

# RoadPeace

the national charity for road crash victims  
supporting crash victims      reducing road danger



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## A Safer Way consultation response

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RoadPeace, the national charity for road crash victims, represents the losers of road users—those families that have suffered deaths and injuries in crashes. Our members also include those that believe more should be done to reduce the danger posed by motor vehicles. Whereas road safety has traditionally focused solely on the quantity of death and injury (as seen by the existing and proposed targets), road danger reduction is also concerned about the quality of life and the impact on the environment from motor vehicles.

RoadPeace welcomes the chance to contribute to the development of the government's next road safety strategy. There are serious omissions in the current strategy (no public health or post crash focus). We are also facing a different economic and environmental climate that requires a new approach. With the twin crises of obesity and climate change facing us, there is an even greater need for a road danger reduction approach, rather than the traditional road safety approach.

*Our response is dedicated to Eilidh Cairns, one of the six women cyclists killed in collisions with lorries in London this year. Eilidh was only 30 when she was hit in central London during rush hour in February 2009. The cause of the collision remains unknown as there were no eyewitnesses. Both the vehicle and the driver are still on the road, despite the vehicle having blind spots and the driver failing the eyesight test (which was taken some 14 weeks after the crash). This response is part of our efforts to reduce the number of future Eilidhs.*

### DfT's A Safer Way Consultation questions

#### *Vision and targets*

1. *Do you agree that our vision for road safety should be to have the safest roads in the world?*

No, RoadPeace's vision is for the risk of road travel to be reduced to the level of other everyday activity. But if DfT insists on this vision, then it should at least clarify that it means the safest roads for all road users. This should include the same basic risk level for all urban road users, for at present, the differential between the risk faced by pedestrians and that faced by vehicle occupants is too wide.

2. *Do you agree that we should define a strategy running over twenty years to 2030, but with review points after five and ten years?*

No, we think 20 years is too long a time given the environmental challenges we are just starting to face, and the current economic crisis. We believe that within 10 years we will have a quite different approach to climate change, transport, and public health and DfT's road safety strategy will need to be consistent.

3. *Do you agree that our targets should be to reduce:*

- road deaths by at least 33 per cent by 2020 compared to the baseline of the 2004–08 average number of road deaths;
- the annual total of serious injuries on our roads by 2020 by at least 33 per cent;
- the annual total of road deaths and serious injuries to children and young people (aged 0–17) by at least 50 per cent against a baseline of the 2004–08 average by 2020;
- by at least 50 per cent by 2020 the rate of KSI per km travelled by pedestrians and cyclists, compared with the 2004–08 average?

According to the *Post 2010 Casualty Forecasting* background research report conducted for the road safety strategy (Broughton, 2009), these targets could be met with existing measures, i.e. without any new initiatives. On this basis, they are too lenient. But if the road safety budget is cut by 20% or more as feared, then they will be harder to obtain. As the strategy consultation document does not discuss any budget reductions, we assume that these targets are too easy. Accordingly, we believe the road death and serious injury (measured separately) casualty reduction targets should be at least 40%.

We support the introduction of rate based targets for cyclists and pedestrians, given the increased amount of cycling and walking expected. But as mentioned previously, we believe the risk of death on urban roads should be roughly similar for both vulnerable road users and car occupants.

We also believe that until hospital records are used to report the number and severity type of road casualties, that there should be an annual review of under-reporting and the discrepancy between police and hospital statistics. This discrepancy could well be increasing with some police reporting they only attend collisions where ambulances have been called out, and not in all cases of reported injury.

4. *We are proposing a set of indicators in order to help us to monitor performance. Do you believe these cover the right areas?*

We welcome the consideration of performance indicators and recommend consideration of the following additions:

Danger related

- level of perceived danger by vulnerable road users (e.g. five and seventy-five year old test on urban streets).
- percentage of children allowed to play in the street
- all traffic related deaths (including crashes, air pollution, sedentary lifestyle association, etc.), as a reminder of the wider consequences of traffic.

Resources related

- percentage of total road transport budget allocated to road safety
- percentage of transport budgets allocated to walking and cycling and/or amount spent on walking or cycling per capita
- number of police services with specialist roads policing/ units.
- number of Department of Health staff working full time on road traffic injury prevention (2009 baseline 0)

Urban travel related

- percentage of urban roads covered by 20 mph speed limits.
- percentage modal shift of trips under 5 miles.

*Context*

5. *We have identified a number of factors that may affect our ability to deliver road safety improvements in the future world we are planning for. Do you think we have taken account of the key risks and opportunities? Are there others you would add?*

A key risk is that road safety in the UK will not receive the same level of political commitment as it has received in Sweden, Netherlands and France. A bolder approach is required to tackle the widespread perception that driving is a basic human right and that cars take priority over people.

We believe that the DfT has under-estimated the effect of the factors listed in the consultation document. The constraints and opportunities posed by climate change and the obesity crisis will require more changes, including many already adopted by other European countries, such as 30 kph speed limits, reducing the number of parking spaces, prioritising active road users, etc.

6. *We think that the key challenge for road safety from 2010 is better and more systematic delivery, rather than major policy changes. Do you agree?*

No, we believe that a main policy change is needed, more than the 'shift' proposed by the consultation document, which is basically more of the same, just with some fine-tuning. RoadPeace believes that key defaults need to be changed. This includes the urban speed limit and the speed limit for single carriageway rural roads, and our civil compensation liability system.

We think major policy changes are required for the UK to have the same urban environment as other European cities. Our civil compensation system needs to be based on driver liability so that in collisions involving pedestrians or cyclists, the burden of proof is on the driver to prove the casualty caused the collision. We welcome Scotland's Cycling Action Plan consultation which includes this as a proposed measure.

The proposed strategy does not appear to appreciate the need for non judgemental terminology. The British Medical Journal banned the term 'accident' in 2001, the police no longer use it and the Crown Prosecution Service changed their policy last year and no longer refer to collisions as 'accidents. It has been over 12 years since Nicholas Faith argued in his book **Crash** that the '*The first step in changing human behaviour must be to stop thinking in terms of accidents and to talk exclusively of crashes*'. We are still waiting for the DfT to take that first step.

We are also concerned that the DfT does not think that further legal reform is needed. The reform we have had in recent years only applied to fatal crashes. The maximum prison sentence for Dangerous Driving remains at two years, even though it was recommended to be increased to 5 years when the maximum custodial sentence for causing death was 10 years. There is still no standard motoring offence which mentions a serious injury has occurred (this is only stated in the charge used for off road driving offences). This affects transparency and accountability as we are unable to know how many injury collisions involve prosecuting and convicting a driver.

Road deaths range from murder to unplanned suicide. Drink drivers kill themselves as do those not wearing seat belts. Vulnerable road users are killed by sober drivers, whose speeds are rarely estimated precisely, or so the police tell us. We believe that government should prioritise preventing homicide over suicide, as is already the case with road death collision investigations (hit and run collisions receive much greater priority than do single vehicle run off the road collisions where the driver is the sole casualty).

7. *This consultation document sets out the current evidence on the key road safety challenges. Do you agree with our analysis? Would you highlight any others?*

Speed should be the first factor listed, not the last. WHO and ETSC already acknowledge speed to be the most critical factor and DfT should do so also. We do not agree with DfT's claim that poor road user behaviour is limited to 'a few' when the majority of drivers exceed the speed limit. We believe the biggest challenge is getting DfT and the public to appreciate that exceeding the speed limit by a few miles is dangerous and responsible for more road deaths than those caused by extreme speeders. This is the widespread speeding of 5-10 mph above the limit that the DfT does not classify as extreme speeding.

We also believe that at work related road safety deserves mention as it accounts for up to a third of road deaths. Most of these victims are members of the public, not at-work employees. The Health and Safety Executive still do not include it in their remit and they are not represented on the Road Safety Board.

#### *New performance framework*

8. *We are proposing a number of measures to support the effectiveness of the road safety profession. Do you think they will be effective? What else might need to be done?*

Training courses in road danger reduction should be developed. This would include such key topics the impact of motor vehicle usage on public health, air pollution, emissions and the environment, intimidation and crime, risk compensation.

The road safety profession should also receive more public health training in evidence based analysis and evaluation. The Evidence based practice in road casualty reduction programme organised by Devon County Council and Plymouth University should be extended. There should also be closer collaboration with the Cochrane Collaboration and the public health community.

Funding should be provided for training the next generation of road safety professionals.

With the move away from roads policing and towards devolution of police duties, there should be more road safety incorporated into basic police training.

9. *Do you agree that an independent annual report on road safety performance, created on an annual basis, would be a worthwhile innovation?*

Any independent annual report must be independent. Many road safety experts work for organisations that are dependent on DfT funding and who will not want to upset a 'good client'.

The consultation report mentions the DfT have decided against establishing an independent road collision investigatory body, similar to what already exists for other transport modes that account for very few deaths.

We welcome DfT's acknowledgement of the need for more priority to be given to collecting data from collision investigation but we do not think the approach proposed is sufficient. We believe a Road Crash Investigation Centre is needed and that this should not be restricted to fatal crashes. The difference the Road Death Investigation Manual has made in practice is unknown as it has been applied differently by the various police services. Her Majesty's Constabulary Inspectorate have never reviewed collision investigation and the Health and Safety Executive have consistently shunned their responsibility. Much more priority and resources are needed in order to ensure lessons are learned in order to reduce such a key leading cause of premature death and acquired disability. This is much more than can be covered in an annual report.

10. *Do you agree that the Road Safety Delivery Board should be tasked with holding Government and other stakeholders to account on the implementation of a new national road safety plan?*

We hope that the Road Safety Delivery Board will be able to achieve greater commitment from the key organisations, but we note the omission of the Health and Safety Executive and also the absence of the Department of Health at the first few Board meetings.

#### *Roads and local authorities*

11. *Do you agree that highway authorities reviewing and, where appropriate, reducing speed limits on single carriageway roads will be an effective way of addressing the casualty problem on rural roads? Are there other ways in which the safety of rural roads can be improved?*

We support the reduction of the national speed limit on single carriage rural roads to 50 mph with sections rating the highest safety levels able to qualify for 60 mph (this is the system in Sweden where the national speed limit refers to the default limit but can be exceeded. But some rural roads deserve to have lower speed limits, particularly those sections used by cyclists and pedestrians.

12. *How can we most effectively promote the implementation of 20 mph zone schemes in residential areas? What other measures should we be encouraging to reduce pedestrian and cyclist casualties in towns?*

#### *Promoting 20 mph*

We believe the DfT should promote the introduction of 20 mph urban speed limits, not fragmented zones which do little to change the overall perception of a safe urban speed. We believe the economic evaluation has underestimated the benefits of 20 mph roads. The DfT should be investing in large scale trials of 20 mph limits, as requested by the London Councils earlier this year.

The DfT should work with the Take Action Active Travel initiative and build on that momentum. It should also publicise the various other calls by NICE and other government departments for roads to be made more pedestrian and cycle friendly 20 mph limits.

We do not agree with the DfT's assumption about the impact of 20 mph speed limits on vehicle emissions. As noted in our presentation last summer, there is research that shows that they do not contribute to emissions. We also noted that this had not been a concern expressed by Friends of the Earth, Green Party, Royal Commission on Environmental Pollution (nowhere in their 232 page report on the Urban Environment is there any mention of 20 mph speed limits but they did call for statutory targets to reduce urban traffic and for more low emission zones in London). Nor was it a concern for the Institute for European Environmental Policy or their publication *Unfit for purpose: How Car Use fuels Climate Change and Obesity* (2007).

#### *Other measures*

The other key measure that would improve pedestrian and cyclist safety is the introduction of a driver liability civil compensation system, similar to that in France and the Netherlands where children and older vulnerable road users receive compensation from injuries, as do most adult vulnerable road user casualties. With the government's promotion of electric cars which are silent and the increase in occasional cyclists with the cycle hire scheme in London, driver liability will become even more important for the safety of vulnerable road users.

Additional measures include:

- All one way roads open for contraflow cycle lanes.
- Traffic signals linked to 20 mph speeds.
- Signalised pedestrian crossings change to red (for the vehicle) if speeding vehicles are approaching.
- Average speed cameras used to enforce 20 mph speeds. If needed, hypothecation should be reintroduced.
- Publicity campaigns on safe passing distances for cyclists.

13. *How can we provide better support to highway authorities in progressing economically worthwhile road safety engineering schemes?*

All road safety measures should be evaluated. The next road safety strategy should include the key evidence for each measure. This would highlight the relatively high returns from road engineering measures.

In the DfT commissioned report **Road Safety Strategy Beyond 2010: A Scoping Study**, it was stated that *"It is widely recognised that there are aspects of road safety work that should be undertaken—indeed that it would be irresponsible not to undertake—even though their*

*effectiveness in terms of numbers of casualties prevented can hardly be estimated. Examples are road safety education in schools, training, testing and licensing of drivers, and many other kinds of public information”* Broughton et al, 2009. Not all education programmes or training courses work and it is important that they are evaluated in terms of impact, even if this is limited to changes in knowledge, behaviour or skills. It is also needed to correct the misperception of the relative effectiveness of education programmes and physical measures, including cameras and humps. Too many have complained about the regression to mean effect of cameras, not appreciating it is a general problem with site selection of physical measures nor understanding the lack of evidence for driver training measures.

#### *Vehicles*

##### *14. What should Government do to secure greater road safety benefits from vehicles?*

Making intelligent speed adaptation (ISA) mandatory would have major safety benefits. The government’s proposed casualty reduction target could be met by this measure. The Government should promote the use of black boxes and ISA, including requiring them in all its vehicles and those used in government contracts. Black boxes will not only improve driving behaviour but will also help expedite collision investigation, criminal prosecution, and civil compensation. The innocent are exonerated and the guilty are identified with black boxes.

A particular concern to us is the safety of lorries, especially those operating in urban areas. We believe all lorries sharing roads with cyclists and pedestrians should have all required mirrors (no exceptions for older vehicles) but also be equipped with sensors and alarms (internal and external). These are even more important for left hand lorries. Given the technology available today, there is no justifiable reason for ‘blind spots’ to exist.

Electronic stability control is already supported by DfT. Other benefits that should be promoted include: the Soft Car design that combines ISA with an external speedometer, alcolocks, ecall (able to reduce road deaths by 5-10%), audio seat belt warnings.

##### *15. Do you agree that, in future, crash avoidance systems will grow in importance and will have the potential to greatly reduce casualties?*

Given both the time lag involved in changing vehicle design and the potential for risk compensation, we are not as optimistic about the importance of crash avoidance systems. We are also concerned that the focus on crash avoidance is a way of avoiding the need for reduced vehicle speeds.

##### *16. How can we best encourage consumers to include safety performance in their purchasing decisions?*

The pedestrian safety rating should be able to be identified separated from the general NCAP ratings. Pedestrian (and cyclist) safety was not a priority for NCAP until recently and it has lagged behind with few cars achieving good ratings for pedestrian safety.

Licenses for car rental schemes should be given with the requirement that they purchase the safest and greenest vehicles.

#### *Behaviours*

##### *17. We have highlighted what we believe to be the most dangerous driving behaviours. Do you agree with our assessment?*

The consultation states that “*Most road users are responsible and understand the rules of the road. They treat the roads seriously and do not act dangerously*”. This is true, except for the case of speeding. The greatest danger posed to pedestrians and cyclists is by the many drivers who

exceed the speed limit by a few miles, but enough to make the difference between a cast, coma and a coffin. They may not cause the collision yet their speed will determine the casualty severity.

Yet the DfT's proposed approach includes "Supporting responsible road use" and "Cracking down on irresponsible road user" which it states is done by a minority of people. We do not agree with this assessment or the proposed measures. Extreme speeders should be taken off the road as are drink drivers, not just given six penalty points.

We also believe a reduction in the drink drive limit is long overdue and that drivers who fail the breathalyser test should have their license suspended immediately, starting with those who have killed or injured people in collisions. This is not the case at the current time as drivers, including those on bail, are allowed to keep driving unless there is evidence that they are at risk of re-offending. We believe that these drivers have already lost their privilege to drive.

*18. What more can be done to persuade the motoring public that illegal and inappropriate speeds are not acceptable behaviours?*

We suggest the following five main ways of making speeding be perceived as unacceptable

1. Adopt the same approach as with drink driving.
  2. Tackle myth that speeding is a victimless crime.
  3. Synthesize and update evidence on impact of speeding.
  4. Adopt a road danger reduction approach that benefits from the public health/epidemiological approach focusing more on prevention than causation, and that is also concerned with the impact on the environment.
1. The DfT could learn from its experience with drink driving and proceed to
    - a. Introduce same penalties as with drink drivers, including
      - i. banning first time speeding drivers. This could start with drivers exceeding the speed limit by 10 mph or more.
      - ii. increase penalties (driving bans, fines and prison terms) for repeat offenders.
      - iii. If first time drivers cannot be banned, then at least make disqualification automatic at 12 penalty points.
    - b. Reduce the tolerance of speed enforcement to the technical level, no extra 10%.
    - c. Dedicate a chapter in each year's Road Casualties Great Britain to the problem of speed (as is already done with drink driving).
    - d. Stop using the contributory factor data to estimate the role of speed in contributing to collisions. It is not used to estimate role of drink driving as it is known to severely underestimate it.
    - e. Work with insurance companies so they penalise drivers with speeding offences as they already do with drink drive convictions.
    - f. Extend any name and shame programme of drink drivers to speeding drivers.
    - g. When random breath testing is introduced, adopt policy of random speed checks. Stop the practice of posting warning signs ahead of speed cameras.

2. Tackle the myth that speeding is a victimless crime

The DfT could also counter the misperception that speeding is a 'victimless crime'. The current road safety strategy includes the action 'improve victim support' yet in the last five years, key opportunities have been missed. Injured road crash victims were excluded from the Code for Victims introduced by the Home Office in April 2006. The Victim's Surcharge which was introduced a year later, collects most of its money from motorists (drink drive offences and license violations), but none of the money has gone to support road crash victims. We note the absence of the Ministry of Justice from the cross-departmental road safety strategy steering group.

We believe the judiciary would take speeding (inappropriate and illegal) speed more serious if they were more exposed to it. Just as the Mayor of Mexico City requires his staff to cycle to work once a month, so should magistrates, CPS, and judges be required to travel by walking and cycling, unless

they are physically unable to do so. Advanced police drivers should also be required to cycle on a regular basis.

### 3. Synthesise and update the evidence on speeding

While the estimates of the sensitivity of mortality risks of vehicle occupants have been updated, the consultation document still uses 1979 data to estimate the risk of death to a pedestrian. The World Health Organisation and European Transport Safety Council, and many other national and international organisations state that when hit at 20 mph (30kph), a pedestrian has a 50% chance of dying, not 20% as the DfT claims.

The DfT should explain why a different risk applies in the UK. If this cannot be proven by current research, then the DfT should adopt the internationally recognised estimate of pedestrian sensitivity of death when hit at 20 mph.

### 4. Adopt road danger reduction approach with public health/epidemiological basis and reflect environmental concerns.

The DfT could also work with the Department of Health in adopting a public health approach to speeding. This would involve highlighting speed's role in preventing crashes and reducing casualty severities, and not just crash causation. It would also involve tackling what DfT considers to be low level speeding but that which is believed to account for more crashes and casualties than extreme speeding.

The debate over appropriate default speed limits cannot be limited to the impact on road casualties. There are also strong environmental and also quality of life reasons for reducing speed limits. This includes concerns about rising obesity levels and reducing vehicle emissions and fuel consumption.

### *19. What more can be done to encourage safe and responsible driving?*

Improved monitoring would help. We believe all government vehicles, and vehicles engaged on government business, should have black boxes fitted so they can be held accountable for their driving.

### *20. Should more be done to reward good driving? If so, what?*

No. With the limited enforcement currently available, 'good driving' may just be undetected bad driving.

More could be done to publicise the rewards with modal shifts from the car to the bicycle as this would include benefits from petrol expenditure savings and physical exercise.