

Your name
Your house number and street
Your suburb NSW postcode
Your mobile phone number
Your email address

19 August 2016

Officer in Charge
Frenchs Forest Police Station
137-139 Frenchs Forest Road
Frenchs Forest NSW 2086

Dear Sir/Madam,

I am writing to you because of an incident that occurred to me on 30 June 2016 at approximately 8:49pm.

Whilst I was not injured, no property was damaged and there was no contact made between myself and the offender, the incident was dangerous enough for me to be in fear of my own personal safety. I fear this offender may cause myself or others harm in the future if their behaviour is allowed to remain unchecked.

I bears strong similarities to speeding and driving-under-the-influence offences, where in most cases no injuries have been sustained, no property damaged and no accident has occurred, but the offender is still penalised for what may occur if their high risk driving behaviour is allowed to remain unchecked.

In my case the offence was extremely high risk behaviour and the driver needs to be made aware of the seriousness of their conduct towards other road users. Next time it could result in injury, property damage, a collision or, worse, a fatality.

You may be thinking at this point there is little you can do without having witnessed the event yourself. However, because this type of situation is becoming all too common, men and women like myself have resorted to using Digital Video Recorders (DVRs) as a means of capturing the evidence necessary to record the life-threatening behaviour of motorists. With this evidence which I have enclosed for you on a DVD, there is no reason for you not to be able to take action against the offender including the issuing of Traffic Infringement Notices and possibly even criminal charges.

I realise the police are very busy, which is why I am writing to you. This will allow you to consider this matter fully and determine the action you will be taking against the offender before contacting me for formal statements.

I appreciate that a number of weeks have passed since the incident. Unfortunately the investment of hours required to document the evidence combined with the annual end-of-financial year peak period at work have made it very difficult to raise the matter until now.

I trust that you will take my letter seriously, as the seriousness of this for me is that my wife, children and family do not want to have to visit me in hospital recovering from injuries sustained from a badly behaved and ignorant driver, or possibly worse.

All I ask is that I be allowed to be able to go about my lawful business on a bicycle, riding legally, safely and without fear of personal injury to myself by others.

I await your favourable reply.

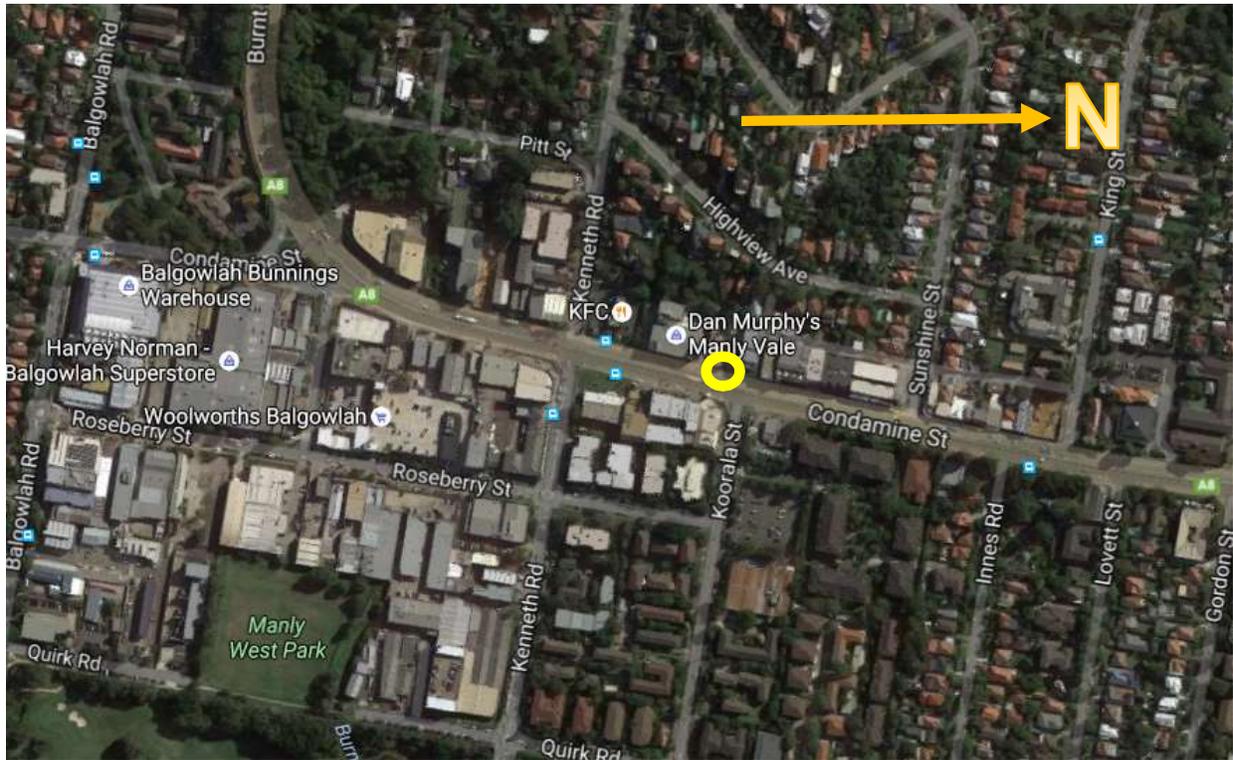
Yours sincerely

John Robert Hawkins

Attachments/Inclusions:

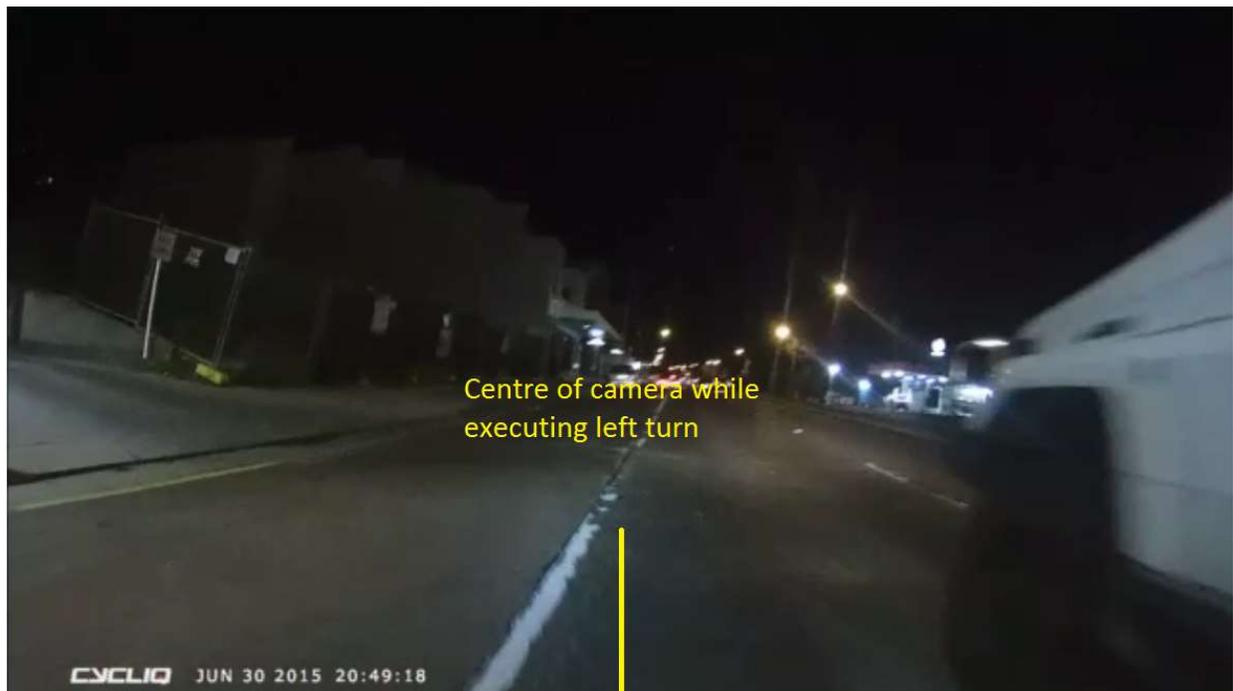
- Descriptions/Informal Statement; and
- DVD with video evidence of the incident, and electronic copy of letter and informal statement

Location of incident



Screenshots showing path of bicycle

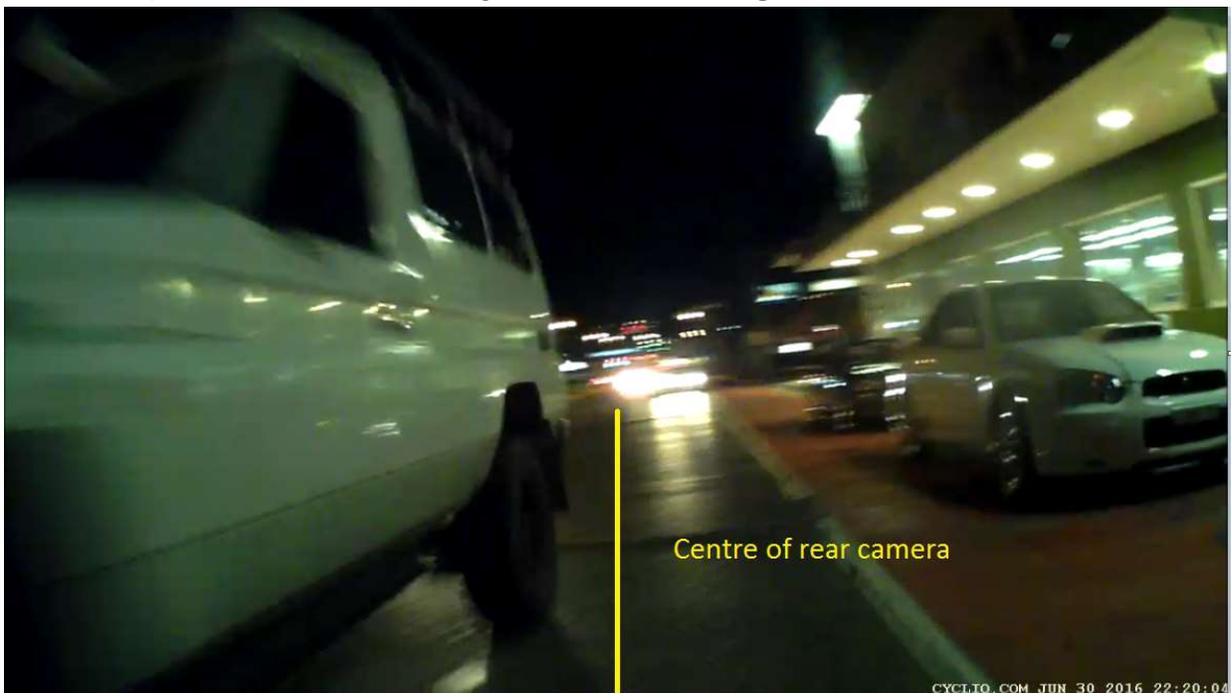
Path of front wheel mid-turn



Relative path of vehicles, bicycle heading straight



Relative path of vehicles, bicycle commencing left turn

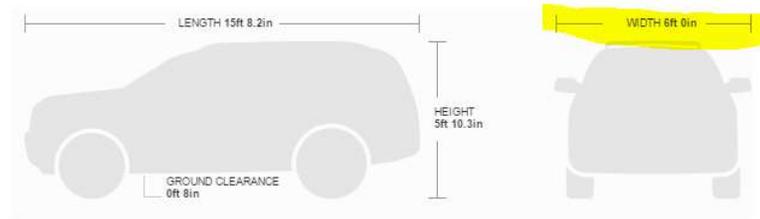


Position of cameras on bicycle



Screenshot from Edmunds.com website

Specifications



Body style illustration may not reflect the actual shape of this vehicle.

Exterior Measurements

GROUND CLEARANCE	0 ft. 8 in. (8 in.)	HEIGHT	5 ft. 10.3 in. (70.3 in.)
LENGTH	15 ft. 8.2 in. (188.2 in.)	WHEEL BASE	9 ft. 4.2 in. (112.2 in.)
WIDTH	6 ft. 0 in. (72 in.)		

Interior Measurements

FRONT HEAD ROOM	40.7 in.	FRONT HIP ROOM	59.5 in.
FRONT LEG ROOM	42.2 in.	FRONT SHOULDER ROOM	58.7 in.
REAR HEAD ROOM	40.0 in.	REAR HIP ROOM	59.5 in.
REAR LEG ROOM	33.7 in.	REAR SHOULDER ROOM	58.7 in.

Statement of a Witness

In the matter of: Traffic Offence – CZA46Q (NSW) Condamine Street

Place: _____ Police Station

Date: 20th August 2016

Name: First Middle Lastname

STATES:

1. This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false, or do not believe to be true.
2. I am XX years of age.
3. On the night of Thursday the 30th June 2016, I decided I would ride my Cannondale CAAD 9, Black and Silver road bicycle home from work in the Sydney Central Business District, passing through North Sydney, Neutral Bay, Mosman, Seaforth and Manly Vale. My bicycle is fitted with a Video Recorder that I use to record my bicycle rides which was activated to record on my journey on this night. The Video Recorder features two video cameras for both front and rear video recording.
4. The front camera is mounted to the centre of my handlebars to capture footage directly in front of the bicycle's path. This front camera is also combined with a white light and offsets the camera's lens by approximately fifteen millimetres (15mm) to the left of the centre of the bicycle. The light was operational in steady mode at the time of the offence. The rear camera is mounted on the seatpost below the saddle of my bicycle and is also combined with a red flashing light that was operational at the time of the offence. The lens of the rear camera is mounted in the centre of the housing and subsequently in the centre of my bicycle.
6. The internal clock and time stamp of the front camera shows the correct time although the date shows one year slow. The internal clock and time stamp of the rear camera is approximately one hour and thirty minutes fast. About 8:48pm on Thursday the 30th June 2016 I was riding my bicycle in a northerly direction along Condamine Street, Balgowlah.
7. Condamine Street is an arterial road connecting Balgowlah to Brookvale. Heading north from Balgowlah, Burnt Bridge Creek Deviation joins Condamine Street at a traffic light controlled intersection. Burnt Bridge Creek Deviation brings the main traffic flow from the Sydney CBD via the Spit Bridge and connects it to Condamine Street at Manly Vale, which at Brookvale in turn

becomes Pittwater Road and is the main north-south arterial road along the northern beaches peninsula.

8. Between Sydney Road and the intersection with Burnt Bridge Creek Deviation, Condamine Street comprises two (2) lanes in each direction. North from the intersection with Burnt Bridge Creek Deviation, Condamine Street comprises three (3) lanes in each direction.
9. Traffic lights control the intersection of Condamine Street and Burnt Bridge Creek Deviation, and again at the next intersection north along Condamine Street it is crossed by Kenneth Road.
10. On the northwest corner of the intersection between Condamine Street and Kenneth Road there is a Kentucky Fried Chicken takeaway food outlet, and next to it is a Dan Murphy's wine and liquor shop with underground parking and office space above.
11. The sections of Condamine Street upon which I was travelling have a speed limit of sixty (60) kilometres per hour.
12. In addition to the white front and red rear facing lights I was wearing shoes with rear-facing hi-vis reflective highlights, as well as grey fleece cycling tights with large rear-facing 3M hi-vis reflective panel areas. The frame tube below the seatpost also has a red reflective panel to comply with legal requirements for riding at night..
13. As I cycled in northerly direction along Condamine Street between Balgowlah Rd and Burnt Bridge Creek Deviation in lane one of two, I stopped at a red traffic signal at the intersection of Condamine Street and Burnt Bridge Creek Deviation. I was the second vehicle back from the lights, behind a small trayback utility vehicle carrying rolls of some material wrapped in plastic.
14. When the traffic lights turned green, I turned right and continued along Condamine Street in lane one of three as the traffic moved away ahead of me.
15. The lights at the intersection of Condamine Street and Kenneth Road Manly Vale showed a green traffic signal, so I continued through the intersection in lane one of three along Condamine Street at Manly Vale. I noticed up ahead outside the premises of the Dan Murphy liquor shop a number of vehicles parked in lane one of three.
16. Due to the narrowness of lane one of three, and my previous experience with people in this location swinging open car doors without checking for people riding bicycles, I decided it was necessary to execute a lane change into lane two of three.
17. I looked to the rear over my right shoulder a number of times after passing Kenneth Road to judge the speed and distance of vehicles approaching from the rear in lane two of three. At

approximately 60 metres past Kenneth Road adjacent to the driveway entrance for Dan Murphy's where it is next to the premises of Kentucky Fried Chicken I estimated that I had a comfortable gap of at least 80 metres to the next following car in lane two of three, and executed a merge from lane one to lane two of three.

18. At this moment a silver medium-sized sedan around 15 metres in front of me pulled out from a parked position in lane one of three and merged into lane two of three before driving off in the same northerly direction.
19. As I was travelling in lane two of three along Condamine Street, in a position around one-third (1/3rd) of the width of lane two of three from the line marking the division between lane one and lane two of three, I could hear the sound of an engine approaching from the rear. It sounded like an older mid-sized truck or large 4WD. At a distance of approximately eighty (80) metres from the intersection with Kenneth Road I was high-beamed from behind for around a second and unable to see the road properly.
20. Approximately ninety-five (95) metres from the intersection with Kenneth Road, the engine sound became very close and it was apparent the driver was not lifting off the throttle and was not slowing down. Judging by the shadows cast by my body and bicycle from the vehicle's headlights it was apparent the driver was on a collision course and that I must exit the lane immediately if I wanted to live. I feared I would be struck and killed.
21. Before I crossed the line back into lane one of three from lane two of three, at a distance of approximately one hundred (100) metres from the intersection with Kenneth Road, in my right peripheral vision I observed a large older model white 4WD Toyota Landcruiser wagon with high sides and large tall windows in the rear compartment, and roof racks fitted with white plastic tubes on either side overtaking me at a distance of no more than half a metre.
22. I yelled out to the driver and read aloud the number plate so that it would be captured on the audio of my digital video recorder. The number plate was a NSW plate with dark lettering on a light background.

I said: "FUCK YOU!"

I said: "C Z A 4 6 Q"

18. The white Toyota Landcruiser 4WD is familiar from a previous incident sometime in the last year, where an identical vehicle with NSW registration plates comprising black lettering on a white background, with round letters being the first and last on the plate, closely passed me in an identical unsafe manner on this road in this vicinity.

19. I was severely rattled by the near-collision, and after the white Toyota Landcruiser 4WD passed I swerved back into lane two of three without looking at what was coming from behind. A taxi passed me at a close distance.
20. I continued to cycle in a northerly direction along Condamine Street in lane two of three. At a distance of around two hundred and sixty-five (265) metres from Kenneth Road, near the intersection with Sunshine Street, the driver of a large metallic grey SUV swung their door open just as I was passing and completely obstructed lane one of three. If I had been in lane one of three instead of lane two of three a collision with the opening door would have been unavoidable. This rattled me further.
21. I did not return to lane one of three until I rode past the last of the parked vehicles, approaching the intersection of Condamine and King Streets Manly Vale. I continued my journey home thereafter without further incident.
22. I reviewed the video recordings from my DVR on the evening of 1 July after returning home from work.
23. In reviewing both recordings I observed that the white Toyota Landcruiser 4WD did not leave lane two of three at any time, nor did the outside edge of the right side tyres at any time cross the left side edge of the painted line dividing lane two and lane three of three. I also observed that the overtaking move took place adjacent to the driveway for the exit from the Dan Murphy liquor retail outlet car park.
24. I observed by analyzing individual frames from the rear facing video at the moment the white Toyota Landcruiser 4WD passed me that, while I have started turning to the left, I am still approximately one quarter of the lane width into lane two of three at the time the 4WD's front wheel goes out of view of the camera, and I am still approximately one-sixth of the way into lane two of three from lane one as the rear wheel goes out of view.
25. I observed by analyzing individual frames and their timestamps that around six (6) seconds after I enter lane two of three the driver of the white Toyota Landcruiser 4WD flashes me on high beam for a period of 1.2 seconds.
26. I observed by analyzing individual frames and their timestamps that the elapsed time between when I entered lane two of three and when the front left corner of the white Toyota Landcruiser 4WD draws level with my rear tyre is almost exactly nine (9) seconds.
27. I observed by analyzing individual frames and their timestamps that my rear camera and light has a direct line of sight to the white Toyota Landcruiser 4WD's headlights for a period of twelve (12)

seconds prior to being overtaken. The battery in this light is charged after every day's riding and the red flashing light is of sufficient strength to have been clearly visible to the driver for this entire period.

28. I searched on the myservice.nsw.gov.au "free rego check" website for the vehicle registration number, which returned a result identifying the vehicle as a 1992 White Toyota Landcruiser bus.
29. A google search on the terms "1992 Toyota Landcruiser specs" turned up a reference to <http://www.edmunds.com/toyota/land-cruiser/1992/features-specs/>. That site specifies this year and model as being 72.0 inches wide (182.9cm).
30. Due to work pressures and time being absorbed by other matters I did not return to this location with measurement equipment until 3:30pm Sunday 14 August.
31. Using a tape measure around 3:30pm on Sunday 14 August I measured the width of lane two of three on Condamine Street at the driveway for the exit from the carpark at Dan Murphy's liquor store, at a point approximately 100m from the intersection of Condamine Street and Kenneth Road, to be a distance of 2960mm between the inside edges of the paint lines..
32. Using the same tape measure, I measured upon returning home the outside tips of the brake levers on the handlebars on my Cannondale CAAD9 to be the widest point of my bicycle at 465mm.
33. After considering the above measurements, both my and the white Toyota 4WD's positions on the road, and our respective widths, as well as the video recording from the rear-facing camera, if I had maintained my line riding parallel to the white line, the white Toyota Landcruiser 4WD would have struck me from behind on the right side of my body.
34. After considering my position on the road relative to the total lane width at the moment of overtaking, as well as the width of the lane, the stated width of the white Toyota Landcruiser 4WD and its position in the lane, and performing some calculations, at the time of overtaking the white Toyota Landcruiser 4WD passed me at a distance starting at approximately 400mm, increasing to no more than 700mm as I further swerve left.
35. After considering the width of the lane at 2.96 metres, the stated width of the white Toyota 4WD at 1.83 metres, and the width of my bicycle's handlebars at 465 millimetres, and performing some calculations, it is not possible for the white Toyota Landcruiser 4WD to have

met the minimum safe overtaking distance requirement of 1 metre in this location at any time during this incident while either of us remained wholly within lane two of three, as shown by the video. The only way for the minimum safe passing distance of one metre to be met is for one or both of us to partially or completely leave the lane, which had not occurred at the time the incident was recorded.

36. While the video did not capture the license plate due to low light, I am completely confident that based on my reading aloud the number plate at the time of the offense being recorded on the video, recalling the details of the description of the vehicle, and reviewing the video evidence I am able to identify this vehicle beyond reasonable doubt.
37. While I have relied upon a third party website for vehicle measurements I am confident that when the offending vehicle is measured by an appropriate officer, after considering all the other measurements and our positions on the road evidenced by the digital video recording, it will confirm beyond reasonable doubt that an offense under NSW Road Rule 144-1 has been committed.
38. At the time of making this statement, I have been riding bicycles for ten years and am very familiar with the roads of Condamine Street, Burnt Bridge Creek Deviation, Kenneth Road, Sunshine Street, and King Street, having both ridden my bicycle and driven motor vehicles on these roads.

My concerns:

- That this driver thinks aggressive behaviour towards vulnerable road users is acceptable.
- That they may behave this way to other road users who feel unable to take the matter further without access to supporting proof of the aggressive behaviour.
- That they have an incomplete knowledge of or care concerning the road rules as it relates to their obligations as road users.
- This offense seems to be part of a pattern of behaviour that has been developing over time, and it needs to be nipped in the bud now before it results in a death.

What I would like:

- I would like this driver to be issued with a Traffic Infringement Notice for contravention of NSW Road Rule 144-1 - keeping a safe distance when passing bicycle rider.
- I am happy to make a formal statement about the matter by attending Frenchs Forest Police Station; please let me know when I can do this.
- I have included a copy of this letter on the enclosed DVD to assist with your preparation for this process.
- I am prepared to go to court and give evidence should the driver contest any charges brought against them.