

Road Transport (General) (Motorcycle Lane Filtering Trial) Exemption 2015 (No 1)

Disallowable instrument DI2015—2

made under the

Road Transport (General) Act 1999, section 13 (Power to exclude vehicles, persons or animals from road transport legislation)

EXPLANATORY STATEMENT

This instrument is made under section 13 of the *Road Transport (General) Act 1999* (the Act) that allows the Minister to exclude vehicles, persons or animals from the operation of the road transport legislation, or a provision of that legislation, by disallowable instrument. Under section 13 (1) of the Act, an exclusion operates in the circumstances and/or places declared in the instrument.

The purpose of this instrument is to allow the trial of motorcycle lane filtering in the ACT. Motorcycle lane filtering occurs when a motorcycle rider moves alongside vehicles that have either stopped or are moving slowly in the same lane.

The New South Wales Government conducted a limited trial of lane filtering in the Sydney CBD district in 2013. This trial found that it allowed motorcyclists to move quickly and safely away from congested areas of traffic, and that that lane filtering is a relatively low risk riding activity for motorcyclists when done in low speed traffic situations.

This instrument allows a more comprehensive trial to be conducted in the ACT. The trial will be conducted over a two year period from 1 February 2015. This exemption may be modified or revoked as necessary following an analysis of the results of this trial.

Clauses 1 and 2 of the instrument are formal provisions dealing with the name and commencement of the instrument.

Clause 3 exempts a fully licensed rider of a motorcycle in the ACT from certain road rules while lane filtering in the ACT. The relevant road rules are:

- Rule 46 (Giving a left change of direction signal);
- Rule 48 (Giving a right change of direction signal);
- Rule 141 (No overtaking etc to the left of a vehicle);
- Rule 146 (Driving within a single marked lane or line of traffic); and

- Rule 147 (Moving from one marked lane to another marked lane across a continuous line separating the lanes).

Clause 4 provides that it is a condition on this exemption that it only applies if the motorcycle is travelling at a speed of 30km/h or less and the adjacent vehicles are travelling at a speed less than the motorcycle, the motorcycle is not in a school zone, the motorcycle is not travelling past parked cars, the motorcycle is not travelling in a marked bicycle lane; and it is otherwise safe for the rider to lane filter.

Some non-exhaustive examples of when it would not be safe for a rider to lane filter have been provided – where the rider is proceeding through a roundabout, the rider is crossing a children’s crossing or pedestrian crossing, or the lane filtering occurs past a bus or heavy vehicle.

Clause 5 contains definitions for the instrument. Lane filtering is defined as where a motorcycle is being ridden between two marked lanes with the same direction of travel as the motorcycle when there are vehicles adjacent to the motorcycle in both marked lanes. This is different to the practice known as “lane splitting”, where a motorcycle rider moves past vehicles in the same lane at a higher speed. Lane splitting remains illegal in the ACT. Lane filtering is not allowed next to the kerb or parked cars, in a bicycle lane, or where the rider is riding in a manner that does not seek to avoid collisions.