

PROPOSAL FOR ROAD FUNDING LEGISLATION

TO END COMMONWEALTH DISCRIMINATION AGAINST PEDESTRIANS AND CYCLISTS

Second response to the *Inquiry into Federal Road Funding* by the HOR Standing Committee on Communications, Transport and Microeconomic Reform

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People for **E**cologically **S**ustainable **T**ransport

INTRODUCTION

When bicycle and pedestrian infrastructure is funded by the Commonwealth like other vehicular infrastructure, we will be able to say that non-motorised users are not discriminated against as if they were second class citizens. Commonwealth discrimination is the reason why ten year old bikeplans are still not implemented and why the rate of bicycle facility provision, including shared footways, is slower than the rate of urban growth. It is also the reason why so little has been done for pedestrians. Discrimination against non-motorised users will continue into the next millennium unless world best practice is followed and new funding arrangements provided.

In other countries a national commitment to non-motorised users comes from new "environmental laws" In the U.S., which has a similar Federal Government structure to ours, we learn that there is a commitment to non-motorised users (NB & WS No 5 1993). Without similar enabling legislation Australia cannot honour its Climate Treaty commitment to encourage "walking, cycling and high occupancy public transportation" (Agenda 21, Rio de Janerio 1992).

This paper argues that, as under the U.S. *Intermodal Surface Transportation Efficiency Act* (ISTEA) bicycle/pedestrian projects have been adequately funded over the last four years, (A\$1 billion), and given that Australia has a similar federal structure, an Australianised version of the ISTEA would greatly increase the rate of infrastructure provision for non-motorised road users.

COMMITMENT = ISTEA FUNDS

The US Government is now committed to creating an environmentally friendly transport system. The ISTEA suits the political agenda and international commitments of the U.S Government which wants to reduce greenhouse gas emissions, clean up the polluted air in cities and reduce automobile dependence. Specific funding provisions for non-motorised projects are set out in the box below. A similar transport/environment policy shift is needed here because Australia has the same problems and very similar international commitments.

U.S. ENVIRONMENTAL LAW

Intermodal Surface Transport Efficiency Act (ISTEA) Funding sources for bicycle and pedestrian projects.

NATIONAL HIGHWAY SYSTEM

Funds may be used to construct bikeways or walk ways on land adjacent to any highway on the national highway system (other than the Interstate System).

SURFACE TRANSPORT PROGRAM 10%

of these funds are used for "transportation enhancement" and may be used for either the construction of bikeways or walkways or non construction projects such as safety literature and route maps.

CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT

Funds may be used for bicycle transportation facilities and walkways or safety related non construction projects.

FEDERAL LANDS HIGHWAY FUND May be used for bicycle transportation facilities and walkways in conjunction with roads, highways and parkways at the discretion of fund administrators.

SCENIC BYWAYS PROGRAM FUND May be used to construct facilities for pedestrians and cyclists along scenic highways.

NATIONAL RECREATIONAL TRAILS FUND

Monies may be used for a variety of programs to benefit bicyclists and other users recommended in Statewide Outdoor Recreation Plans.

STATE & COMMUNITY SAFETY PROGRAMS Section 402 ISTEA, (Title ii, section 2002). The priority status of bicyclist and pedestrian safety programs makes it easier to get funds.

FEDERAL TRANSIT FUNDS.

May be used for improved bicycle and pedestrian access to transit facilities. Shelters and parking for bikes or installing racks and equipment to carry bikes on buses, trains and ferries.

The ISTEA is a good legislative model for the non-discriminatory allocation of Commonwealth transport funds generally. In future over US \$1 billion per year may be provided for bicycle and

pedestrian facilities. Furthermore, by providing five federal dollars for every dollar provided by local government, there is a great incentive to build bikeways. Local government CEOs are strongly motivated to implement local bikeplans with this level of funding in the U.S.

BRITISH AND DUTCH FUNDING OF BICYCLE INFRASTRUCTURE

The Australian *National Bicycle strategy* is useless compared to the *UK National Bicycle Strategy*. There are no Commonwealth planning guidelines like the new environmental planning law in England (PPG 13 - 1994) to back up the Australian *Strategy*. In the UK developments and projects assessed to be unsustainable will not be funded and allocation of funds by the DOT in December 1996 makes it very clear there will be much more funding for authorities adopting the sustainable approach (CTC 1997). Since May 1994 the UK Department of Transport (DOT) funding for cycling projects has tripled. The *UK National Bicycle Strategy* is supported by a properly staffed bicycle planning unit within the UK DOT and funded under PPG 13. In the UK much progress has been made even if what is being done falls short of cyclist expectations.

What cyclists really want is to be found in the Netherlands. Generous bicycle infrastructure funding by the Dutch national government has been provided for 20 years, and as a consequence cycling has not declined as it did in so many other countries but increased to 13 billion bicycle km in 1995 from 10 billion km in 1975. As around six billion of these bicycle km replaced short car trips, mostly with cold engines, that represents a massive reduction in air pollution, GHG emissions and fuel consumption.

The Netherlands experience is unique and even more comprehensive than the ISTEAs. The Dutch have an overriding National Environment Plan at the peak of an integrated hierarchy of plans, with a National Traffic and Transport plan at a second level, and a national bicycle infrastructure plan at a third level.

The Dutch experience indicates that the long term benefits of increased bicycle use may be measured in \$100s of millions and will far exceed the costs of their investing around \$10 per capita per year in bicycle facilities (Parker 1995). In view of the large cost savings we think that an Australian ISTEAs could go a long way towards achieving what the Dutch traffic and Transport plan is achieving and what the Dutch Bicycle Master Plan has already achieved. (Welleman 1996)

To follow the Dutch model Australia would need a national environment plan to achieve ESD. This would need to be backed up by a legally binding interstate agreement which provided GHG targets for all states with Commonwealth funding to make implementation possible. However, this is beyond the terms of reference of the *Inquiry into Road*

Funding.

NO FUNDING= DISCRIMINATION

In Australia strategic bikeplans exist for all urban areas over 150,000 population and around 35% of all local governments have local area bikeplans (Wigan 1997). The planning needed to build bikeway networks, provide for bike/rail travel and bridge barriers to bicycle travel has mostly been done but the Commonwealth still refuses to provide funding for implementation and coordination despite expressing a commitment to cycling (NBS 1993).

There is no government agency that measures what is spent on bicycle infrastructure each year, and the Australian National Bicycle Database is not being maintained. However, from the limited data available it is estimated that not more than \$1 per capita for bicycle infrastructure per year in Australia, or one order of magnitude less than in the Netherlands, is spent. The peak cycling organisation the Bicycle Federation of Australia is most concerned about the lack of Commonwealth funding (BFA 1996).

Since the abandonment of the Jobs on Local Roads Program (JOLORS) that operated in the mid 1980's, the Commonwealth has not provided any regular funding for bicycle facilities and the States have only provided one dollar for every local government dollar to build bikeways. Since 1992 Western Australia has been the only state providing an adequate incentive to local government to build bicycle facilities by offering three state dollars for every local government dollar (Parker 1997). Over the next four years in WA there will be adequate funding (\$25 million). Even so, it has been stop start funding until 1995 as it has been in other states, with either a low level of bicycle funding or none at all depending on the approach of the state transport ministers.

The provisions for pedestrians is the same in regard to facilities shared with cyclists such as linear recreational trails along disused rail lines, "shared footways" through park lands and alongside main roads but is much worse for exclusive pedestrian facilities.

In December 1995 the Pedestrian Council of Australia was formed by a group of citizens and organisations concerned by the lack of priority afforded to the safety and convenience of pedestrians by the responsible authorities. The Pedestrian Council of Australia has expressed the view that there is a need to encourage walking as a legitimate transport mode and to make better safety and access provisions in all urban and transport planning (PCA 1996).

The cyclist and pedestrian have a right to enjoy amenities in public areas under conditions that adequately safeguard his or her physical and psychological well being. Children, the elderly and the disabled have a right to expect cities to be places

of easy social contact and not places that aggravate their inherent weaknesses. Amenities should be within walking or cycling distance and speed limits and street layouts should effectively guard pedestrian and bicycle traffic. Australian urban sprawl and car orientated shopping developments are not pedestrian or bicycle friendly. A pedestrian mall that can only be safely or conveniently accessed by car is part of the problem.

An Australian ISTEAs could provide the funding to overcome many of these problems. Sensitive planning regulations are also required. The new English Planning Policy Guidelines (PPG 13 - 1994) give practical advice on how to protect all pedestrians. The Dutch have stopped building large car orientated supermarkets. An Australian ISTEAs would give all local governments the means to implement many more pedestrian measures and enhance strip shopping areas.

The two forms of discrimination that must be eliminated are:

- Discrimination in the planning process.
- Discrimination by the major political parties.

DISCRIMINATION IN PLANNING

The *Discussion Paper on the National Greenhouse Strategy* contains 800 words of recommendations devoted to the "promotion of non-motorised travel (walking and cycling)" and describes what state and local government should be doing. However, the section on *implementation responsibilities* does not recommend Commonwealth funding nor does it acknowledge that current funding practices are discouraging walking and cycling and promoting unsustainable transport behaviour that is contrary to national ESD and Greenhouse gas reduction strategies.

Apart from a revision of the *National Greenhouse Strategy*, to include the creation of an Australian ISTEAs there are four other Inquiries that need to address the issue of Commonwealth funding for non-motorised users facilities.

1. The Parliamentary *Inquiry into Federal Road Funding* which provides an opportunity for changing the Commonwealth role in road funding and gaining recognition of the need for an Australian ISTEAs.
2. The Inquiry that will produce a White paper entitled *Sustainable Energy Policy for Australia*. which should recommend increased bicycle use as a long term transport demand management measure to conserve oil reserves.
3. The *Inquiry into Urban Air Pollution in Australia* which should recommend using bicycles as a substitute for short urban car trips, especially the very polluting car trips with cold engines.
4. The Senate Parliamentary *Inquiry into*

Commonwealth Environmental Powers should recommend that an Australian ISTEAs is required, as part of a legislative package of new environmental law, to enable Australia to honour international climate treaty obligations.

There are sensible economic reasons for the Health Minister to support Commonwealth funding of programs to increase cycling and walking. The avoidable health costs of a generation of habituated motorists who take insufficient exercise is measured in billions of dollars (Owen 1996). The National Health and Medical Research Council report *Acting on Australia's Weight: A strategy for the prevention of overweight and obesity*, soon to be released, is very much in favour of encouraging walking and cycling as a substitute for many short car trips. The *Road Funding Inquiry* should take note of the massive hidden health costs that the current funding arrangements are generating.

POLITICAL DISCRIMINATION

The prime example of discrimination by the major political parties is the view shared for ten or so years by all political parties that bicycles are a state and local government responsibility. Party transport policies ignore world best bicycle and pedestrian planning practice in the Netherlands and Scandinavia, and the introduction of bicycle friendly environmental legislation in the US and the UK. Most of our politicians still do not recognise non-motorised users' fundamental legal right to safe and convenient access and the need for enabling legislation. However in 1993 a political survey of federal politicians revealed that Democrat senators were in favour of Commonwealth funding of bicycle infrastructure (Cyclist 1993). The Democrat Transport Policy specifically recommends "providing money for safe cycleways and pedestrian ways in our cities"(Democrats 1996)

The Australian *National Bicycle strategy* (1993) was a one-off PR exercise with \$3 million for some bikepaths and full of motherhood statements but with no legal substance to guarantee future funding every year like the ISTEAs. Not only that but there was no national bicycle pedestrian planning unit to coordinate and no pedestrian strategy. There is a preoccupation with funding cuts, when transport funding is not a problem. Funds can be found by increasing the price of petrol by 2 cents per litre, which political experience in Victoria shows can be done without a consumer backlash.

To demonstrate how pedestrians are being discriminated against is not as easy as it is for cyclists, as the discrimination is multifaceted and diverse. A decade ago this was also a problem in Europe and their response was the European charter of pedestrian rights which was adopted by the European Parliament in 1988 (See appendix A) and is being implemented. No such commitment has ever been made in Australia but the wording of the European Charter is admirably suited for the federal

Minister for Transport to use as the basis of an Australian Pedestrian Charter to be approved in an intergovernmental agreement.

EVOLUTION OF THE ISTEA

Since 1992 over \$A 1 billion of ISTEA funds have been spent on Bicycle and pedestrian programs ; some as part of air quality improvement programs jointly sponsored by the US Environmental Protection Agency and the US Department of Transport (DOT). In many large U.S cities public transport is also being revitalised as a result of ISTEA funding. The funding of bicycle lockers and racks for bike/rail travel makes it easier for cyclists to get around (see box).

The ISTEA evolved in response to the need for change. In the first place, as a result of the political lobbying efforts of the grass roots cycling groups in America coupled with changing attitudes in the DOT and the Congress. After years of lobbying it took several more years of legislative change. In 1990 the US DOT issued a new policy to:

Promote increased use of bicycling, encourage planners and engineers to accommodate bicycle and pedestrian needs in designing transportation facilities for urban and suburban areas.

The main reason for the US DOT policy shift was that in the 20 years prior to 1990 the national level of adult bicycle commuting to work or places of education dropped from 1.5% of all trips to 0.7% of all trips, despite a large increase in adult bicycle ownership. There were some experimental bicycle planning projects and some urban bicycle plans were completed but very little happened overall because only \$A 50 million of U.S. Department of Transport funds was spent on bicycling and walking facilities. The Federal Highway Administrator was aware of the gross funding deficiencies when he addressed the 1990 Pro Bike Conference and committed his agency to hiring a full time bicycle coordinator to put the process of change in motion.

Later in 1990 Congress approved a full time bicycle coordinators position in the Secretary of Transport's office and \$1 million for a *National Bicycle and Walking Study*.

In 1991 bicycle and pedestrian programs were given priority status and generous funding for them was embodied in law when President Bush, signed the ISTEA into existence. (Bush was very understanding of cyclists needs because many years before when he was CIA chief in China he rode a bicycle everywhere in Beijing and his views on the benefits of cycling were written up in the cycling press).

In 1992 the Federal Highway Administrator put in motion the appointment of full time bicycle/pedestrian coordinators in all States in accordance with the provisions of ISTEA. He did this because there were too few state and local governments organised to take advantage of

ISTEA funding. In 1993, of all the 130 urbanised areas with a population of 200,000 or more, less than 30 had bicycle and/or pedestrian coordinators. At a state level 30 states did not take advantage of highway funds available for bicycle and pedestrian projects under ISTEA (NB & WS No 5 1993).

The *National Bicycling and Walking Study -1993* was undertaken to help along the process of preparing bikeplans and behavioural programs. One finding was that in the medium and large cities with higher levels of bicycle commuting they had "70% more bikeways per roadway mile and six times more bikelanes per mile of arterial road" than cities with lower levels of bicycle commuting. Also in the small university cities, which had bikelanes on most major roads, bicycle commuting was much higher; Davis 25%, Madison 12%, Gainesville 10%, Boulder 9%, and Eugene 8%. The conclusion drawn was that bicycle facilities will increase bicycle use (NB & WS No.1 1993).

The *National Bicycling and Walking Study* also identified further steps for the U.S. DOT and other agencies to take in the future. Even so, it took five years to mobilise most potential applicants for federal funds and it was only in late 1996 that there was a Bicycle Coordinators office in each US State. \$400 million of ISTEA funding was spent in 1996.

FUNDING PROPOSALS FOR NON-MOTORISED ROAD USERS

The Commonwealth needs a new Transport Act to treat cyclists equally with other transport users and provide "catch-up" programs to compensate for past neglect. An Australian Intermodal Surface Transportation Efficiency Act would be an elegant legislative solution because it would tackle the problems of air pollution, GHG emissions and oil conservation and much else besides, all in one package.

Funding is needed for four things.

- Invest \$100 million in the next two financial years on the bicycle facilities needed to implement existing bikeplans.
- Produce a National Bicycle Infrastructure plan for the next ten years with updated strategic area plans for bicycle infrastructure in all capital cities.
- Produce a national pedestrian study and costing for pedestrian infrastructure plans in all capital cities.
- Establish a national Bicycle and Pedestrian Planning Group to coordinate the above, ensure that the states spend the funds available, develop nationally significant pilot programmes, and coordinate the development of state bicycle planning units.

Until the plans are drawn up the exact level of

funding needed will be in doubt. However the quality of the bicycle infrastructure required is known . In ten years it should approach the level of service that now exists in the Netherlands.

Because the Netherlands has almost the same population as urban Australia it is a good general indicator of the level of funding that will be required to greatly increase bicycle use.

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