



## Policy: Traffic Laws

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The LDP believes traffic laws should strike a better balance between safety and efficient travel.

Australia is a large country in which motor vehicles are a vital means of transport. Our traffic laws need to strike a balance between safety and the need for efficient travel over long distances.

Annual road deaths in Australia have fallen from a peak of 3,798 in 1970 to approximately 1,600. Over that period, road travel has increased by almost 150 per cent. While this is commendable in one sense, the restrictions on mobility and transport imposed in the course of achieving such a reduction are rarely considered.

It is not a realistic goal to seek the virtual elimination of deaths and injuries due to traffic accidents, and should not be the intention. The primary aim of traffic laws and their enforcement must be to reduce the potential for death and injury to innocent road users – passengers, innocent bystanders and safe drivers – to a level that is reasonably proportional to the need for an efficient transport system. Moreover, what is reasonably proportional is a matter for society to decide, not politicians and public servants.

This should be accompanied by a health system that does not impose on society the cost of recovery of irresponsible and dangerous drivers. Drivers should be free to risk their own safety provided they are responsible for the consequences of the choices they make.

### Currently:

- Too many traffic laws are based on the subjective views of policymakers and reflect a “nanny-state” mentality.
- Too many traffic laws are intended to protect drivers from themselves, even when they are the only ones likely to suffer adverse consequences. Seat belt laws are especially paternalistic.
- Too many traffic laws are based on assumptions about outdated automotive technology and have never been reviewed as technology improved.

- Enforcement of traffic laws often has too little impact on risky driver behaviour and does little more than generate government revenue. This undermines public confidence in the police and legal system.
- The enforcement of traffic laws is at times vindictive and oppressive, especially on young drivers. Enforcement of speed limits in Victoria, for example, has gone well beyond the limits of what is compatible with a free society.

Speed limits require a major rethink. Not only are they disregarded by a majority of drivers, but the justifications offered for speed limits bring the law into contempt. It is clearly false, for example to claim that “there is no such thing as safe speeding” or “speed kills” when the sport of motor racing has such a safe record.

Different approaches are taken in other parts of the world:

- On French autoroutes there is a variable speed limit: in dry weather 130 km/h; when raining, 110 km/h.
- Italian autostradas have a 130 km/h speed limit, with 110 km/h limits on curvy roads and in rainy conditions and 150 km/h limits on newer and straighter roads.
- German autobahns have no speed limits in general, although there is a recommended limit of 130 km/h. Blanket speed limits apply for trucks, buses, and cars pulling trailers. Due to high oil prices, more and more people drive "slowly" (~150km/h) in order to save money on petrol.
- Swiss motorways are limited to 120 km/h.
- In the UK the limit on motorways is currently 112 km/h. However, the opposition Conservative Party is proposing to raise the limit to 130 km/h where appropriate.
- The speed limit on freeways in South Africa is 120 km/h.
- Rural interstate highways in the United States are generally limited to 130 km/h.
- In Texas, a night time limit of 105 km/h applies to all roads that have a higher daytime limit.
- Some areas in the United States have both minimum and maximum speed limits.
- The highest speed limit in the world is 160 km/h, on a selected test stretch of autobahn in Austria and in the United Arab Emirates.

Traffic laws that reflect the behaviour of the majority of motorists have better compliance than laws that arbitrarily criminalise the majority of motorists and encourage violations. The normally careful and competent actions of a reasonable person should be considered legal. A speed limit should be set so that the majority of motorists observe it voluntarily and enforcement can be directed to the minority of offenders.

This can be achieved by applying the 85th percentile rule. Traffic engineers observe that the majority of drivers drive in a safe and reasonable manner, with the safest vehicles travelling at or below the 85th to 90th percentiles. Vehicles travelling over the 85th

percentile speed (or faster than the flow of traffic) have a significantly higher crash risk than vehicles travelling around or modestly below this speed.

Some authorities claim to follow the 85th percentile rule, including most of the US. However, actual limits are frequently lower due to bureaucratic and political bias. The Australian Transport Council's National Road Safety Strategy similarly seeks to impose its own version of acceptable risk rather than accept the 85th percentile rule.

## **The LDP's policies**

### **Speed Limits**

1. Speed limits should be set at, or slightly above, the 85th percentile. This would result in an increase of 10-30 km/h in the limit on roads where drivers felt it was safe to drive at such speeds, while perhaps leading to reductions on less safe roads.
2. The National Road Safety Strategy should adopt the 85th percentile rule in relation to speed rather than its own version of acceptable risk.
3. All speed limits over 90 km/h should be automatically reduced by a uniform amount (eg 10-20 km/h) at night and in the rain.
4. The setting of speed limits and other road laws should be conducted in an open and transparent manner, with bureaucrats and politicians required to publicly justify themselves.
5. Enforcement of speed limits should allow tolerance of 10% for speedometer error and temporary inattention.
6. Special speed limits (for example in school zones) should only apply when flashing yellow lights are operating.
7. Passive radar detectors should be re-legalised as they assist drivers to adhere to speed limits.
8. Covert enforcement of speed limits should be replaced with sign-posted enforcement to increase the deterrent effect.
9. Speed enforcement (including placement of speed cameras) should concentrate on locations where the risk of speeding creates substantial risks to other road users.

### **General**

1. All traffic laws should be reviewed to ensure the priority is on safety to others, not the safety of the driver.
2. Licence testing should emphasise the skills and knowledge required to handle a vehicle to avoid being a danger to others. Parking is not one of those.
3. Renewal of drivers' licences should be subject to retesting after a certain number of years.

4. Enforcement of traffic laws intended to protect road users from themselves, while having no impact on innocent victims, should be low priority. That includes wearing seatbelts and motorcycle helmets.
5. The highest enforcement priority must be driver behaviour that infringes on the rights of others, particularly if it risks their death or injury. Red light cameras are an example of valid enforcement based on this criterion. Road rage is an example of behaviour that warrants criminal sanctions.
6. Modifying and hotting up cars should not be prohibited unless it leads to vehicles that are dangerous to other road users (ie not the driver). The onus must be on the prosecution to establish such danger.
7. A five-year trial should be conducted in which the blood alcohol limit is increased to 0.08% for adult drivers. If, at the conclusion of the trial, the results suggest no significant increase in deaths and injuries, the increase should be made permanent.
8. Penalties for breaching traffic laws should not necessarily include the combined penalties of a large fine plus points leading to loss of licence. Offenders should be given the option of paying a fine without losing points, or losing points without a large fine.
9. The revenue from traffic fines should be quarantined and used for something highly unpopular such as paying the salaries of politicians. This would ensure the emphasis was on modifying driver behaviour rather than collecting revenue.
10. Fuel taxes, as with all taxes, should be substantially reduced by eliminating government waste, duplication, unnecessary regulation and excessive bureaucracy. The fuel excise tax should be immediately reduced by 10 cents a litre.
11. All fuels, whether petrol, diesel, LPG, ethanol or CNG, should be subject to the same level of tax. The government should not favour one fuel over another (other than continuing to exempt fuels produced by individuals for personal use).
12. Road design, construction and maintenance must improve. This includes improving roads and roadsides to reduce the risk of crashes and minimise harm, measures for higher speed roads including dividing traffic, and providing clear driver guidance.
13. Except where the private sector is involved, it is legitimate for government to undertake or sponsor research into road design, including experience from other countries, provided the information is made available to road designers who are then under a tortious obligation to incorporate it into their plans.