

WHO adds its voice to evidence that 20mph limits are required for authorities to meet “duty of care” responsibilities

A 20's Plenty for Us Press Release May 2017

http://www.20splenty.org/duty_of_care_mandates_20mph

The World Health Organization's call for 30km/h (20mph) limits as best practice where motorised traffic mixes with pedestrians and cyclists confirms the evidence that a 30mph limit permits speeds which are not consistent with the Common Law duty of councils to protect people when creating, designing or maintaining highways.

20's Plenty for Us

...making your place a better place to be



Save Lives
#SlowDown

As part of the 4th UN Global Road Safety Week, May 8th-14th, WHO has focussed on vehicle speed as the major factor in most collisions. Its document on Speed Managementⁱ says:

*“A safe speed on roads with possible conflicts between cars and pedestrians, cyclists or other vulnerable road users is 30 km/h (see Table 2). To achieve these safe speeds, local authorities should have the legislative power to reduce limits as needed to better protect all who use the roads. In addition, drivers should be informed of limits through **sign-posting the legal speed limit on roads and rigorously enforcing the law.**”*

This is supported by many pieces of research including substantive evidence that **children are unable to cope with traffic speeds above 20mph** without putting their lives at risk.

In 2017, Prof Jodie Plumert of University of Iowa found that children up to their early teenage years had difficulty consistently crossing the street safelyⁱⁱ, with collisions rates as high as 1 in 20 for a 10 year-old attempting to cross a road with 25mph traffic. **It was not until the age of 14 that collisions were avoided.**

Children contend with two main variables when deciding whether it is safe to cross a street, according to the research. The first involves their perceptual ability, or how they judge the gap between a passing car and an oncoming vehicle, taking into account the oncoming car's speed and distance from the crossing. Younger children, the study found, had more difficulty making consistently accurate perceptual decisions.

The second variable was their motor skills: How quickly do children time their step from the curb into the street after a car just passed? Younger children were incapable of timing that first step as precisely as adults, which in effect gave them less time to cross the street before the next car arrived.

In 2011, Prof John Wann of Royal Holloway, University of London found that **at vehicle speeds faster than 20mph, primary age children may not be able to detect cars approaching**ⁱⁱⁱ.

“This is not a matter of children not paying attention, but a problem related to low-level visual detection mechanisms, so even when children are paying very close attention they may fail to detect a fast approaching vehicle.”

“However, our results suggest that children's perceptual limitations place them at greater risk of stepping out in front of cars that are traveling at higher speeds. The combined implication is that driving in excess of 20 mph in a residential or school area not only increases the potential severity of any impact with a pedestrian, but also increases the risk that a child will injudiciously cross in front of the vehicle.”

Children therefore cannot be relied upon to protect themselves.

In 2013, UK Dept for Transport guidelines on setting speeds by local Traffic Authorities^{iv} noted that:-

“Fear of traffic can affect peoples' quality of life and the **needs of vulnerable road users must be fully taken into account** in order to further encourage these modes of travel and improve their safety. Speed management strategies should seek to protect local community life.”

The same document also set councils a **“Priority for Action”** that it should consider the introduction of **more 20mph limits and zones.**

Besides calling for lower speeds to help protect children from crashes, the Royal College of Paediatrics and Child Health also recognises the **long-term effects of poor air quality on children** and calls for actions to reduce toxic emissions.^v Imperial College, London found an **8% reduction in NOx and PM10 diesel emissions** with a 20mph limit compared to 30mph.^{vi}

In 2010, case law established that “**Highway authorities owe a duty to all road users (whether careful or negligent) to use reasonable care in the manner in which they exercise their powers**”.^{vii} This includes their responsibility for setting 20mph speed limits. And where a council does so then pedestrians, both adults and children, gain the protection of the law as negligent drivers exceeding the limit are held liable in the event of a collision, regardless of any negligence by the pedestrian.^{viii}

Many British secondary school age children must make journeys alone to comply with the legal requirement to receive an education. Most secondary schools are near main streets, **with traffic speeds beyond the ability of a child to judge reliably**. Many streets, even residential streets, are designed for heavy goods vehicles including 10 or 12 wheel refuse trucks. No reasonable individual or organisation would argue that we should not give the needs of children equal or better regard. Councils must have regard to the needs of children, and what can reasonably be expected of them when using the highway. Councils may be unable to successfully defend actions in negligence unless they have taken steps to reduce the speeds to levels at which children can cope.

It's a liability/responsibility gap issue. If a child crosses a road with speeds faster than they have 'capacity' and makes a mistake **they may pay with their life**.

Robert Huxford of the Urban Design Group said:

“Given overwhelming evidence that children are not capable of responsibility for injuries in traffic above 20mph, Councils and Governments must set 20mph limits for child protection”

Rod King MBE, Founder of 20's Plenty for Us said:

“There is clear and compelling evidence that the 30mph limits expose our children to unacceptable dangers from traffic in direct casualties, effect of emissions and suppression of mobility rights. Already many authorities have shown that setting 20mph limits is effective, affordable and popular^{ix}.

Where a council allows vehicle speed above 20mph by refusing to implement such limits where children live, learn and play then society should hold them morally responsible and legally culpable for child casualties when crossing roads and the effects of poor air quality. In this 4th UN Global Road Safety Week we call upon local and national governments to follow WHO best practice and implement wide-area 20mph limits as a default with strong enforcement”

ⁱ WHO – Managing Speed Page 8 <http://apps.who.int/iris/bitstream/10665/254760/1/WHO-NMH-NVI-17.7-eng.pdf?ua=1>

ⁱⁱ Jiang, Rahiman, Kearny, Yon - Why children struggle to cross busy streets safely <https://now.uiowa.edu/2017/04/why-children-struggle-cross-busy-streets-safely>

ⁱⁱⁱ Wann, Poulter, Purcell - Reduced Sensitivity to Visual Looming Inflates the Risk Posed by Speeding Vehicles When Children Try to Cross the Road <http://journals.sagepub.com/doi/full/10.1177/0956797611400917>

^{iv} DfT – Setting Local Speed Limits – Circular 01/2013 - <https://www.gov.uk/government/publications/setting-local-speed-limits>

^v RCP and RCPCH - Every breath we take: the lifelong impact of air pollution - <http://www.rcpch.ac.uk/news/doctors-say-40000-deaths-year-linked-air-pollution>

^{vi} 20's Plenty for Us referencing Imperial College Report - http://www.20splenty.org/emission_reductions

^{vii} Court of Appeal - Yetkin v Newham - <http://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Civ/2010/776.html>

^{viii} Rehman v Brady – Report by hlw Keeble Hawson LLP - <http://www.hlwkeeblehawson.co.uk/Legal-Updates/Speed-of-Driver-Definitive-on-Liability-For-Road-Tra.aspx>

^{ix} 20's Plenty for Us – List of UK places implementing community-wide 20mph limits - http://www.20splenty.org/20mph_places

20's Plenty For Us campaigns for a 20mph default speed limit in built up areas without physical calming.

Web www.20splentyfor.org Twitter [@20splentyforus](https://twitter.com/20splentyforus)

Rod King MBE
Founder & Campaign Director
rod.k@20splenty.org.uk
07973 639781 @20splentyforus

Anna Semlyen
Campaign Manager
anna.s@20splenty.org.uk
07572 120439 @AnnaSemlyen1

Jeremy Leach
London Campaign Co-ordinator
jeremy.l@20splenty.org.uk
07415 243015