SPLITTING HAIRS

AMCN heads around the country to clarify the myths surrounding lane splitting, how it’s defined and if it’s illegal

For years I’ve been doing it, but in the company of police I’ll never take the risk. Yep, I’m talking about filtering or lane splitting. Splitting or filtering between lanes of traffic is a common time-saver that most motorcyclists will admit doing, and it seems to be tolerated by police most of the time. Other times, they will find more than one traffic offence in the Australian Road Rules to pin on you.

The rules were established in 1999 under an agreement between each Australian state and territory to adopt them into its laws in an attempt to create uniformity across the country.

Neither term, filtering or lane splitting, is mentioned in the Australian Road Rules or any other Australian law but surely there are other traffic offences being committed when we carry out these manoeuvres?

When AMCN Art Director Brett Colbert went for his P-plates in NSW, he posed the filtering question to our office but when no one could give him a direct answer, he asked a policeman on the street. “According to the copper I asked on the street it’s not illegal,” he announced. “Beauty!”

All this time we’d been sweating over a law that didn’t exist. But could we take this one uniformly bloke’s opinion as fact?

It was time to get technical.

We asked police in each state and territory about how they interpret the ambiguous phrasing of the law when it comes to filtering or lane splitting and this is what we found out.
NEW SOUTH WALES

Straight off the bat, Operations Commander Acting Superintendent Greg Lynch from NSW Traffic and Highway Patrol gave AMCN a list of 10 traffic offences riders are likely to commit when they filter or lane split. He also advised “the cumulative effect of all these offences may also amount to negligent driving or driving in a manner dangerous. The maximum penalty upon conviction is $2200” – a hefty fine for trying to get to work on time. Surprise, surprise, NSW Police puts the blame on motorcyclists for accidents that occur during filtering – even if the other party is at fault – because “had the motorcyclist not been moving through the traffic in a manner not expected by other road users, the collision would have been avoided in the first instance”.

NSW Police finds motorcyclists striking mirrors and the extremities of vehicles an issue, perceiving it as a safety risk as it often results in conflicts, “in some cases assaults/malicious damage”. As such, NSW Police doesn’t recognise any safe way to filter.

VICTORIA

Get this! According to Victoria Police: “Motorcyclists should wait until traffic is clear to overtake. If it is the freedom of a motorcyclist that a rider wishes to experience, then this freedom is the property of the road user and should therefore be clearly understood by all parties.”

Again, as in other states, there is no such thing as filtering or lane splitting in Victorian law. The spokesperson for Victoria Police sees the expressions as colloquial but stressed both practices result in many road rules being breached, not just a single offence.

According to the spokesperson, under Victorian law “the rider of a motorcycle can overtake another vehicle to the right if the rider has a clear view of any approaching traffic and the rider can safely overtake the vehicle. This is for overtaking within the same lane to the right of a vehicle”. Again, the keyword is “safely” and that’s a matter of opinion.

Therefore, it’s hardly surprising Victoria Police views manoeuvring around vehicles, whether they are stationary or moving slowly, as “extremely dangerous”. It acknowledges vehicles often move laterally in the lane of traffic to open up the view, which is not illegal and that it is “often done without checking to the rear”.

It also stresses riders need to consider the potential hazards and mindset of other road users.
Motorcyclists should wait their turn in congested traffic like all other road users. If it is the freedom of a motorcycle that a rider wishes to experience, then congested traffic is not the appropriate time or place.

—Victoria Police
First, the good news. The Department of Transport in Western Australia currently has a representative within an inter-agency motorcycle safety working group considering the practice of lane splitting. The Office of Road Safety is “leading the discussion on determining the best strategy to address the high risk practice of lane splitting” (see pg14 for more info).

However, while lane splitting is not illegal per se in Western Australia, it’s difficult to achieve without committing various other offences. These include changing lanes without indicating, overtaking to the left of a vehicle, failing to maintain a safe distance when overtaking and crossing continuous white lines separating lanes. In some cases, this manner of riding could constitute careless, dangerous or reckless driving charges.

Western Australia Police said to AMCN it will take action if “the offence is captured on video footage or reported by another road user” and that the act is unsafe because “motorcyclists conducting this manoeuvre ride too close to other vehicles and often come into conflict (striking wing mirrors).” It made another valid point and one we are all aware of – other road users are frequently unaware of the approaching motorcycle until it is passing.

“This can startle and distract other drivers and not give adequate opportunity to take evasive action if required.”

**Penalties you risk**

<table>
<thead>
<tr>
<th>Road Traffic Act 46</th>
<th>Reckless riding</th>
<th>6 demerit points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Rule 46</td>
<td>Fail to signal</td>
<td>$275 + 2 demerit points</td>
</tr>
<tr>
<td>Road Rule 147</td>
<td>Cross single continuous line</td>
<td>$224</td>
</tr>
<tr>
<td>Road Rule 141 (1)</td>
<td>Overtake vehicle on left</td>
<td>$291</td>
</tr>
<tr>
<td>Road Rule 144</td>
<td>Fail to keep safe distance when overtaking</td>
<td>$265</td>
</tr>
<tr>
<td>Road Rule 58</td>
<td>Fail to obey a stop line at traffic lights</td>
<td>$464</td>
</tr>
<tr>
<td>Road Rule 153 (1)</td>
<td>Driving in a bicycle lane</td>
<td>$292</td>
</tr>
<tr>
<td>Road Rule 132 (1)</td>
<td>Fail to keep left of centre of road</td>
<td>$265</td>
</tr>
</tbody>
</table>

**South Australia**

Things aren’t strict in South Australia when it comes to filtering. Acting Officer in charge of South Australia Police’s Traffic Support Branch Inspector Stuart McLean gave AMCN a list of instances when filtering and lane splitting is possible.

He says if the motorcycle is completely within one lane, it should be okay. Some roads have very large lanes; consequently a motorcycle can be in the same lane as another vehicle and safely make its way along the right side of other vehicles provided it remains completely within that lane and does not straddle them.

Overtaking on the left is a straight-out no-no, unless the other traffic is completely stationary. Any movement from the other vehicles – including traffic creeping forward – makes it illegal for the motorcycle to pass on the left.

It is possible for a motorcycle to change from lane to lane during the filtering process, but it is required to indicate for each change of lane, and if the lanes are marked with a solid white line it’s illegal.

Like nearly every state and territory, no one can cross the solid white stop line at the front of traffic lights – something which can inadvertently occur when splitting to the front.

South Australia Police acknowledge there are times when filtering can be done safely “where lanes are very wide,” but the majority of the time it considers it to be dangerous for the rider as they “approach other vehicles from an acute angle where they are often hidden in blind spots.”

The state sees no need to legislate against it. As if trying to clear up any confusion, McLean says, “In some circumstances it can be safely and lawfully done. In other cases, it can’t and consequently is illegal.”

**Northern Territory**

More good news! The Northern Territory has no plans to prohibit lane filtering. In fact, the state acknowledges the practice in its Road User Handbook: “Motorcycles riding between two lanes of stationary vehicles where lane lines are marked is not recommended.”

Of course, there are loopholes for the cop who’s having a bad day. According to rule 150, if a motorcyclist crosses a continuous white line, it may incur an infringement of $50 and, if the rider is exhibiting dangerous riding, they can be prosecuted under Section 30 of the Traffic Act.

**Penalties you risk**

<table>
<thead>
<tr>
<th>Road Traffic Act 46</th>
<th>Fail to give signal</th>
<th>$60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Rule 147</td>
<td>Cross single continuous line or fail to stay within marked lane or line of traffic</td>
<td>$50</td>
</tr>
<tr>
<td>Road Rule 141 and 144 (1)</td>
<td>Overtake incorrectly (general)</td>
<td>$70</td>
</tr>
<tr>
<td>Road Rule 56</td>
<td>Fail to obey a stop line at traffic lights</td>
<td>$240 + 4 demerit points</td>
</tr>
<tr>
<td>Road Rule 132 (1)</td>
<td>Fail to keep left of centre of road</td>
<td>$56</td>
</tr>
</tbody>
</table>
ACT

Is it illegal in the ACT? The short answer, of course, is yes. Again, there is no specific law but it's the same story as all the other states in that many other laws may be broken in the process.

According to ACT Policing, it is common for motorcyclists to use bicycle lanes that run adjacent to the roadway to filter through traffic, which incurs a fine of $133.

The ACT Policing said to AMCN, "It is an offence for a motorcyclist to lane split or filter, irrespective of whether traffic has stopped or not." Clearly, it's not something that's tolerated in the nation's capital, but because traffic congestion is not a big issue there it's not a real significant issue for ACT Policing either.

TASMANIA

Tasmania Police classifies filtering under overtaking laws. If a rider overtakes a vehicle to the left, even if it is moving at 1km/h, then the manoeuvre is illegal. It's the same story as other states and territories when it comes to overtaking on a double line and moving over the stop line.

"If the overtaking manoeuvre complies with the road rules, then it is not illegal and does not breach statutes and obviously no infringement can be issued." Using indicators and providing safe distances between vehicles when overtaking is Tasmania Police's main concern when it comes to filtering. When researching the fines and demerit points associated with filtering in Tasmania, it was interesting to see that cyclists almost always incur a lesser penalty and no loss of demerit points.

**PENALTIES YOU RISK**

<table>
<thead>
<tr>
<th>Road Rule 46</th>
<th>Fail to give signal</th>
<th>$167 + 2 demerit points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Rule 147</td>
<td>Cross single continuous line or fail to stay within marked lane or line of traffic</td>
<td>$167 ---------------</td>
</tr>
<tr>
<td>Road Rule 141</td>
<td>Overtake vehicle on left</td>
<td>$167 + 2 demerit points</td>
</tr>
<tr>
<td>Road Rule 144</td>
<td>Fail to leave enough room when overtaking, or cut in too soon</td>
<td>$167 + 2 demerit points</td>
</tr>
<tr>
<td>Road Rule 55</td>
<td>Fail to obey a stop line at traffic lights</td>
<td>$231 + 3 demerit points</td>
</tr>
<tr>
<td>Road Rule 153</td>
<td>Riding in a bicycle lane</td>
<td>$167</td>
</tr>
<tr>
<td>Road Rule 132</td>
<td>Fail to keep left of centre of road</td>
<td>$210 + 2 demerit points (3 demerit points if double line)</td>
</tr>
</tbody>
</table>

**CONCLUSION**

Even though most states and territories don't have a specific law against the practice of lane splitting or filtering, if police want to fine you there are plenty of offences in the Australian Road Rules they can get you for.

In 2005, the National Transport Commission (NTC) released a draft Regulatory Impact Statement (RIS) for a package of Australian Road Rules Amendments for public consultation.

The NTC is an independent statutory body that develops, submits and reforms recommendations for approval to the Standing Council on Transport and Infrastructure (SCOTI), which comprises federal, state and territory transport, infrastructure and planning ministers.

Within the draft, a new rule (151A) was proposed to address lane splitting and filtering by motorcyclists specifically.

The NTC received in excess of 800 submissions, which opposed the recommendation and in response to this withdrew the proposed rule.

The then chairman of the Motorcycle Council of NSW, Guy Stanford, received a letter from the NTC stating that "in order to progress the remainder of the 2005 Amendment Package, the NTC will withdraw the proposed rule 151A and refer it to the Australian Road Rules Maintenance Group (ARRMG) to address the issues raised during public consultation, and resubmit the proposal at a later time if they so desire."

When AMCN asked the NTC if there were any plans to reinstate the recommendation it said: "At this time, there are no plans to reintroduce this proposal."

Perhaps this is because if the NTC was to change one law to consider motorcyclists as a separate classification to drivers in the Australian Road Rules, then all road rules would then need to regard motorcyclists as a separate category, much like cyclists are now. Currently in NSW, trials of stop boxes at the front of some intersections could help filtering become a safe and accepted manoeuvre in the future but for now, motorcyclists are only as safe as police discretion when filtering through traffic.