

To: The Presiding Magistrate

On the fifth of January 2018, I was riding my bicycle through Olympic Park on the way to work. Given the holiday period, there was virtually no traffic.

On approaching a STOP line, I slowed down to a walking pace, and given the open and clear junction was able to see there was no traffic. Having slowed right down to the line, I then pulled away across the junction.

At this point, a motorcycle police officer who had been concealed on a nearby pathway behind some bushes pulled out, indicated I should pull over and issued me with a ticket for failing to stop at the line.

I do not dispute that I failed to completely stop at the line, which is a strict liability offence as per the NSW Road Rules 2014 Section/Clause: 67(1). As such I am pleading guilty.

In deciding a penalty, there are a number of things about this which I'd like the court to consider.

Firstly, there is a substantive problem with the charges as laid. The original ticket indicated that the offence would also result in demerit points being deducted. This is incorrect; demerit points only apply to offences in motor vehicles, as per the NSW Road Transport Act (my emphasis):

*32 Offences for which demerit points are incurred (cf DL Act, s 15)*

*(1) The statutory rules may prescribe:*

*(a) the offences (**relating to the driving or use of motor vehicles**), and the number of demerit points incurred for each offence, that comprise the national schedule of demerit points*

It's also necessary to note that, in this Act, Motor Vehicles are strictly defined (unlike for example the NSW Road Rules, where 'Driver' and 'Rider' are interchangeable):

**motor vehicle** means a vehicle that is built to be propelled by a motor that forms part of the vehicle.

As such, the Police have incorrectly issued this ticket, having apparently used a code or issuance designed for motor vehicles, not cyclists. As such, this part of the penalty needs to be set aside.

That important matter aside, there are some other points I would like the court to consider.

The first is the excellent situational awareness that riding a bicycle affords vs driving a car. I have a full, 360 degree field of vision, unimpeded by window pillars and without (potentially dirty) glass. I am right up to the line, not looking over a bonnet. And I can clearly hear in all directions. Slowing to an 'almost stop' in this situation feels reasonable.

The second point is that many jurisdictions allow for bicycles to treat STOP lines as Give Way. This is usually known as an 'Idaho stop', as the state of Idaho was the first to implement this rule (although it has been copied in many jurisdictions internationally since).

Interestingly, research undertaken by Jason Meggs at University of California, Berkley(1), indicated that it was safer; those jurisdictions that had implemented the 'Idaho stop' had lower accident rates involving cyclists at such junctions. So indeed, acting as I did, far from being unsafe, was potentially a *safer* way to behave than coming to a complete stop.

Thirdly, Physics Professor Joel Fajans calculated that a cyclist who rolls through a stop at five miles per hour instead of stopping fully needs to use 25 percent less energy to get back to full speed (2). This is a significant consideration for a bicyclist, compared to a car driver who merely needs to push the throttle a little harder. I ride 30km a day to and from work, which offers me excellent exercise with the associated health benefits (on average, cyclists live longer than non-cyclists for this reason (3)) – but it's quite a long ride close the limits of my capability and making it a little easier makes it more likely that I am able to continue to do it.

Finally, the spot where the police officer was hiding is on a busy cycling route, and I suppose I am a bit frustrated that the police waste such resources on this trivial offence (which, by safety best practise as described above should not even be an offence), and yet spend almost no effort on policing other more important cycling rules such as the 1m passing rule. Police in the UK have had huge success policing the 1m passing rule, and have seen accident rates on roads where these operations have been carried out drop by 25%. Yet the NSW police issued only 17 infringements for close passing in 2017 – and the below pics show why (taken from my bike cam). Both were reported, no action was taken in either case.



The fixed penalty fine for failing to stop at a STOP sign on a bicycle is \$330. Until recently it was much lower than this, but Roads Minister Duncan Gay a few years ago massively increased fines for trivial cycling offenses, making them equivalent to those for cars. He did this with the stated intent of not raising more money, but making cycling safer.

It achieved neither. The police went on a massive money-raised blitz on cyclists(4), yet cycling fatalities have not decreased(5).

From a best practise perspective, it makes no sense to make cycling fines equivalent to motorist fines. Fines should reflect the potential for damage. It is for this reason there are larger fines and penalties for offenses in heavy vehicles compared to cars – a crash in a 40 tonne truck is much more

dangerous to other road users than a crash in a one tonne car. Similarly, the chance of me killing someone with my 10kg bicycle at 20kph is pretty much nil.

Of course, this is I suppose whataboutary. This is a strict liability offense, and I did roll over a stop line at low speed on a deserted road on my bicycle. I am guilty as charged. But I hope the court can see that this utterly trivial matter is an absolute waste of all our time and resources.

**In summary:**

- The offence was incorrectly coded as a motor vehicle offence, At a minimum, the demerit points aspect needs to be cancelled.
- A \$330 fine for slowly rolling over a stop line on a deserted street on a bicycle seems excessive. I would ask the court to consider a section 10 notice on this occasion.

- (1) <http://docplayer.net/1126976-Meggs-jason-n-stops-harm-bikes-page-1-of-15-title-page.html>
- (2) <https://nacto.org/wp-content/uploads/2012/06/Fajans-J.-and-M.-Curry.-2001..pdf>
- (3) Andersen LB, Schnohr P, Schroll M, Hein HO, 2000. All-cause mortality associated with physical activity during leisure time, work, sports, and cycling to work. Arch Intern Med 2000 Jun 12;160(11):1621-8.
- (4) <https://www.smh.com.au/national/nsw/13-million-in-cycle-fines-in-first-months-of-new-laws-dwarf-penalties-for-motorists-20161118-gss4kr.html>
- (5) <https://www.smh.com.au/national/nsw/where-sydney-s-cyclists-are-most-likely-to-have-an-accident-and-when-20180423-p4zb3x.html>