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National Transport Commission
Australian Road Rules Maintenance Group

WalkSydney Incorporated
www.walksydney.org
PO Box 1321

Ashfield NSW 1800
walksydney1@gmail.com

WalkSydney is pleased to make a submission on the Review of [NSW Road Rules 2014](#).

WalkSydney is a community group working to make it easier, safer and more pleasant to walk in Sydney. With a growing population we need to ensure people can easily walk to public transport, local shops and services, and shared transport options. Reviewing the road rules provides a great opportunity to achieve these outcomes.

The proposals we have made to change the road rules are aimed at **making the rules clearer** for drivers and pedestrians as to when drivers must give way to pedestrians for increased safety.

We also believe that there needs to be **extensive publicity** of the changes to the rules and the need for drivers to obey the Road Rules that require them to give way to pedestrians. It is the view of WalkSydney that many drivers are unaware or ignore these rules and there is very little enforcement of them.

Our proposals in brief are as follows;

Crossings - Rules relating to driver's stopping at crossings should be uniform and require a driver to stop if a pedestrian is on or entering a crossing. (Rules 65, 80 and 81)

Stop / Give Way - We propose that at stop and give way signs the rule should be clear that a driver must give way to a vehicle or a pedestrian on or near the intersection. (Rule 67)

Pedestrian lights - We propose an amendment which allows pedestrians to cross the road when the pedestrian light is red but the traffic light is green and it is safe to do so. The reason for this amendment is to enable pedestrians to more easily cross the road with the traffic where pedestrian lights have short phasing or there is a button which has not been pressed to enable the lights to change either by inadvertence or because the pedestrian did not get to the button in time for it to register. This would make legal what many pedestrians do if they are required to wait when it is safe to cross. (Rule 231)

Hazards - We propose deleting Rule 236 (4) as we think that the prior subsections cover what the rule is aimed at which is pedestrians causing a hazard. We do not think hitchhikers and people washing windscreens should be targeted unless they are causing a hazard. (Rule 236)

Pedestrian Priority at Intersections - We propose that when a driver is turning left or right from a road, *or continuing through an intersection*, they should not only have to give way to pedestrians in the road segment they are turning into or entering, but also in the road segment they are leaving. We propose that Rule 353 be amended. We think this makes the other rules relating to turning vehicles clearer and more uniform.

Safety Zones - We believe that drivers should give way to pedestrians moving to and from safety zones. (Rule 162)

Driver Education - We believe previous and proposed changes to the Road Rules should be accompanied by more significant Driver Education.





Proposed Updates

We have copied in **blue** the rules that we think are relevant to be considered for change.

We have written in **red** where we propose changing the rule.

We have put a ~~strikethrough~~ where we propose deleting the rule.

Proposal 1 - Crossings

We propose that all crossings should be dealt with in the same manner as Children's Crossings which currently have additional protections.

Proposal 1 would see changes to Rule 65 and Rule 81 so that all pedestrian crossings have the same protections as Rule 80 provides for Children's Crossings.

(We are not proposing any changes to Rule 80.)

PART 6 - TRAFFIC LIGHTS, TRAFFIC ARROWS AND TWIN RED LIGHTS

DIVISION 2 - GIVING WAY AT TRAFFIC LIGHTS AND TRAFFIC ARROWS

65 - Giving way at a marked foot crossing (except at an intersection) with a flashing yellow traffic light

65 Giving way at a marked foot crossing (except at an intersection) with a flashing yellow traffic light

(1) This rule applies to a driver approaching or at a marked foot crossing (except at or near an intersection) with a flashing yellow traffic light at the crossing.

Note. "*Intersection*", "*marked foot crossing*" and "*yellow traffic light*" are defined in the Dictionary.

We propose deleting existing subrules (2) and (3):

~~(2) The driver must:~~

~~(a) give way to any pedestrian on the crossing, and~~

~~(b) not obstruct any pedestrian on the crossing, and~~

~~(c) not overtake or pass a vehicle that is travelling in the same direction as the driver and is stopping, or has stopped, to give way at the crossing.~~

~~Maximum penalty: 20 penalty units.~~

~~Note 1:~~

~~"Overtake" is defined in the Dictionary.~~

~~Note 2: For subrule (2);~~

~~"give way" means the driver must slow down and, if necessary, stop to avoid a collision—see the definition in the Dictionary.~~

~~(3) If there is no pedestrian on the crossing, and no other vehicle travelling in the same direction as the driver that is stopping, or has stopped, to give way at the crossing, the driver may proceed through the crossing.~~

We suggest the addition of the following new subrules (inspired by Rule 80):

(2) A driver approaching a marked foot crossing with a flashing yellow light must drive at a speed at which the driver can, if necessary, stop safely before the crossing.

Maximum penalty: 20 penalty units.

(3) A driver approaching or at a pedestrian crossing must stop as near as practicable to, but before reaching, the stop line at the crossing if:

(a) a pedestrian is on or entering the crossing.

Maximum penalty: 20 penalty units.



Note 1. “*Stop line*” is defined in the Dictionary.

Note 2. Rule 322 (3) and (4) deal with the meaning of a traffic control device *at* a place

(4) If a driver stops at a crossing for a *hand-held stop sign*, the driver must not proceed until there is no pedestrian on or entering the crossing and the holder of the sign:

- (a) no longer displays the sign towards the driver, or
- (b) otherwise indicates that the driver may proceed.

Maximum penalty: 20 penalty units.

(5) If a driver stops at a pedestrian crossing for a pedestrian, the driver must not proceed until there is no pedestrian on or entering the crossing.

Maximum penalty: 20 penalty units.

(6) For this rule, if a pedestrian crossing extends across a road with a dividing strip, the part of the pedestrian crossing on each side of the dividing strip is taken to be a separate crossing.

PART 7 - GIVING WAY

DIVISION 5 - CROSSINGS AND SHARED ZONES

Existing Rule 81 - Giving way at a pedestrian crossing

81 Giving way at a pedestrian crossing

(1) This rule applies to a driver approaching a pedestrian crossing must drive at a speed at which the driver can, if necessary, stop safely before the crossing.

Maximum penalty: 20 penalty units.

We propose deleting existing subrules (2):

~~(2) A driver must give way to any pedestrian on a pedestrian crossing.~~

~~Maximum penalty: 20 penalty units.~~

~~Note : For this rule,~~

~~"give way" means the driver must slow down and, if necessary, stop to avoid a collision—see the definition in the Dictionary.~~

We suggest the addition of the following new subrules (inspired by Rule 80):

(2) A driver approaching a pedestrian crossing must stop as near as practicable to, but before reaching, the stop line at the crossing if:

- (a) a pedestrian is on or entering the crossing.

Maximum penalty: 20 penalty units.

Note 1. “*Stop line*” is defined in the Dictionary.

Note 2. Rule 322 (3) and (4) deal with the meaning of a traffic control device *at* a place

(3) If a driver stops at a crossing for a *hand-held stop sign*, the driver must not proceed until there is no pedestrian on or entering the crossing and the holder of the sign:

- (a) no longer displays the sign towards the driver, or
- (b) otherwise indicates that the driver may proceed.

Maximum penalty: 20 penalty units.

(4) If a driver stops at a pedestrian crossing for a pedestrian, the driver must not proceed until there is no pedestrian on or entering the crossing.

Maximum penalty: 20 penalty units.

(5) For this rule, if a pedestrian crossing extends across a road with a dividing strip, the part of the pedestrian crossing on each side of the dividing strip is taken to be a separate crossing.

We propose updating this definition to apply to both marked and unmarked pedestrian crossing. See below our Proposal 5 regarding pedestrian crossing priority.



~~(3)~~ (6) A marked

"pedestrian crossing" is an area of a road:

- (a) at a place with white stripes on the road surface that:
 - (i) run lengthwise along the road, and
 - (ii) are of approximately the same length, and
 - (iii) are approximately parallel to each other, and
 - (iv) are in a row that extends completely, or partly, across the road, and
- (b) with or without either or both of the following:
 - (i) a pedestrian crossing sign,
 - (ii) alternating flashing twin yellow lights.

Note 1 :

"Twin yellow lights" is defined in the Dictionary.

Note 2 : Rule 322 (3) and (4) deal with the meaning of a traffic sign a place.



Proposal 2 - Stop and Give Way Lines and Signs

Currently, the road rules specify that a driver should give way to vehicles only.
We would like to propose that a driver should give way to vehicles AND pedestrians.

PART 7 - GIVING WAY

Division 1 Giving way at a stop sign, stop line, give way sign or give way line applying to the driver 67 Stopping and giving way at a stop sign or stop line at an intersection without traffic lights

(1) A driver at an intersection with a *stop sign* or stop line, but without traffic lights, must stop and give way in accordance with this rule.

Maximum penalty: 20 penalty units.

Note 1. “*Intersection*” and “*stop line*” are defined in the Dictionary. This rule applies also to T-intersections—see the definition of “*intersection*”.

Note 2. For this rule, “*give way*” means the driver must remain stationary until it is safe for the driver to proceed—see the definition in the Dictionary.

Note 3. Part 6 deals with stopping and giving way at an intersection with traffic lights.

Note 4. This rule only applies to a driver turning left using a slip lane if the *stop sign* or stop line applies to the slip lane—see Part 20, Divisions 2 and 3, especially rules 330 and 345.

(2) The driver must stop as near as practicable to, but before reaching:

- (a) the stop line, or
- (b) if there is no stop line—the intersection.

(3) The driver must give way to a vehicle or pedestrian in, entering or approaching the intersection except:

- (a) an oncoming vehicle turning right at the intersection if a *stop sign*, stop line, *give way sign* or give way line applies to the driver of the oncoming vehicle, or
- (b) a vehicle turning left at the intersection using a slip lane, or
- (c) a vehicle making a U-turn.

Note. “*Enter*”, “*give way line*”, “*oncoming vehicle*”, “*slip lane*” and “*U-turn*” are defined in the Dictionary.

(4) 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 or about to enter the road, or part of the road, the driver is entering.

(5) For this rule, an oncoming vehicle travelling through a T-intersection on the continuing road is taken not to be turning.



Proposal 3 - Pedestrian Lights

Proposal 3 enables pedestrians to cross the road during a red pedestrian light in certain circumstances.

Currently the signal priority is unbalanced against pedestrians, who are waiting when there is no traffic and it is safe to cross.

231 Crossing a road at pedestrian lights []

(1) A pedestrian approaching or at an intersection, or another place on a road, with pedestrian lights and traffic lights must comply with this rule.

Maximum penalty: 20 penalty units.

Note. “*Intersection*”, “*pedestrian lights*” and “*traffic lights*” are defined in the Dictionary

(2) If the pedestrian lights show a red pedestrian light and the pedestrian has not already started crossing the intersection or road, the pedestrian must not start to cross until the pedestrian lights change to green.

Note 1. “*Green pedestrian light*” and “*red pedestrian light*” are defined in the Dictionary.

Note 2. A traffic control device (including pedestrian lights) generally only applies to a person if the device faces the person—see Part 20, Division 3, especially rule 340.

(3) If, while the pedestrian is crossing the road, the pedestrian lights change to flashing red or red, the pedestrian must not stay on the road for longer than necessary to cross safely to the nearer (in the direction of travel of the pedestrian) of the following:

- (a) a dividing strip, safety zone, or traffic island, forming part of the area set aside or used by pedestrians to cross the road at the intersection or place (the “*safety area*”),
- (b) the nearest side of the road.

Note. “*Dividing strip*” and “*traffic island*” are defined in the Dictionary, and “*safety zone*” is defined in rule 162.

(4) If, under subrule (3), the pedestrian crosses to the safety area, the pedestrian must remain in the safety area until the pedestrian lights change to green.

(5) However, if the pedestrian cannot operate the pedestrian lights from the safety area, the pedestrian may cross to the far side of the road when:

- (a) the traffic lights change to green or flashing yellow, or there is no red traffic light showing, and
- (b) it is safe to do so

(6) If the pedestrian light is red and the traffic light is green, and there is no conflicting green arrow, the pedestrian may cross the road when it is safe to do so.



Proposal 4 - Pedestrians Causing Hazards

Proposal 4 requires pedestrians not to cause traffic hazards. We propose deleting Rule 236(4) as we think that the prior subsections cover what the rule is aimed at which is pedestrians causing a hazard. We believe that the specific details contained in this subrule don't belong in the road rules. We do not think hitchhikers and people washing windcreens should be targeted unless they are causing a hazard (which would be covered in the previous subrules).

236 Pedestrians not to cause a traffic hazard or obstruction

(1) A pedestrian must not cause a traffic hazard by moving into the path of a driver.

Maximum penalty: 20 penalty units.

(2) A pedestrian must not unreasonably obstruct the path of any driver or another pedestrian.

Maximum penalty: 20 penalty units.

(3) For subrule (2), a pedestrian does not unreasonably obstruct the path of another pedestrian only by travelling more slowly than other pedestrians.

~~(4) A pedestrian must not stand on, or move onto, a road to:~~

~~(a) solicit contributions, employment, or business from an occupant of a vehicle, or~~

~~(b) hitchhike, or~~

~~(c) display an advertisement, or~~

~~(d) sell or offer articles for sale, or~~

~~(e) wash or clean, or offer to wash or clean, the windscreen of a vehicle.~~

~~Maximum penalty: 20 penalty units.~~



Proposal 5 - Pedestrian Priority at Intersections

Proposal 5 recommends modifying rule 353(1). Pedestrians are vulnerable road users and their safety should be prioritised.

We believe drivers should give way to a pedestrian crossing the road they are leaving in *all* circumstances, where they are turning from one road to another (not just entering), at all intersections (referenced in Rule 72 and 73).

We would also propose that drivers must give way to pedestrians at intersections on continuing roads in the absence of a governing traffic control device.

353 References to pedestrians crossing a road

~~(1) —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.~~

Our proposed amendments for Rule 353 (1) reads as follows, which is adapted from the [State of Minnesota](#):

(1) Drivers must treat every corner and intersection as if it were a marked foot crossing, whether it is marked or unmarked, and drivers must stop for crossing pedestrians and pedestrians about to enter the intersection.

(2) Pedestrians must obey traffic control devices, and when no traffic control device is present,
a) drivers must stop for crossing or entering pedestrians within a marked foot crossing, and
b) drivers must stop for crossing or entering pedestrians at an intersection with no marked foot crossing.

~~(2)-(3)~~ In these Rules, a reference to a pedestrian crossing a road includes a reference to a person who is crossing only part of a road (for example, a person walking to or from a safety zone or a median strip, or to the middle of a road to display a hand-held stop sign).

(4) In these rules a pedestrian “entering” or “about to enter” the intersection or road means a pedestrian is within 1 metre of the intersection or road and facing the road, and is not prohibited from entering the road by a traffic control device.

In addition to giving way to pedestrians **on** an intersection, drivers should give way to pedestrians **about to enter** the road.

Division 2 Giving way at traffic lights and traffic arrows

Note. Traffic lights are defined in the Dictionary.

62 Giving way when turning at an intersection with traffic lights

- (1) A driver turning at an intersection with traffic lights must give way to:
- (a) any pedestrian at or near the intersection who is crossing or about to enter the road the driver is entering, and
 - (b) if the driver is turning left at a left turn on red after stopping sign at the intersection:
 - (i) any vehicle approaching from the right, turning right at the intersection into the road the driver is entering or making a U-turn, and
 - (ii) any pedestrian at or near the intersection who is on the road the driver is leaving, and
 - (c) if the driver is turning right—any oncoming vehicle that is going straight ahead or turning left at the intersection (except a vehicle turning left using a slip lane).



Maximum penalty: 20 penalty units.

Note 1. Intersection, oncoming vehicle, slip lane, straight ahead and U-turn are defined in the Dictionary.

Note 2. For this rule, give way means the driver must remain stationary until it is safe to proceed—see the definition in the Dictionary.

Note 3. Rule 322 (3) and (4) deal with the meaning of a traffic sign at an intersection.

Note 4. A driver turning left at a left turn on red after stopping sign, at an intersection with traffic lights showing a red traffic light, must stop in accordance with rule 56 (1) before making the turn.

Note 5. In relation to paragraph (a), rule 353 (1) specifies that a driver is not required to give way to a pedestrian who is crossing **or about to enter** the road that the driver is leaving, and rule 353 (2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.



Proposal 6 - Safety Zones

Drivers should give way to pedestrians crossing to or from Safety Zones.´

162 Driving past a safety zone

(1) A driver driving past a safety zone:

(a) must not drive on the safety zone, and

~~(b) must drive to the left of the safety zone at a speed that does not put at risk the safety of any pedestrian crossing the road to or from the safety zone.~~

(b) must give way to pedestrians crossing or about to enter the road to or from the safety zone

Maximum penalty: 20 penalty units.



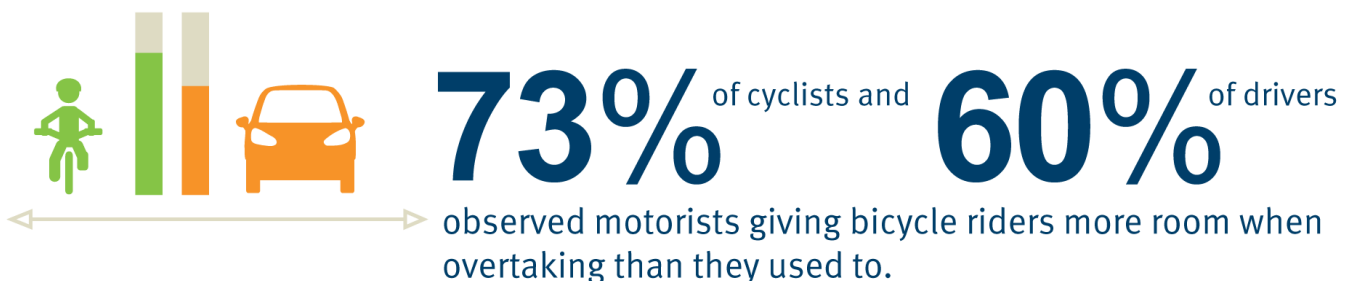
Proposal 7 - Improved Driver Testing and Education

There is significant need for improved driver testing and education to support proposed and recently updated Road Rules.

A new education and testing program also serves a long-overdue need to improve driver knowledge of all the pedestrians and cycling related Road Rules, many of which are among the least understood Road Rules.

For example, in QLD when the 1.0m passing rules were introduced to support show very supportive community feedback and compliance early on when TV advertisements were shown.

Since the introduction of the minimum passing distance rules:



Source: CARRS-Q. 2016. Evaluation of the Queensland minimum passing distances road rule, final report 2016. Brisbane: Queensland University of Technology.

blog.tmr.qld.gov.au/cycling/infographics



Thank you for taking the time to read our feedback.

Yours sincerely,

David Levinson
President, WalkSydney

Yvonne Poon,
Vice President, Walk Sydney

Regina Haertsch,
Secretary, Walk Sydney

Janet Wahlquist,
Chair Road, Rules Subcommittee, WalkSydney