

# ROAD SAFETY NEEDS A NEW VISION

A briefing on the Road Safety Bill 2004 from the **Safer Streets Coalition**

December 2004

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The **Safer Streets Coalition** represents 29 social justice organisations from all sectors of society united by a common concern for the impacts of road danger on transport choice, health, social inclusion and quality of life. (See list of organisations at the end of this briefing). In particular we represent people who are disproportionately affected by road danger because of their age, mobility or mode of travel. We seek greater priority within Government for casualty and danger reduction, lower and better enforced speed limits, recognition of the fact of death and injury in charges brought against drivers who kill or maim, more accurate statistics on the true level of death and injury on our roads, and increased funding for measures to calm traffic and for publicity to change attitudes to dangerous driving, including speeding.

This briefing gives our view of the Road Safety Bill — what we consider is good or could be better and what we oppose. Our main concern is that this Bill does not go far enough to make the road network safer for children, elderly people, disabled people, pedestrians and cyclists, nor does it go far enough to protect drivers themselves. Indeed, the proposal to reduce penalties for speeding will make the road network more dangerous and for this reason we strongly oppose it. **The Bill should renew national impetus on road safety. For this vision and political commitment are required.**

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## THE ROAD SAFETY BILL

### GRADUATED FIXED PENALTIES FOR SPEEDING AND PENALTY POINTS

*“We reject outright the Government’s suggestion that there should be lower penalties for speeding in built-up areas or villages. Exceeding a low speed limit is even more serious than exceeding a higher speed limit, because it increases so significantly the risk of death in an accident: 50% of pedestrians hit at 30mph will live; 90% of pedestrians hit a 40mph will die. We do not understand how a Government which professes to practice evidence-based policy-making could even contemplate such a change.”* (House of Commons Transport Committee, *Traffic Law and its Enforcement*, paragraph 99)

Clauses 2 and 3 of the Bill will give the Secretary of State the power to introduce a system of graduated fixed penalty points for speeding. At the moment a driver who receives a fixed penalty for speeding is given 3 points on his or her licence and is fined £60, the minimum possible under the law. Only a court can award a higher penalty.

This new legislation will make a range of points and fines available through the fixed penalty system. Clause 16 of the Bill proposes that the points should vary from 2 to 6. The Department for Transport has suggested that fines would vary from between £40 to £100.

The Safer Streets Coalition welcomes the principle of graduated fixed penalty points. However, we had expected the mechanism to be used only to vary penalties upward in order to change driver attitudes to speeding and discourage repeat offending — as indicated in the 2000 consultation on Road Traffic Penalties. **We object strongly to a reduction in points and fines.**

Government research shows that a driver is twice as likely to kill a pedestrian or cyclist if they hit them at 35mph instead of 30mph. 51% of drivers in 30mph speed limits choose speeds between 30 and 40mph. Two-thirds of casualties and fatalities occur on roads where the speed limit is 40mph or less, in built up areas, residential streets and in rural towns and villages. Thus the Government would downgrade the most common speeding offence on the roads where the majority of casualties occur and where speeding, even slightly, can greatly increase the risk of killing or causing serious injury.

There is no evidence that lowering the penalty for speeding will improve road safety. Speed, whether excess (breaking the posted speed limit) or inappropriate (driving too fast for the conditions) is a contributory factor in as many as one in three road deaths. Despite this, speeding is treated more leniently than any other offence that can kill and maim. The Bill’s proposals send entirely the wrong message to drivers.

**AMENDMENT: Fixed penalty points should be graduated upward only from the existing baseline of 3 points. Under no circumstances should fewer than 3 points be issued for any speeding offence.**

## **EVIDENTIAL BREATH TESTING**

Clause 11 introduces the power to require evidential roadside breath testing for drink-driving. This is welcomed as it enables the police to test suspected drink drivers for evidence in any location, not just at the police station.

However, the Safer Streets Coalition believes that the drink-drive limit should be lowered from .80mg to .50mg per 100ml of blood. In 1998 the Government estimated that this could prevent 50 fatalities and 250 serious injuries per year. The lower limit would also bring the UK into line with much of the rest of Europe.

**AMENDMENT: The drink-drive limit should be set at .50mg per 100ml of blood.**

## **SPEED ASSESSMENT EQUIPMENT DETECTION DEVICES**

Clause 17 refers to equipment which can be used to detect, or interfere with the operation of, equipment used to assess the speed of motor vehicles. The Safer Streets Coalition welcomes the banning of the carriage or use of safety camera detectors and jammers in vehicles. However, the logic which argues for a ban on devices which can detect operational equipment applies also to GPS-based technology used to alert drivers to the locations of safety cameras. In both cases the devices encourage drivers to remain within the speed limit only where they know there is a risk of detection. This reduces speed limit compliance rates and increases the risk of crashes away from camera sites. If drivers stuck to the legal speed limit they would not need speed camera detecting equipment.

**AMENDMENT: The carriage and use of all equipment which permits drivers to detect the location of speed limit enforcement devices or interfere with their operation should be prohibited.**

## **MOBILE PHONES**

Clause 22 of the Bill makes use of a hand-held mobile phone while driving an endorsable offence subject to three penalty points and a £60 fine. This is to be encouraged: too many drivers use their mobiles whilst trying to steer and negotiate traffic, which is a distraction and may cause them to hit another car, pedestrian or cyclist. Already people have died because of drivers trying to operate a phone and a vehicle at the same time. These completely avoidable deaths need to stop.

However, the original research showed that the act of talking on the phone whilst driving was equivalent to blood alcohol level at the legal limit. It concluded

that drivers should be discouraged from any phone use whilst behind the wheel. Continuing to allow hands-free mobile phone use is creating the mistaken impression that this is a safe driving behaviour.

**AMENDMENT: The use of a hands-free mobile phone unit while driving should become an endorsable offence subject to three penalty points and a £60 fine.**

## **UNINSURED DRIVERS**

Clause 39 enables the police to have access to insurance industry data for cars that are no longer insured. The police will be able to use Automated Number Plate Reader units linked to the insurance database to detect un-insured drivers. **The Safer Streets Coalition welcomes this common-sense approach to un-insured drivers.**

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## **NEW VISION FOR ROAD SAFETY**

The Bill is widely viewed as 'tidying' legislation. It will make little headway on making the roads safer for all. The following measures would give road safety new impetus:

### **RECOGNITION OF THE FACT OF DEATH AND INJURY IN THE CHARGE**

*"There is an overwhelming case for a radical and urgent overhaul of serious motoring offences. We very much regret the Home Office's delay in producing proposals for change, or even in publishing the Halliday report, nearly a year after it was expected."* (House of Commons Transport Committee, *Traffic Law and its Enforcement*, paragraph 45)

The Bill has failed to address the most fundamental issue, namely the current treatment of road death and injury by the law. In the vast majority of culpable road death and injury cases, the most common charge applied is the summary charge 'Driving without due care and attention'. This charge ignores that someone has been killed or seriously injured as the result of that culpable act - a crime. Because the fact of death or injury is not treated as part of the crime, the resources for the investigation and prosecution are minimal. We strongly support the recommendation by the Transport Select Committee that all cases involving a death or serious injury should automatically be heard in the Crown Court, and that drivers should not receive lower penalties for road traffic offences than for other crimes against the person.

**We ask that MPs use this Road Safety Bill opportunity to ask the Government to urgently publish the results of the Halliday report into driving offences, as the first step in addressing this gross injustice in the law.**

### **20MPH DEFAULT SPEED LIMIT FOR MOST STREETS**

A pedestrian struck by a car travelling at 20mph has a 95% chance of survival. This is reduced to around 50% at 30mph. 20mph speed limits, properly enforced, have been shown to reduce casualties by 70% amongst child pedestrians and 60% amongst other vulnerable road users. Our casualty figures could be slashed if the vast majority of built-up roads had 20mph limits, since two-thirds of casualties occur on these roads.

Nearly half of the casualties on built-up roads are pedestrians and cyclists. 20mph speed limits would redress the great imbalance in the relative safety of motorised and non-motorised road users and allow fairer access to the road network. Road danger blights community life, keeps children indoors, isolates individuals (especially older people and those with disabilities) and leads to the decay of community. 20mph speed limits will help reverse these trends and deliver multiple benefits for the nation's physical and mental health including a reduction in obesity.

**The Bill should therefore define 20mph as the default limit for the majority of streets in settlements of all sizes.** It would apply to residential and shopping streets and other streets with a community function, such as those serving schools, hospitals and parks, and to all other roads necessary to provide coherent networks for pedestrians and cyclists. Higher speeds would be acceptable on those parts of the network where sufficient road space can be allocated to pedestrians and cyclists, safety is not compromised and no community severance results.

### **30MPH LIMIT FOR VILLAGES AND SETTLEMENTS**

Despite Government encouragement that 30mph limits should be the norm for villages, progress is slow. **The Bill should introduce a new default maximum limit of 30mph for rural settlements.** This would achieve parity with urban communities and be a first step towards adopting a default 20mph limit.

### **A DUTY TO REDUCE ROAD DANGER**

Highway authorities and local authorities currently have a duty to reduce casualties. They do this through road safety interventions, including reduced speed limits and speed limit enforcement, but such

interventions are usually triggered only after casualties have occurred. This effective requirement for people to have died or been seriously injured before road safety measures are put in place seems contrary to the duty of care one might expect of highway authorities. A preventative approach could and should be adopted.

**All agencies (highway authorities and Government agencies) with a responsibility for road safety should have a duty to draw up Road Danger Reduction Plans and appoint a Road Danger Reduction Manager to oversee their development and implementation.** This would balance the duty to keep traffic flowing smoothly (which came about in the Road Traffic Management Act) with a duty to ensure the safety of all road users.

The Secretary of State should issue statutory guidance to assist highway authorities in drawing up their Road Danger Reduction Plans, covering appropriate data collection, consultation, measures and assessment methodologies.

### **A REVIEW OF SPEED LIMITS**

The Government is currently consulting on revised guidance to local authorities for setting speed limits. The guidance reflects developments in our understanding of the impacts of speed and provides a new methodology for evaluating changes to speed limits. The methodology will enable local authorities to ensure that speed limits are evidence-based and support the shared priorities of central and local government on congestion, accessibility safety, air quality and quality of public transport.

**The Bill should include a commitment that the Secretary of State will issue guidance to local authorities on undertaking a review of speed limits and scoping reports on the costs and benefits of changing them so as to achieve consistency and increase safety across the networks they manage.** The reviews should be completed within the period of the second round of Local Transport Plans.

### **DRIVER LIABILITY IN COLLISIONS WITH VULNERABLE ROAD USERS**

If a motor vehicle hits a pedestrian, cyclist, equestrian or disabled person, the non-motorised user is far more likely to be injured. This ought to mean that drivers have a greater duty of care for non-motorised users safety. However, this is not currently recognised in law. The current civil liability system requires negligence to be proven, which is often impossible for pedestrians and cyclists when they have been killed or injured.

**The law on driver insurance schemes should be amended so that non-motorised road users will be able to claim injury damages from drivers who hit**

them, unless it can be shown that the non-motorised road user behaved recklessly. In deciding this, the person's mental and physical ability should be taken into account, so that groups such as children, people with learning difficulties and people with disabilities would normally obtain damages in any event. Drivers would not be criminalised under these proposals, which are in line with laws already in place in other European countries.

### **EVENT DATA RECORDERS IN VEHICLES**

Fitting motor vehicles with event data recorders (EDRs) (similar to 'black boxes' on aircraft) could have significant safety benefits, both for the drivers themselves and other road users. For instance, if drivers know that the police will find out what speed they were doing if they crash, this will deter them from speeding in the first place. There is no reason why vehicles which carry members of the public, or which are driven in the course of work, whether in the public or private sector, should not be fitted with EDRs. The data would be made available to the police and courts in the event of a crash. With measures to protect privacy, it could also be made available to improve understanding of road crashes and the quality of casualty statistics.

**The Bill should include enabling powers for the Secretary of State to require certain categories of vehicles to carry event data recorders.** These categories would be defined by statutory instrument (as would the start date when the regulations should take effect) but should include vehicles exempted from speed limits in Clause 18 of the Bill, public service vehicles, including taxis, HGVs and other vehicle classes to be defined.

## **INCREASED RESOURCES FOR ROAD TRAFFIC POLICING AND ROAD SAFETY INTERVENTIONS**

*"Roads policing must be one of the strategic priorities of police work, otherwise it will not be properly valued and resourced."* (House of Commons Transport Committee, *Traffic Law and its Enforcement*, paragraph 22)

It needs to be noted that none of the measures in this Bill will increase road safety unless they are backed up by proper enforcement. Traffic police numbers have decreased by 12% in the last five years and as a result an increasing number of driving crimes go undetected. Although safety cameras have been introduced, they should be used to free up police time to focus on other road traffic offences and not to replace police. Traffic policing is not just about road safety — it is highly effective at tackling other forms of crime as well. **We recommend two key steps:**

**1. Full hypothecation of speeding fines collected by safety camera partnerships to road safety measures, including increased road traffic policing, engineering alternatives and national publicity explaining the road safety benefits of enforcement.**

It is not clear whether an amendment of Clause 38 of the Vehicles (Crime) Act 2001 would be necessary to include these within allowable expenditure or whether this decision is entirely at the discretion of the Secretary of State.

**2. A focus on roads policing can help to tackle anti-social behaviour and disorder and we welcome the reference to roads policing in the National Policing Plan (paragraph 3.50). MPs should seek ministerial assurance that the position of roads policing in the National Policing Plan will be backed up with effective resources and that the use and numbers of traffic police officers will be monitored and evaluated.**

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The **SAFER STREETS COALITION** are

**Age Concern, Children's Play Council, Civic Trust, Campaign for the Protection of Rural England, Child Accident Prevention Trust, CTC (the national cyclists' organisation), Cycle Training UK, Environmental Transport Association, Friends of the Earth, Guide Dogs for the Blind Association, Help the Aged, Institution of Civil Engineers, JMU Access Partnership and the Joint Committee on Mobility of Blind and Partially Sighted People, Living Streets, London Cycling Campaign, London School of Hygiene and Tropical Medicine, National Federation of Women's Institutes, National Heart Forum, Parliamentary Advisory Council for Transport Safety, Ramblers' Association, RoadPeace, RNIB, RNID, ROSPA, The Slower Speeds Initiative, Sustrans, Transport 2000, Whitby Bird & Partners Engineers**

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