



# ROAD TRAFFIC (PEDAL CYCLES) AMENDMENT ACT 1993

No. 10 of 1993

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**ELIZABETHAE II REGINAE**

A.D. 1993

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**No. 10 of 1993**

**An Act to amend the Road Traffic Act 1961.**

*[Assented to 25 March 1993]*

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Road Traffic (Pedal Cycles) Amendment Act 1993*.
- (2) The *Road Traffic Act 1961* is referred to in this Act as "the principal Act".

**Commencement**

2. This Act will come into operation on a day to be fixed by proclamation.

**Amendment of s. 5—Interpretation**

3. Section 5 of the principal Act is amended—

- (a) by inserting after the definition of "barrier line" in subsection (1) the following definitions:

"bicycle lane" means a lane marked on the carriageway of a road adjacent to which or on which a traffic control device is erected, displayed or marked to indicate that the lane is reserved for the use of persons riding pedal cycles (or that it is so reserved for a specified period, in which case "bicycle lane" means the lane during that period):

"bikeway" means a path, lane or other place, not forming part of the carriageway of a road, adjacent to which or on which a traffic control device is erected, displayed or marked to indicate that that place is reserved for the use of—

- (a) persons riding pedal cycles;

or

- (b) pedestrians and persons riding pedal cycles (whether on separate parts of the bikeway or not):

"box right turn" means a right turn at an intersection or junction made by the rider of a pedal cycle in accordance with section 70a;

- (b) by striking out from subsection (1) the definition of “carriageway” and substituting the following definition:

“carriageway”—

- (a) means a portion of a road improved, designed or ordinarily used for vehicular traffic, and includes the shoulders and areas at the side or centre of the carriageway used for the standing or parking of vehicles (including parking bays);

and

- (b) where a road has two or more of such portions divided by a dividing strip or strips, means each portion separately,

but does not include a portion of a road improved, designed or ordinarily used for persons riding pedal cycles or for pedestrians and persons riding pedal cycles and separated by a physical barrier from any portion of a road improved, designed or ordinarily used for other vehicular traffic;

- (c) by inserting in paragraph (a) of the definition of “road” in subsection (1) “bikeway,” after “footpath,”;
- (d) by inserting in the definition of “trailer” in subsection (1) “or pedal cycle” after “motor vehicle” (first occurring);

and

- (e) by inserting after the definition of “walk” in subsection (1) the following definition:

“wheelchair” includes a wheelchair propelled or capable of being propelled otherwise than solely by muscular force.

#### **Amendment of s. 7—Drivers of trailers**

4. Section 7 of the principal Act is amended by inserting “or pedal cycle” after “motor vehicle” (first occurring).

#### **Amendment of s. 54—Duty to keep to the left**

5. Section 54 of the principal Act is amended by inserting after subsection (2) the following subsection:

- (3) A pedestrian, or a person who rides a pedal cycle, on a bikeway must—

- (a) keep as near as is reasonably practicable to the left boundary of the bikeway;

or

- (b) where part of the bikeway is reserved for the use of pedestrians and part for the use of persons riding pedal cycles—keep as near as is reasonably practicable to the left boundary of the appropriate part of the bikeway.

#### **Amendment of s. 55—Passing oncoming vehicle**

6. Section 55 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) This section does not apply where one vehicle is on a carriageway and the other is on a footpath or bikeway adjacent to that carriageway.

**Insertion of s. 55a**

7. The following section is inserted after section 55 of the principal Act:

**Passing oncoming pedestrians and vehicles on bikeway**

55a. A pedestrian, or a person who rides a pedal cycle, on a bikeway must, when passing a pedestrian or vehicle proceeding in the opposite direction on that part of the bikeway, keep to his or her left of the pedestrian or vehicle.

**Amendment of s. 58—Passing vehicles**

8. Section 58 of the principal Act is amended by striking out subsection (3) and substituting the following subsection:

(3) The driver of a vehicle on a carriageway may pass a vehicle proceeding in the same direction on the left where—

(a) the carriageway has two or more marked lanes for vehicles proceeding in the same direction and the passing vehicle is in a lane on the left of the lane in which the other vehicle is proceeding;

or

(b) the passing vehicle is a pedal cycle and the other vehicle is stationary at an intersection or junction,

and it is safe to pass the other vehicle on the left of that vehicle.

**Insertion of s. 58a**

9. The following section is inserted after section 58 of the principal Act:

**Passing pedestrians on bikeway**

58a. A person who rides a pedal cycle on a bikeway must, when passing a pedestrian proceeding in the same direction on that bikeway (other than a pedestrian on a separate part of the bikeway that is reserved for the use of pedestrians only) keep the pedestrian on the left of the cycle.

**Amendment of s. 59—Passing trams**

10. Section 59 of the principal Act is amended by inserting in subsection (1) “on a carriageway” after “vehicle” (first occurring).

**Amendment of s. 60—Duty of driver or pedestrian being overtaken**

11. Section 60 of the principal Act is amended—

(a) by inserting in subsection (2) after paragraph (a) the following paragraph:

(ab) where the rider of a pedal cycle on a carriageway is about to pass a vehicle that is stationary at an intersection or junction on the left;

(b) by inserting after subsection (2) the following subsection:

(3) A pedestrian on a bikeway, on the sounding of a warning by the rider of a cycle approaching from behind, must, if it is safe to do so, move to the left to the extent necessary to allow the cycle a reasonable space to pass the pedestrian on the right.

#### **Substitution of s. 61**

12. Section 61 of the principal Act is repealed and the following heading and section are substituted:

#### *Driving on Footpaths or Bikeways*

##### **Driving on footpaths or bikeways**

61. (1) Subject to this section, the driver of a vehicle must not drive the vehicle or any part of the vehicle on a footpath or bikeway except when crossing the footpath or bikeway for the purpose of entering or leaving adjacent land or premises.

(2) It is not an offence under this or any other Act—

- (a) for a person who, by reason of physical infirmity, reasonably requires the use of a wheelchair, to operate a wheelchair on a footpath or bikeway;
- (b) for an employee of the Australian Postal Commission to ride a cycle on a footpath or bikeway while engaged in the delivery of postal articles in the course of his or her employment;

or

- (c) for a person to ride a pedal cycle on a bikeway (other than a part of a bikeway that is reserved for the use of pedestrians only).

(3) A person who operates a wheelchair on a footpath must not do so at a speed greater than 10 kilometres an hour.

(4) A person who operates a wheelchair on a bikeway, or part of a bikeway, that is reserved for the use of persons riding pedal cycles must comply with the provisions of this Act applicable to pedal cycles that relate to the side on which pedal cycles may be ridden and the passing of pedestrians or vehicles.

(5) An employee of the Australian Postal Commission who in pursuance of this section rides a cycle on a footpath or bikeway—

- (a) must not do so at a speed greater than 10 kilometres an hour;

and

- (b) where the employee is riding a motor cycle on a bikeway—must comply with the provisions of this Act applicable to pedal cycles that relate to the side on which pedal cycles may be ridden and the passing of pedestrians or vehicles.

#### **Amendment of s. 63—Giving way at intersections and junctions**

13. Section 63 of the principal Act is amended—

- (a) by inserting in subsection (1)(ba) “that is in the junction or is” after “to any vehicle”;
- (b) by inserting after subsection (1b) the following subsections:

(1c) Notwithstanding subsection (1)(ba) and (c), a driver is not required to give way to a vehicle whose driver is required to give way pursuant to section 65a.

(1d) Notwithstanding this section, the driver of a vehicle that is approaching or entering an intersection or junction from a carriageway is not required to give way to a pedal cycle whose rider is making a box right turn and is required to give way under section 70a(2)(c)(ii).

**Insertion of s. 65a**

14. The following section is inserted after section 65 of the principal Act:

**Giving way when leaving footpath or bikeway**

65a. (1) Subject to this section, the driver of a vehicle about to enter, or entering, a carriageway from a footpath or bikeway must give way to any vehicle on the carriageway.

(2) Subsection (1) does not apply where—

(a) the driver of the other vehicle is required, by a stop sign, give way sign, stop line or give way line, to give way and the driver of the vehicle about to enter or entering the carriageway is not required by such a sign or line to give way;

or

(b) traffic lights that control the entry of vehicles from the footpath or bikeway onto the carriageway are installed and operating at the point of entry.

(3) For the purposes of this section, traffic lights will not be regarded as operating where they only display a flashing yellow light.

**Amendment of s. 70—Course to be followed by vehicles turning right**

15. Section 70 of the principal Act is amended by striking out from the definition of “property line” in subsection (9) “footpath or”.

**Insertion of s. 70a**

16. The following section is inserted after section 70 of the principal Act:

**Box right turns by riders of pedal cycles**

70a. (1) Notwithstanding section 70, the rider of a pedal cycle may make a box right turn at an intersection or junction in accordance with this section if—

(a) as the rider approaches the intersection or junction there is on the left hand side of the intersection or junction a road—

(i) that joins the intersection or junction opposite or nearly opposite the road or part of the road into which the turn is to be made;

and

(ii) from which access is permitted under this Act to the road or part of the road into which the turn is to be made;

or

(b) in the case of a junction—the rider approaches the junction on a road that continues beyond the junction.

(2) The following provisions apply in relation to a box right turn:

(a) the rider of the pedal cycle must approach the intersection or junction to the right of, parallel to, and as near as practicable to the left boundary of the carriageway of the road from which the turn is to be made;

(b) on entering the intersection or junction, the rider must proceed directly to a point—

(i) that is opposite or nearly opposite the left boundary of the carriageway of the road into which the turn is to be made;

and

(ii) where there is a road on the left hand side of the intersection or junction as referred to in subsection (1)(a)—that is as near as practicable to the left boundary of the carriageway of that road at the point at which it joins the intersection or junction;

(c) the rider must then stop, turn to the right and proceed through the intersection or junction, and for that purpose—

(i) where the rider is proceeding through the intersection or junction from a point as near as practicable to the left boundary of the carriageway of a road as referred to in paragraph (b)(ii)—this Act will apply as if the rider were entering the intersection or junction from that carriageway;

or

(ii) in any other case—the rider must give way to any other vehicle that is approaching or is in the intersection or junction;

(d) the rider is not, in making a box right turn in accordance with this section, bound to comply with instructions indicated by a traffic signal operating at the intersection or junction for the purpose of regulating right turns other than box right turns.

(3) This section—

(a) does not apply in relation to an intersection or junction that is a roundabout;

(b) does not authorize a box right turn to be made at a junction from a road that continues beyond the junction into a road that is not a road into which a right turn may otherwise be made in accordance with this Act.

(4) In this section—

“boundary” in relation to the carriageway of a road, means, where the carriageway is marked with a lane that is exclusively for the use of vehicles turning to the left at an intersection or junction, the boundary between the remainder of the carriageway and that lane.

**Amendment of s. 74—Duty to give signals**

17. Section 74 of the principal Act is amended by inserting in subsection (1) "Subject to the regulations," before "The driver of a vehicle".

**Amendment of s. 86—Removal of vehicles causing obstruction or danger**

18. Section 86 of the principal Act is amended by striking out from subsection (1)(c) "or footpath".

**Amendment of s. 88—Walking on footpath, bikeway or right of road**

19. Section 88 of the principal Act is amended—

(a) by inserting in subsection (1)(a) "or bikeway" after "footpath";

and

(b) by striking out subsection (3) and substituting the following subsections:

(3) A person—

(a) must not walk along a bikeway, or part of a bikeway, reserved for the use of persons riding pedal cycles where there is a footpath or other place nearby (other than the carriageway of a road) that it is lawful for pedestrians to use;

(b) must, if walking along a bikeway, or part of a bikeway, reserved for the use of persons riding pedal cycles, keep as near as reasonably practicable to the left hand side of that bikeway or part of a bikeway.

(4) Subsection (3) does not apply to—

(a) a pedestrian drawing or pushing a pedal cycle;

(b) persons lawfully walking on the bikeway or part of a bikeway in a procession or an organized and controlled column or other formation.

(5) A pedestrian referred to in subsection (2) or (4) must keep as near as reasonably practicable to the left hand side of the carriageway, bikeway or part of a bikeway.

**Amendment of s. 93—Prohibition of opening vehicle doors**

20. Section 93 of the principal Act is amended by striking out from paragraph (b) "the carriageway of".

**Amendment of s. 97—Driving abreast**

21. Section 97 of the principal Act is amended—

(a) by striking out from subsection (2)(b) "portion of the road set apart exclusively for such cycles" and substituting "bicycle lane or bikeway";

and

(b) by inserting after paragraph (c) of subsection (2) the following paragraph:

(ca) drive a vehicle abreast of another vehicle where one vehicle is on a carriageway and the other is on a footpath or bikeway adjacent to that carriageway;.

**Insertion of s. 99a**

22. The following section is inserted after section 99 of the principal Act:

**Cyclists on footpath or bikeway to sound warning**

99a. A person who is riding a pedal cycle on a footpath or bikeway must, where it is necessary to do so for the purpose of averting danger, give warning (by sounding a warning device attached to the cycle or by other means) to pedestrians or other persons using that footpath or bikeway.

**Amendment of s. 176—Regulations**

23. Section 176 of the principal Act is amended by inserting after paragraph (c) of subsection (1) the following paragraph:

(caaa) regulating or prohibiting the use of footpaths, bicycle lanes and bikeways by pedestrians and drivers of vehicles;

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. MITCHELL, Governor