14 years and over. The fine is payable within 28 days and non payment can result in higher fines or court action.
- Formal Caution - An alternative option to progressing through the courts. Specific criteria must be met before a caution can be administered as an option.
- Court Proceedings - A cyclist can be summonsed to court if the offence is of a more serious nature or involves a crash.

A major difficulty with the enforcement of cyclists is that of identification. However, statistics indicate that false name and addresses are not as prevalent as many police will argue. Another problem is the fact that there is a feeling in sections of the community that bicycle laws are not important. These, amongst other factors have encouraged some review of court procedures.

Due to a large number of unpaid 'on the spot' fines, Court staff in a Victorian regional city have set aside a special day to deal with bicycle offences only. The purpose was to draw attention to the issue through the media and to raise the profile in terms of the community taking a more serious view of cycling offences. This experience has influenced Court staff in other cities to consider better ways of dealing with bicycle offences into the future.

TARGETED & PROACTIVE ENFORCEMENT MEASURES – THE VICTORIA POLICE SAFE CYCLE CAMPAIGN

Safe Cycle Month is an annual road safety initiative of Victoria Police and is supported by Vic Roads, the Amy Gillett Foundation and other government and community organisations.

The aim of *Safe Cycle* is to reduce the incidence of bicycle collisions and bicycle trauma by raising awareness to bicycle safety issues in the community with the aim of focusing on enforcement and encouragement of safe cycling behaviour.

Cyclists observed displaying safe and effective behaviours are recognised and encouraged with the issuing of a *Safe Cycle* sticker. Details of the campaign are printed on the rear of the sticker and recipients names and addresses are then recorded for inclusion in a prize draw at the end of the month. Cyclists found to be disregarding the law are dealt with using appropriate levels of enforcement.

During last year's campaign, police spoke to in excess of 22,000 cyclists during *Safe Cycle* month and there were 123 bicycle collisions recorded, down 17% on the previous year. There were also 1466 recorded enforcement contacts, up 13% on 2005. Since 2000, police have spoken to in excess of 200,000 cyclists during Safe Cycle Month with 8% of those contacts being in an enforcement capacity. The campaign, now in its 24 year is arguably the longest running road safety program in the Victorian road safety calendar and each year it continues to receive overwhelming support from both government and community alike.

CONCLUSION

When compared with motorists' behaviour, cyclists' law compliance is low, particularly so for laws including helmet offences, failing to use lights at night and a disobeying traffic control signs or signals. Enforcement data indicates that, in road safety terms, the balance between cyclist law enforcement and motorist is inequitable. Low levels of bicycle related enforcement are attributable to the listing of priorities by police.

Given a connection between poor cyclist behaviour and trauma, there is potential for effective bicycle law enforcement to reduce the incidence and costs of bicycle related casualties.

It is clear from studies into cyclist behaviour that effective education would have considerable impact on cyclist behaviour, however it is also recognised that if education is to be effective it must be reinforced by appropriate measures by the police and strongly supported by government and the community in general. The education of police and the greater community, on the real extent, nature and costs of cyclist trauma, is a vital step towards improving levels of compliance and of bicycle law enforcement. There is scope to review procedures, particularly in methods of enforcement and in the court system.

DISCLAIMER

The views and opinions expressed in this paper are those of the author and are not necessarily those promoted, accepted or approved by Victoria Police or the Victorian Government.

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