

Response to the Inquiry into the Strategic Framework for Road Safety

Introduction

- 1 CTC, the national cyclists' organisation, was founded in 1878. CTC has 70,000 members and supporters, provides a range of information and legal services to cyclists, organises cycling events, and represents the interests of cyclists and cycling on issues of public policy.

Summary

- 2 We welcome the opportunity to respond to this inquiry. The fact that a 'Strategic Framework for Road Safety' exists at all may be considered a minor triumph given the present Government's initial reluctance to produce such a document. Unfortunately much of the document remains vague and undeveloped. Like much of previous road safety policy, it rests on developments in vehicle technology, which are little influenced by Government policy, their development mainly being pursued at an international level by manufacturers.
- 3 CTC welcome the introduction of new indicators in the outcome framework which measure changes in both the actual and perceived *risks* of cycling. CTC has long called for these, to overcome the problems created by simplistic targets which merely aimed to reduce casualty numbers. These created perverse incentives to reduce use as a way of reducing cyclist casualties. This of course was entirely contrary to the aims of encouraging more as well as safer cycling, with all its associated health, environmental and other benefits, including safety benefits (there is good evidence that cycling gets safer the more cyclists there are). We therefore feel that the absence of simple casualty reduction targets may actually be beneficial. However we believe the outcomes framework could go further in removing the indicators relating to simple casualty reduction numbers and casualties per head of population, to avoid perpetuating the flawed thinking of past decades.
- 4 CTC does not believe the legislative framework is right and feels that the Road Safety Act 2006 has created a situation that will lead to public frustration with the legal system and will fail to convey an appropriate level of deterrence to bad driving which is a major function of the criminal justice system. Whilst we believe the proposed new offence of "causing serious injury by dangerous driving" is a step in the right direction, we also believe that action should be taken to clarify the distinction between "careless" and "dangerous" driving, and to make greater use of driving bans. We also call for changes to the laws on drivers' insurance schemes, in line with those which prevail across most of western Europe, so that it becomes easier for pedestrians and cyclists to obtain compensation for injuries from drivers who hit them.
- 5 Specific areas of action that have been missed out or receive scant attention in the document include action to tackle the specific threat from lorries; , the hazards posed by major roads and junctions, the lack of adequate resourcing of roads policing; and limited national leadership on 20 mph speed limits.

Whether the Government is right not to set road safety targets and whether its outcomes framework is appropriate

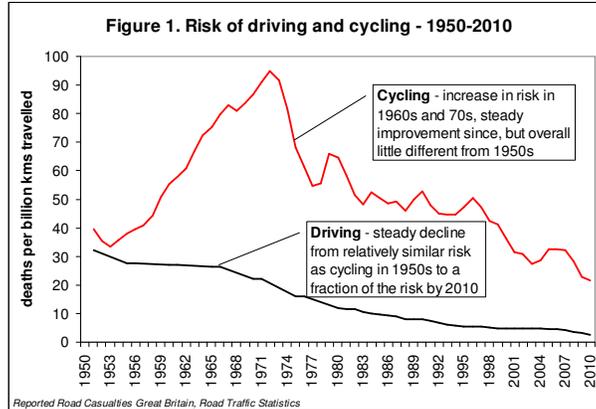
- 6 CTC is content with the Government's decision to abandon simple casualty reduction targets. Whilst previous targets may well have increased the attention paid to road safety, the blunt nature of some of those targets led to a distorted perception that cycle casualty *numbers* are a problem. In CTC's recent "Safety in Numbers" campaign¹, we argued that the focus must be shifted towards reducing *risk* to vulnerable road users.
- 7 We are therefore pleased that the outcomes framework adopts CTC's proposal to measure cycle safety in terms of casualty *rates* (e.g. fatalities per billion miles cycled), with an additional indicator to measure whether public perceptions of the safety of cycling are improving. In the past, simple casualty reduction targets created a perverse incentive for local authorities to discourage cycle use. The new indicators will focus local authorities' attention instead on reducing the actual and perceived deterrents to cycle use, in order to achieve more as well as safer cycling. CTC's "Safety in Numbers" report sets out the evidence that these aims are entirely complementary, with cycle safety improving as cycle use increases. This approach also has the benefit of integrating road safety policy with wider public health and other objectives. The health, environmental and other benefits of cycling are briefly outlined in CTC's leaflet "New Vision for Cycling"².
- 8 However these welcome developments risk being in conflict with the parallel indicators for the 'number of fatalities', 'number of serious injuries' and 'fatality rate per million population' indicators, all of which will sometimes suggest that the risk of cycling is worsening, when the more accurate indicator of "risk per mile" shows that it is in fact improving. This mutual contradiction amongst indicators should be avoided as it risks perpetuating the perverse incentives of the previous targets framework.
- 9 The importance of measuring perceptions of cycle safety cannot be underestimated, as the belief that cycling is "dangerous" is a major barrier to maximising its health and other benefits – 74% of adults agree with the statement that "the idea of cycling on busy roads frightens me"³. We therefore recommend splitting the indicators for perceived safety into separate indicators for walking and cycling respectively. Similar data are already collected for local authorities taking part in the NHT Survey⁴. If collected centrally (perhaps with strong incentives for local authorities to take part), this survey could provide data on changes in public attitudes not only on this but also on a whole range of other issues relating to a range of road safety and accessibility.
- 10 Cycle safety has performed relatively poorly since 1950 compared with that of other road users, as Figure 1 shows. Over the past 60 years the risk of cycling has climbed from 32 deaths per billion kms in 1952 to a height of 95 deaths per billion kms cycled in 1971, falling from there to a low of 22 deaths per billion kms in 2009. Over the same period the risk for motor vehicle occupants has consistently fallen from around the same risk to as cyclists down to around 3 deaths per billion kms today. While the strategy document may boast of 'impressive improvements' and 'world leadership', the reality when seen from cyclists' perspective is very different indeed.

¹ Booklet and full report both downloadable from www.ctc.org.uk/safetyinnumbers

² www.ctc.org.uk/newvision

³ Department for Transport. Cycling, personal travel factsheet, 2007

⁴ Question 14.06 of NHT Network Public Satisfaction Survey 2011 - <http://nhtsurvey.econtrack.co.uk>



- 11 Although the document does in part acknowledge the need to improve the safety of cyclists, it gives startlingly little indication as to how this is to be achieved, other than through vehicle technology and driver behaviour. Very little of the former will benefit vulnerable road users, and those measures which do are unlikely to be pursued voluntarily by manufacturers as they offer only marginal benefits to their customers. As for the proposed actions driver behaviour, they may well prove counter-productive, as the emphasis seems to be on lowering the severity of punishment for driving infringements and reducing the use of driving bans, in favour of 'educational offerings'.
- 12 In the following sections of this submission, we outline a number of areas where we believe the framework will need to be strengthened in order to maximise the wider benefits of increased cycle use and improved cycle safety, thereby integrating it better with public health, environmental and other objectives.

How the decentralisation to local authorities of funding and the setting of priorities will work in practice and contribute towards fulfilling the Government's vision

- 13 There is little evidence that the actions of local authorities have significantly enhanced cycle safety in past decades. We understand that forthcoming research by consultants TRL (on behalf of DfT) will show that the only infrastructure measure with good evidence of benefits for cycle safety is 20mph schemes. Meanwhile local authorities' road safety education campaigns have focused on "dangerising" walking and cycling, thereby deterring people from enjoying the benefits of active travel or (in the case of parents) allowing their children to do so. Whilst this may have helped meet cycle casualty reduction targets by deterring people from cycling, we know of no evidence that such measures have improved safety for those cyclists who remained. Indeed such activities may well have been counter-productive, not only to public health (by deterring cycle use) but also to cycle safety (by undermining the "safety in numbers" benefits of encouraging more people to cycle).
- 14 Whilst we welcome the Government's recent initiatives to make it easier for local authorities to introduce 20mph schemes, we believe that stronger national leadership is needed to ensure the widespread uptake of the one measure which is proven to be effective in improving cycle safety⁵. There is a perception, fostered by parts of the media, that 20mph schemes are 'unpopular', when this is not the case – studies

⁵ For evidence, see www.20splentyforus.org.uk/fact_sheets.htm and www.pacts.org.uk/docs/pdf-bank/LeechMP-20mphBriefing.pdf

consistently show support for 20mph at around the 75% mark⁶. Government should promote awareness campaigns to bolster this support for 20mph, whilst encouraging local authorities not to be deterred by the minorities who oppose such measures.

- 15 Other "cycle friendly infrastructure" measures are generally delivered to very poor standards, which rarely comply with the Department's Local Transport Note 2/08 (Cycle Infrastructure Design), let alone with continental best practice. On-carriageway cycle lanes are generally too narrow, causing drivers to leave inadequate space when overtaking cyclists⁷. Off-carriageway cycle tracks are often even worse⁸: they are often introduced inappropriately and regularly consist of nothing more than a white line on a bumpy pavement, forcing cyclists into conflict with pedestrians and worsening their safety at junctions (which is where c70% of cycle casualties occur). The result causes dissatisfaction both to cyclists and to other members of the public, who regularly complain of cyclists not using these "facilities" provided at public expense, without appreciating that they are often worse than useless. The Department must take stronger action to ensure that its standards are adhered to by local authorities when making provision for cycling, to ensure this represents a worthwhile investment in boosting cycle safety and cycle use.
- 16 By contrast, we are pleased to see that dedicated funding has been retained for delivering Bikeability cycle training, an initiative which builds confidence, skills and safety. This funding might arguably be contrary to the spirit of "localism", yet it has been strongly welcomed by local authorities, and will undoubtedly contribute to encouraging more and safer cycling.

Whether the Government is right to argue that, for the most part, the right legislative framework for road safety is in place, and, in particular, whether the Road Safety Act 2006 has fulfilled its objectives

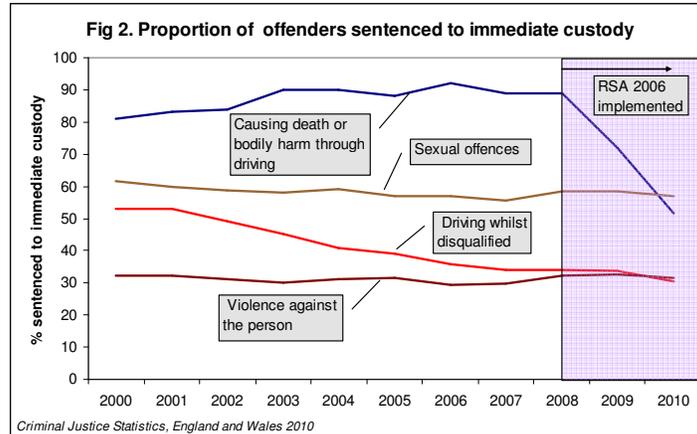
- 17 CTC does not agree that we have the right legislative framework in place. Indeed, concern over the shortcomings of the legal framework are at the heart of CTC's "Stop Smidsy" campaign⁹. Specifically we are concerned that the new offence of 'causing death by careless driving' (CDCD) offence introduced by the RSA 2006, appears to have contributed to a huge decrease in the proportion of drivers who have been sentenced to immediate custody and a shift from the use of the 'causing death by dangerous driving' (CDDD) to the lesser CDCD offence.
- 18 As figure 2 shows, the proportion of offenders sentenced to immediate custody for some serious non-motoring crimes (sexual offences or violence against the person) has remained the same over the last 10 years. By contrast amongst those drivers convicted of motoring offences that cause death or bodily harm the proportion being immediately sentenced to custody has fallen from 92% in 2006 to just 51% in 2010.

⁶ British Social Attitudes Survey 2005, conducted by the National Centre for Social Research

⁷ See <http://bit.ly/wWlCW>

⁸ See the Warrington Cycling Campaign's "Cycle Facility of the Month" website: <http://homepage.ntlworld.com/pete.meg/wcc/facility-of-the-month/>

⁹ www.stop-smidsy.org.uk. (N.B. "Smidsy" stands for "Sorry mate, I didn't see you", the excuse all-too-commonly given for bad driving)



- 19 The implementation of the CDCD offence means that more people who kill on the roads are being convicted when death has occurred. However, CTC is concerned that since more of these are now being prosecuted for CDCD rather than CDDD, the result has been unsatisfactory for victims. This creates the impression that taking a life through bad driving is a minor offence which a short driving ban, fine and community punishment are adequate response.
- 20 The change has led to considerable press coverage of cases where drivers who have killed have pleaded guilty to CDCD and received minimal punishment, many of which are documented on CTC's Stop Smidsy website¹⁰.
- 21 The one proposed change to the legislative framework Government is the introduction of a new offence of 'causing serious injury by careless driving'. CTC believes this is a step in the right direction, however we feel that there are many other aspects of road traffic law that also need a fundamental overhaul to regain the respect of victims and ensure that they present an adequate deterrent to bad driving.
- 22 In particular, the distinction in law between "dangerous" and "careless" driving needs to be clarified, to prevent the new offence causing yet more of a drift towards convictions for mere "careless" offences where the driving caused obvious danger – bearing in mind that "careless" offences which cause serious injury rather than death will still carry no prison sentence. Ways of doing this are set out in CTC's briefing on driving offences¹¹.
- 23 Whichever option is chosen, CTC believes the sentencing framework needs to be amended to encourage the courts to make much greater use of driving bans. Our wish to clarify the distinction between "dangerous" and "careless" driving is not because we want to see more drivers sent to prison (although we do want this option to be available in a greater range of circumstances). Our key concern is that driving which causes obvious danger (whether intentionally, recklessly or through moments of simple inattention) is too often dismissed as mere "carelessness", and the perpetrators are often allowed to continue driving after trifling punishments – or in some cases none at all – without any action taken to protect the public against the risk they present. As previously noted, the Strategy's proposed move towards educational interventions may exacerbate this problem further still.

¹⁰ www.stop-smidsy.org.uk/case-studies

¹¹ www.stop-smidsy.org.uk/sites/www.stop-smidsy.org.uk/files/0910_CTC-View.pdf

- 24 The reluctance of the courts to employ driving bans is highlighted by a recent news report suggesting that over 10,000 drivers are on the roads despite having over 12 points on their licenses - with some having over 30 points¹². A more drastic recent example of the problem was the case of a lorry driver who was involved in the death of a cyclist in February 2009 had his licence revoked for poor eyesight, recovered his licence a few months later and has subsequently been reportedly involved in the death of a pedestrian.¹³ In this case the failing of the courts to take appropriate action may have contributed to the death of yet another person on the roads.
- 25 CTC suggests that the current framework of civil liability is unfair, placing undue responsibility on the victim – who is often incapacitated or whose memory of the crash is missing – to establish the negligence of others in order to secure compensation for their injuries. We believe that strengthening the systems of civil liability, either through a change of law or the Highway Code (which is often relied upon for establishing negligence in civil cases) may create a stronger incentive for road users to take greater care on the roads. The case for "stricter liability" laws is explained more fully in a briefing from RoadPeace¹⁴.
- 26 Finally, the Government's strategic framework places strong emphasis on improving driver behaviour, suggesting that improved enforcement of drink driving and uninsured driving will help. However it is hard to know how this will be delivered, given the huge funding cuts which police forces are facing. Road traffic policing has long been depicted as being an unglamorous, dead-end aspect of policing and therefore may well be cut disproportionately. The subject of police force strength is entirely absent from the document – this needs to be remedied as a very high priority.

Whether the measures set out in the action plan are workable and sufficient

- 27 In previous sections we have already set out the case for stronger action on 20mph, cycle-friendly design, traffic law and its enforcement. In this section we highlight two further areas of concern: lorries and major roads.
- 28 CTC is particularly concerned is the absence of action to tackle the specific threat from lorries. Despite making up just 5% of road traffic, these vehicles are typically involved in around one in five deaths of cyclists. The Government response to this is limited: they are considering introducing an 'HGV section' into the driving test to increase awareness of the dangers posed by HGVs (paragraph 4.11) and they are prepared to 'make proposals in the UN-ECE in Geneva to amend the mirror standards, extending the required field of view for HGVs'.
- 29 Meanwhile, since publication of this document, the Government has embarked on a trial of longer semi-trailers, despite advice that acknowledges the increased risk posed in low speed manoeuvring.¹⁵ It is these low speed turning crashes that are involved in the deaths over a third of all the cyclists killed in incidents with lorries. CTC opposes the trial, and is concerned that the Department has failed to provide evidence to back up a Ministerial answer to the House that "We considered carefully whether longer

¹² www.independent.co.uk/life-style/motoring/motoring-news/more-than-10000-drivers-escape-ban-despite-full-points-2345157.html

¹³ <http://road.cc/content/news/47057-eilidh-cairns-killer-implicated-second-london-lorry-fatality>

¹⁴ www.roadpeace.org/change/safer_streets/stricter_liability

¹⁵ TRL, *Longer and/or Longer and Heavier Goods Vehicles (LHVs) _ a Study of the Effects if Permitted in the UK: Final Report*, 2008. p 67

semi-trailers posed a risk to cyclists in particular, and the risk is not there”¹⁶. We are also concerned that steps have not been taken to mitigate the anticipated risks.

- 30 More generally, we wish to see action on a number of to reduce cycle/lorry conflict. These include aspects of the design and fitting of lorries themselves (e.g. sensors, cameras, and increasing the window area of lorry side-doors); training and awareness of both lorry drivers and cyclists, lorry restrictions, and fleet management. Further information is in CTC’s briefing on goods vehicles¹⁷.
- 31 In large part the elevated risk of death amongst cyclists occurs on the major road network, especially rural ‘A’ roads. Table 1 shows that the risk of death in 2010 for cyclists was 313 deaths per billion kilometres on rural ‘A’ roads, 15 times higher than the equivalent on all urban roads (21 deaths/bn kms).¹⁸
- 32 This increase in risk on rural ‘A’ road network is not limited cyclists, yet it is among that group that the difference in risk between rural ‘A’ roads and urban roads is greatest – for motorcyclists and car drivers the risk on rural ‘A’ roads is only around 5 times higher than in urban conditions, and the difference between the two is largely down to the greater number of single vehicle crashes amongst these road users on rural roads.

Table 1. Risk of death per billion kms travelled on various roads (RAS30018)						
	Urban A roads	Urban minor	All urban	Rural A roads	Rural minor	All rural
Cyclists	60	11	21	313	39	78
Motor cyclists	114	47	70	248	261	253
Car drivers	1.8	1.3	1.5	6.1	6.3	6.2

- 33 The Highways Agency should be specifically tasked by Ministers with a responsibility to improve access and safety for non-motorised road users throughout its network, liaising with local authorities as appropriate. Specifically we call for the reinstatement of the HA’s Non-Motorised User Crossings programme.
- 34 As for the measures included in the Strategy, we welcome the long overdue increase in penalty fines. This long been needed: fine levels are at an almost nominal amount and have failed to keep up with inflation. As for the proposal to create a website giving information on road safety performance distributed locally may in some senses be useful, but risks focussing attention once more on numbers rather than ‘risk’ of different activities. Without adequate exposure data on a local level for walking and cycling, increases in these healthy active modes may result in lowered risk but increased numbers of casualties. This in turn may trigger erroneous concerns about cyclist or pedestrian safety when better quality data may reveal an improvement in overall safety. Steps that better integrate public health outcomes with road safety policy can help undermine these concerns.

CTC, the national cyclists’ organisation
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¹⁶ www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110915/debtext/110915-0001.htm#11091558001143

¹⁷ [www.ctc.org.uk/resources/Campaigns/1105_CTC_GoodsVehicles\(1\)_brf.pdf](http://www.ctc.org.uk/resources/Campaigns/1105_CTC_GoodsVehicles(1)_brf.pdf)

¹⁸ DfT, *Reported Road Casualties Great Britain 2010*, table RAS30018