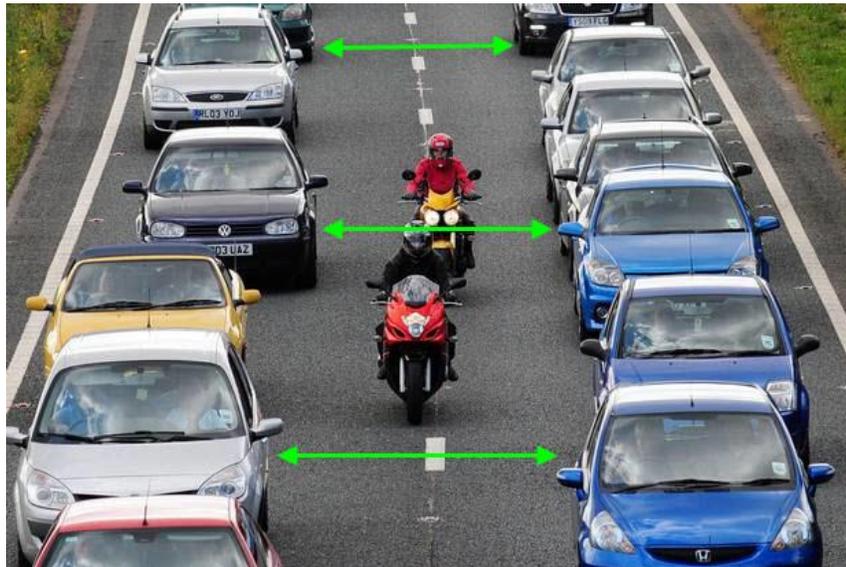




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To: VicRoads Motorcycle Filtering Implementation Team.



## Motorcycle Filtering – Preferred Framework for Victoria

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Victorian Motorcycle Council Submission  
May 2015

## About this submission:

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The benefits, advantages, pros and cons of filtering have been discussed and examined and as a result, filtering became official Victorian Labor government policy. In March 2015, VicRoads commenced stakeholder input into the implementation of motorcycle traffic filtering, nominated for commencement in September 2015. Initial input was given verbally at a combined motorcycle stakeholder input meeting.

In the wake of that meeting, the Victorian Motorcycle Council (VMC) determined that a formal submission would be desirable to capture a broader range of stakeholder input from within the Victorian Motorcycle Council network and peers.

The VMC welcomes the opportunity to make this submission and to be involved in the ongoing implementation of motorcycle filtering in Victoria.

Authored by VMC Chair Rob Salvatore B.Eng(Mech) RoSPA(Dip) on behalf of the VMC, this submission takes into account the extensive knowledge and considered input of a diverse group of experienced, qualified and representative motorcyclists. It also draws upon the knowledge of several key stakeholders with experience from the New South Wales and Queensland filtering implementation process.

The VMC and/or its associates are available to expand on any of the points contained within this submission or any matter pertaining to motorcycling.



Pic: Eastern Freeway at Peak hour.

## OVERARCHING PRINCIPLES / BACKGROUND:

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Motorcycle and Scooter Traffic Filtering already occurs daily, primarily by riders managing their safety and progress through heavy and congested traffic. Its legality is somewhat ambiguous; however it can be performed legally in stationary traffic under road rule 141.1.c. The legalisation of motorcycle traffic filtering will therefore formalise the best and safest aspects of current practice to the benefit of all road users and reduced congestion.

Traffic Filtering is the safe progress of motorcycles and scooters (herein referred to generically as motorcycles) in the space between and to one side of stopped and slow moving queues of vehicular traffic, up to a maximum permissible motorcycle speed. For the purposes of this document, that speed is nominated as 40km/h.

Filtering is always predicated on “when safe to do so” therefore there are no specific prohibitions recommended in regards to the type of vehicular traffic. Filtering is not considered “safe to do so” when the space between vehicles is insufficient – the vehicle types are not relevant.



During a legal traffic filtering manoeuvre, motorcycles are to be exempted from lane use, lane marking and overtaking road rules. Riders filtering outside the legal definition will be subject to all road rules and appropriate penalties.

Filtering is consistent with vulnerable road user traffic separation principles. It removes riders from being hit from behind or from striking the vehicle ahead in stop-start heavy traffic. Figures

from the TAC indicate that such collisions are the leading cause of rider hospitalisation in Metropolitan Melbourne. Filtering therefore promises a fundamental improvement in rider safety.

The legalisation of motorcycle traffic filtering in no way compels or requires a rider to filter, even if the opportunity is available. It remains their choice commensurate with managing their safety.

## FILTERING FRAMEWORK

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### **Filtering Applicable to ALL Motorcycle License Categories:**

Given that filtering provides a fundamental improvement in motorcycle safety, it is to be applicable to all motorcyclists of all license categories.

Gathered input would accept a compromise position of L plate riders being restricted to safe traffic filtering through stationary traffic at controlled intersections – something that is currently

legal under road rule 141.1.c and already a self-managed and routinely conducted manoeuvre by L plate riders once sufficiently confident. There is no evidence to suggest that novice riders should be prohibited from filtering in such traffic conditions.

### **No Endorsement For a New Offence Provision “Lane Splitting”:**

#### 1. Concern about promoting unsafe behaviours

There is a concern, ostensibly from Victoria Police, that legitimising and defining (safe) motorcycle traffic filtering will increase the incidence of high speed filtering, often referred to as “lane splitting”. This is purely supposition. Lane splitting raises concerns since it is perceived as dangerous so it has been argued that it should be pre-emptively prohibited.

#### 2. No evidence to support concerns

The perception is based on a minority of riders moving and weaving between vehicular traffic at high relative speed, typically on open highways and freeways. This type of riding manoeuvre is entirely at odds with what is being defined as legal traffic filtering. It is also already infringeable under a number of existing lane use, overtaking, due care and safe driving road rules. In depth crash studies and research from other comparable jurisdictions where high speed filtering is allowed, namely California and the UK<sup>1</sup>, does not support the perception that it is dangerous or that it is a prevalent crash cause.

#### 3. Existing road rules already adequately cover unsafe manoeuvres

The limits, applicability and exemptions pertaining to legal motorcycle traffic filtering will be clearly defined in regulation and in public education campaigns. Beyond these limits, the full weight of the road rules will apply. Given that Victoria’s existing road rules and penalties are serving the community well and acting as a proven deterrent against unsafe road user behaviour, there is no basis for an additional statute prohibiting lane splitting.

#### 4. No downside from an additional statute?

It is argued that riders should have no objection to a new statute since there would be no downside to prohibiting lane splitting, however this is not true.

Firstly, it is neither evidenced nor balance-of-probability based regulation. When the National Transport Commission in 2005 proposed to unilaterally ban all motorcycle traffic filtering without supporting evidence, the weight of public opinion and submitted evidence convinced it to drop the proposal.

Secondly, laws not based in fact are a form of social engineering and ultimately entrench falsehoods. This is clearly demonstrable by the 2009 change in the solid white line road rules. Prior to 2009 Victorian road users were legally allowed to overtake (if safe to do so) on roads marked with a single white centre line. Post 2009 this was strictly prohibited in order to bring Victoria in line with other states. Overnight such overtaking was considered dangerous and punishable, without evidence to support this stance. Today Police enforce this law under the guise of road safety even on roads with unchanged logistics.

#### 5. Gather evidence

The need for a new offence provision must be first established by gathering evidence. If there is a significant increase in lane splitting, dangerous overtaking and/or similar type offences, or an increase in crash and injury statistics pertaining to the same, then a prima facie case for a new statute will exist and the probability of support and compliance will be higher.

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<sup>1</sup> For example DfT UK 2004 motorcycle in-depth crash study, 2009 EU MAIDS2.0 crash study, 1980 US HURT crash study .The DfT study specifically determined that less than 5% of all crash types were filtering related.

**Maximum Permissible Filtering Speed of not less than 40km/h:**

NSW and QLD jurisdictions implemented a 30km/h maximum filtering speed. The weight of rider opinion gathered in preparing this document, including those from NSW and QLD, was that 30km/h was a relatively low speed from a practical stand point. Concerns were raised at the considerable mental effort required to both manage traffic and keep below the filtering speed limit in order to avoid a significant fine.

VicRoads has also proposed adopting a 30km/h maximum permissible speed however consensus feedback suggests that either an enforcement margin should be applied or preferably, a higher maximum speed of not less than 40km/h be set thus allowing greater focus on the filtering task and consequent improved safety benefits.

NSW and QLD experience suggests that riders expend considerable energy and attention trying to filter safely while maintaining a clear margin to the maximum permissible speed. Maintaining 20 – 25 km/h requires attention on the speedometer and is a speed that can result in reduced motorcycle stability, command, responsiveness and control. These aspects are manageable but take up further attention and concentration. The reduced speed therefore counterintuitively reduces the rider's safety. On this basis a higher speed is strongly recommended.

An additional benefit of a higher permissible speed would be increased compliance.

**Filtering Of Moving Traffic Not Permitted in “School” Zones:**

Road Rule 141.1.c permits passing on the left of stationary vehicles within the lane. This rule is not currently suspended during school zone operating hours, which means that filtering through stationary traffic in school zones should also remain legal. However filtering of *moving* traffic in such higher risk zones of increased pedestrian unpredictability should be restricted.

**Filtering of Moving Traffic Not Permitted Adjacent to Tram Super Stops and Safety Zones:**

Due to the likelihood of reduced lane widths and unpredictable pedestrian movements around tram super stops and tram safety zones, filtering of moving traffic adjacent to such zones should be restricted.

**Endorsement of Edge Filtering:**

Where a hard shoulder/s or emergency lane/s exists on roads designed for a normal speed limit of 80km/h or higher, motorcyclists may be permitted to use these areas to filter past stopped or slow moving traffic up to the maximum permitted filtering speed. Riders must give way to emergency vehicles, other vehicles and other road users already on the hard shoulder. Edge filtering remains an option, if safe to do so, even if the road is temporarily speed limited to less than 80km/h.

**Endorsement of Kerbside filtering:**

Motorcycles may be permitted to filter between a line of traffic and the kerb if safe to do so. This is consistent with the right to park on footpaths which are often accessed via riding up over the kerb and is consistent with the current practice allowed under RR 141.1.c.

**Endorsement of Filtering adjacent to Parked Vehicles:**

It is recommended that motorcycles be permitted to filter between a line of traffic and parked vehicles where safe to do so. This scenario typically occurs on two-lane-both-way roads on which the kerbside lane is given over to parking, leaving at least a third of the *legal* lane accessible. Similarly the scenario is common on wide one-way-each-way roads with kerbside parking. There

are ample safe filtering opportunities and sufficient space to buffer obstacles and manage road users on this portion of the road.



Pic: Toorak road, demonstrating ample road space to filter between parked vehicles and a line of traffic.

#### **Endorsement of Limited Filtering in Bicycle lanes:**

Current bicycle lane laws allow a vehicle to travel in a bicycle lane for up to 50m prior to turning off the road way. The scope of the 50m privilege should be extended to allow filtering motorcycles to access the bicycle lane for 50m at a time where the provision of a bicycle lane reduces the available road space.

This road space reduction closes off filtering opportunities and places riders in closer proximity to stop start/congested traffic therefore decreasing their safety and also forces them to use the tram



line reservation which is often broken up, bumpy, potholed and of course potentially slippery in the wet. The availability of the bicycle lane as an “escape route” will improve rider safety. Motorcycles will be required to give way to cyclists already in the lane.

Pic: Glenferrie Rd Hawthorn, showing reduced road space due to bicycle lane.

Alternatively, where traffic separation between the bicycle lane and the traffic lane is provided by way of a painted separation island, it is recommended that motorcyclists be permitted to filter by riding on the painted island if safe to do so.

**Use of Advanced Stop Lines (ASL):**

Where ASL's or bicycle filtering boxes currently exist at controlled intersections, filtering motorcycles should be permitted to filter to the head of the column of traffic and position themselves in the ASL or filtering box area. This places riders in a safe visible position allowing them to maximise their safety by moving forward into clear road space ahead of the traffic at the change of the lights. Motorcycles will be required to give way to cyclists in such circumstances.

**Endorsement of Use of Bus Lanes:**

Where a bus lane exists on a road way and it is not signposted as a "bus only lane", riders may be permitted to use the bus lane in lieu of filtering through traffic. The rider will be permitted to travel up to the posted speed limit if safe to do so.

**Endorsement of Filtering in 40km/h Suburban Zones:**

It is strongly recommended that motorcycles be allowed to filter in 40km/h speed limited roads which are not school zones. The growing trend of permanent and variable 40km/h speed limits, typically applied in shopping strip precincts, has created artificial stop / start congested traffic that motorcyclists need to manage. This is exacerbated on roads that include tram lines and/or where road space has been given over to a bicycle lane. A carte blanche ban on filtering in 40km/h speed limit zone is not recommended.



Pic: (Thailand) Consider the potential gridlock if all pictured motorcycles and scooters (at least 70 in the foreground) were replaced by cars and other vehicles?