

London Living Streets response: Cycling and Walking Investment Strategy safety review: call for evidence

www.londonlivingstreets.com

1 June 2018

Introduction

London Living Streets is a voluntary local group of the national charity, Living Streets.

We welcome this review of walking and cycling safety which is based on wanting walking and cycling to be the natural choice for short journeys, and seeks to address the issues that pedestrians face or perceive when using the road infrastructure. We strongly support the Government's aim of increasing walking and cycling.

We provide our response in the context of the following:

- **Vulnerability of pedestrians compared to other road users**

The consultation document notes that cyclists and pedestrians are much more vulnerable to the physical impact of a collision than those in an enclosed vehicle. In 2016, a total of [550 pedestrians and cyclists were killed on Britain's roads](#), making up nearly one third of all fatalities. Motor traffic remains the leading cause of death for children aged 5-19 years in the UK.

When looking at absolute motor traffic risk of being killed or seriously injured per billion miles, the data shows that UK falls far behind European countries such as Denmark, the Netherlands and Sweden.

Great Britain	KSI/bn miles		Denmark	KSI/bn miles
<u>All Ages [5]</u>			<u>All 10-84 years – 2010 [6]</u>	
Pedestrians	463	→	Pedestrians	99 X 5
Cyclists	1036	→	Cyclists	99 X 15

Absolute traffic risk as killed or seriously injured (KSI) per billion miles CHILDREN

Great Britain KSI/bn miles

Girls 0-16 years [11]

Pedestrians	352
Cyclists	595
Car occupants	9

↓ X 39

Boys 0-16 years [11]

Pedestrians	641
Cyclists	1411
Car occupants	8

↓ X 80

Being driven is 39 times safer per mile travelled for girls, and 80 times safer per mile travelled for boys.

Current practice and design standards do not adequately allow for the needs of children, who, by nature, will make unpredictable and spontaneous movements, run out unexpectedly and wobble as they learn to ride a bicycle. Children are also less able to judge speeds and negotiate with drivers.

Our road environments need to be radically changed to ensure that they are usable for children of all ages. In order to be safe for all, road environments must not require behaviours and skills which are outside the cognitive, developmental, behavioural, physical or sensory development of the youngest in our society.¹

¹ Schieber, R.A. and Thompson, N.J., 1996. Developmental risk factors for childhood pedestrian injuries. *Injury Prevention*, 2(3), p.228.

Based on the principle of road danger reduction we believe much more should be done to reduce the risk posed to those walking and cycling.

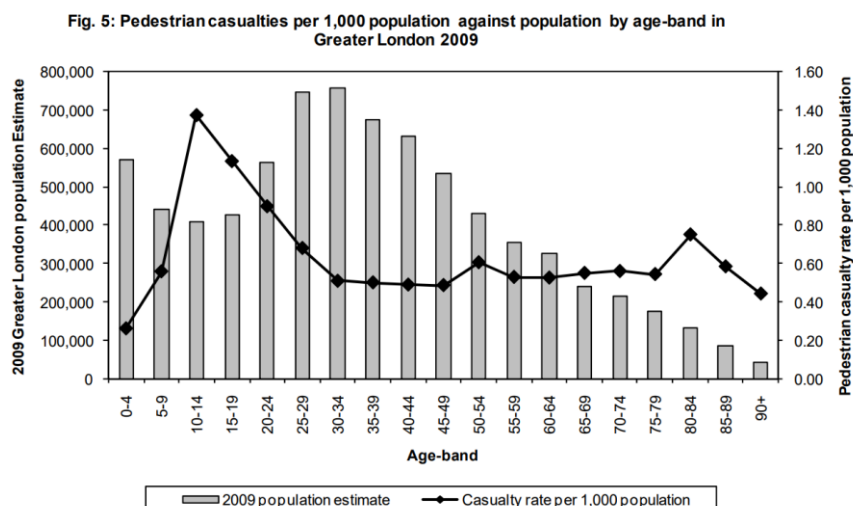
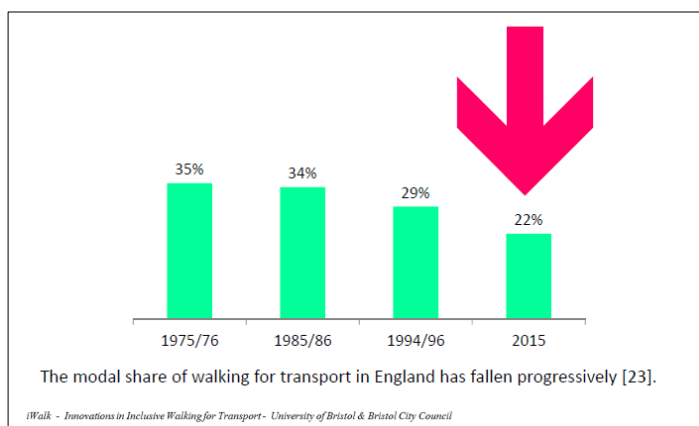


Figure 1: Pedestrian casualties per 1,000 population against population by age-band in Greater London 2009. Percentage of pedestrian casualties of known age against the percentage of Greater London population in five-year age bands. This again emphasises the disproportionate number of young pedestrian casualties, particularly those aged between 10 and 14 years. Source: Transport for London, 'Pedestrian casualties in Greater London', 2010.

- **Decline in walking**

We note that levels of walking are at a historic low in England. We believe that the prioritisation of travel by motor vehicle over all modes of travel, including walking and cycling, that has occurred since 2010 has contributed significantly to the current position of high levels of danger to people walking and intimidation of them. To address this issue properly requires a fundamental rethink of how our society is arranged in terms of how we support those moving around on foot, by bicycle and by public transport and an end to the continuous and unconscious domination of our town and cities by the private motor vehicle.



- **Walking can solve a number of pandemic public health problems**

UK's population suffers from a high proportion of obesity. Child obesity has increased nationally by 20% over the last 20 years, and is a serious health threat. Obese children are at a high risk of becoming obese adults. Physical activity could mitigate much of this threat, but most children are not getting enough physical activity built into their lives. Increasing levels of walking to school and to local amenities and shops is an easy way to build activity into the lives of children and adults.

- **Equality Act and Public Sector Equality Duty**

The Public Sector Equality Duty and The Equality Act require councils not to discriminate on the basis of age and ability. Therefore, the roads we live on, or use to get about, need to be usable for all ages.

There are legal duties placed on local authorities through the Health and Social Care Act 2012 to promote public health through transport. This needs further legal clarification to operationalize public health targets through transport policies.

Inclusive walking means conditions that enable children, older adults, and disabled people to choose walking as a viable transport option. These groups typically could benefit most from more physical activity, but are also most vulnerable to the risks associated with walking.

- **Deterrents to walking**

Other than the risk of a collision with a motor vehicle the street environment is not conducive to walking, with narrow footways, inadequate crossing opportunities, staggered crossings requiring detours and long waits at pedestrian crossings, the danger of fast moving motor traffic in close proximity and associated pollution and noise.

Speeding traffic is key deterrent to walking in terms of death and injury risk to those walking and cycling, and low perception of safety.

We note the real danger to pedestrians is from motorists. From 2007 to 2016, 98.9% of pedestrian fatalities and 95.6% of pedestrian serious injuries arising from collisions on a footway or verge involved the driver of a motor vehicle. No pedestrians were killed by red light jumping cyclists during that period, whereas around five a year were killed by red light jumping drivers.

Combined with this is a culture and justice system that prioritises car transport and is lenient on driving infractions. Without reform to how the police and the justice system tackle road danger, our streets will not feel safe and active travel promotion will suffer.

These issues need to be addressed to make walking safer and increase levels of walking.

Consultation Q1

Do you have any suggestions on the way in which the current approach to development and maintenance of road signs and infrastructure impacts the safety of cyclists and other vulnerable road users? How could it be improved?

We believe the current infrastructure system prioritises motor traffic and is a deterrent to walking. People who are walking need to have better infrastructure to keep them safe and encourage walking.

The street environment is particularly difficult to negotiate by children, older people, women and disabled people. Given the Government's 'Public Sector Equality Duty', the guidance also needs to address the fact that these protected groups are particularly disadvantaged under current conditions.

Our recommendations for infrastructure improvements to encourage walking and make it safer include:

1. Updated street design guidance

We call for use of Manual for Streets and Manual for Streets II as the basis for street design.

The Design Manual for Roads and Bridges needs to be significantly updated with improved guidance on street design that prioritises and improves conditions for pedestrians and cyclists. We believe that the use of the current Design Manual for Roads and Bridges should be limited to high-speed roads arterial roads where there is limited pedestrian and cycling traffic.

With regard to infrastructure details, we recommend the following:

2. Footway widths and amenities

- **Minimum inclusive footway width** of 2.5m. This is a basic minimum provision that should allow sociable walking with friends, family and children. This will make us walk more and is important for safety since it allows people to pass on the footway without stepping into the road.



- **Street furniture** that encroaches on this 2.5m minimum width to be placed on the **carriageway**
- **Electric car charging points** should be placed on the carriageway, as in Paris, or preferably off the public highway within car parks.
- **Seating and rest points** for pedestrians should be provided every 50m, including **regular points of shelter** from the weather.
- **Trees and plants** along streets (within the carriageway) should be standard.
- The replacement of **front gardens with car parking spaces should be actively discouraged** to reduce the numbers of vehicles crossing the footway. Where provided, there should be level crossovers giving pedestrians right of way on the footway.
- **Maintenance** of footways and crossings should be prioritised, especially surface quality of footways, de-icing, and removal of temporary and permanent obstacles.
- **Remove roadside advertising** and reduce signage clutter where there are pedestrians to avoid dangerous distraction to drivers.

3. Better crossings for pedestrians

- **No long waits for pedestrians at crossings.** Pedestrians should not wait for more than 15 seconds at light-controlled crossings after activating the “wait” signal. Crossing times should also be calculated using the pedestrian walking maximum of 0.6m/s. This will reduce the anxiety experienced by many pedestrians at crossings.
- **Direct single-phase crossings:** Staggered crossings are confusing, increase time for crossing and waiting on islands between fast moving motor traffic. These should be phased out.
- **Crossing at all arms of a junction:** This avoids pedestrians having to traverse three arms to make a single crossing.
- **Introduce countdown indicators** on all pedestrian crossings where the wait can exceed 15 seconds. This will reduce anxiety among those crossing the roads.
- **Side-road entries** should be designed so that pedestrians may cross between kerbs that are parallel, with a path across the carriageway that is no further than the width of the side street carriageway. We recommend a radius of less than one metre and maximum of two metres unless the footway is set well back from the road edge such as in a boulevard.
- **Continuous level crossings over side/secondary road junctions.** These support slower turnings at junctions and increase safety for pedestrians. These are used internationally and in the UK and should become the standard for all side road crossings. In the short term, zebra markings should be provided on crossings along the line of the footway to indicate pedestrian priority as is the case in many European cities.
- **Priority to pedestrians and cyclists travelling straight ahead.** This principle can apply at both give-way and traffic-light-controlled junctions. This can make walking safer and more convenient. This is standard in many European countries. These should be incorporated into new highway design standards, with the Highway Code being revised accordingly.
- Convenient crossings on **desire lines** not necessarily perpendicular to the kerb line, currently not allowed in order to reduce delays to traffic.
- **Raised or level crossings** (not requiring dropped kerbs)



Figure 5: Blended footway: Despite the change in surface material and the raised table the visual priority is still with turning traffic due to kerb line and give-way markings. Wimbledon. Photo: Lucy Marstrand



Figure 6: Blended footway, Sutton. Despite the raised table, motorists still assume priority. Photo: Lucy Marstrand

- **Give Way lines should be pushed back.** Raised tables or blended footways will continue to provide priority to turning motor traffic if the kerb line follows the path of the motorist, as illustrated above (Figure 5 and 6). Therefore, Give Way lines should be pushed back behind the line of pedestrian footways allowing them to cross easily, as shown in the photograph below.



Gloucester Road, Bristol. Image: J Read.

- **Mini-roundabouts should not be created** (and existing ones actively removed) as they push pedestrians far from the walking desire line and make roads hard to cross. They allow motor vehicles to dominate the public realm by prioritising their flow.

4. Reduce and calm motor traffic in residential areas through physical filtering and signage

- Make **modal filtering of residential streets** the norm. Filters would only allow pedestrians, cyclists and emergency vehicles through.
- **Allow appropriate signage** for filtered residential areas and Home Zones.
 - Legislation/signs in TSRGD should create '**pedestrian priority**' areas for residential roads which give clear legal priority to people playing, walking, etc.
 - 20mph is too high a speed for streets for socializing or children playing. At the moment TSRGD has no signs for speeds lower than 20 mph. We need signs for 10 or 12 mph as in many European cities.
- Street design should allow for enjoyment, comfort and safety for those walking, including play areas for children, rest and socialising places, places of calm and beautiful places to look at.

5. Include walking in transport models

- Traditional transport modelling software does not count walking and cycling.
- Counting vehicles and not people results in inefficient junctions with road geometries that focus on the movement of vehicles. Such junctions are typically unpleasant and challenging for people walking.
- New transport modelling software count people, rather than vehicles, and can model all transport users in one model. Examples are VISSIM with walking and cycling coded, Commuter (AutoDesk compatible) and Legion

6. Curtail dominance of on-street car parking

- **Ban pavement parking:** Pavement parking is a major deterrent to walking. This should be a national law and mandatory within the Highway Code. It should not be left to local authorities to implement pavement parking bans through TROs as they are time-consuming to implement.
- **Reallocate car parking space for walking assets.** It is noted (in a RAC report) that cars and vans are parked 95% of the time which is a significant waste of valuable public space. There is a need to

re-think parking and how we use this underused space in cities to support our mental and physical health. We advocate:

- Reallocating 20% of modal share of car parking spaces to walking assets – benches, trees, social areas/ cafes.
- Allocate 10% parking spaces to on-street secure cycle parking including bike hangars.
- One tree and one bench per 100 inhabitants.
- Parklets: allow residents and businesses to apply for permits for parklets (community use of parking spaces) in the same way as a car parking permit.
- Provide regular gaps in street parking large to allow better sight lines and safer crossing of roads by children, older and disabled people. Crossing points should be marked out on the street in a different colour or zebra markings.
- Provide footway level loading bays that can be used as footways for most of the day.

Consultation Q2

Please set out any areas where you consider the laws or rules relating to road safety and their enforcement, with particular reference to cyclists and pedestrians, could be used to support the Government's aim of improving cycling and walking safety whilst promoting more active travel.

We believe the following principles should apply for laws and rules relating to road safety and their enforcement:

- Duty of care to others should reflect the balance of risks involved in a collision.
- Road danger reduction (RDR) should be at the heart of any Safer System or Vision Zero programme, with danger tackled at source and reduction of risk posed to walkers and cyclists prioritised.

We set out our recommendations under the following headings:

1. Reduce motor vehicle use with road pricing

Research indicates there is a link between vehicle volumes and casualty levels. We advocate this as a legislative approach that could reduce vehicle volumes and thus increase safety for those walking and cycling.

Incentives for not owning a car should also be introduced such as council tax discounts, or penalties by way of higher parking charges for those who do.

2. Legislate a 20mph default urban speed limit

Speed is a key factor for crash frequency, crash severity, as well as safety perception. Crash risk and intimidation of walkers and cyclists can only be reduced by reducing vehicle speed. We believe this requires speed limits to be reduced and the urban default speed limit to be reduced to 20mph.

Although compliance with lower speeds limits needs to be higher (below we set out how this can occur), research shows that in built-up areas, on non-arterial roads, 20mph speed limits result in an average 20% drop in casualties. Research has been carried out in Brighton and Hove², Newcastle³, Portsmouth⁴, Warrington⁵, London⁶, Bristol⁷, and Calderdale which showed a 30% casualty reduction over a 3-year period following the introduction of 20mph limits, in addition to a rate of return of £3.65 for every £1 spent.

The definitive study on 20mph limits and road safety was undertaken by the London School of Hygiene and Tropical Medicine for TfL in 2009. This shows that where vehicle speeds are reduced to a maximum of 20mph casualties fell by more than two-fifths⁸.

² <http://www.brighton-hove.gov.uk/content/parking-and-travel/travel-transport-and-road-safety/safer-streets-better-places>

³ <http://www.newcastle.gov.uk/news-story/drop-accidents-city-streets>

⁴ http://www.birmingham.gov.uk/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobheadervalue1=Content-Disposition&blobkey=id&blobtable=MungoBlobs&blobwhere=1223595985319&ssbinary=true&blobheadervalue1=attachment%3B+filename%3D90432020mph_Limits_Mythbusters_February_2016.pdf

⁵ Ibid.

⁶ <https://www.sciencedirect.com/science/article/pii/S0001457518301076>

⁷ <http://eprints.uwe.ac.uk/34851/>

⁸ <http://www.tfl.gov.uk/assets/downloads/corporate/20-mph-zones-and-road-safety-in-london.pdf>

We also support a **national review of speed limits** on all rural roads. A safe speed of 40 or 50mph is more appropriate for most unclassified rural roads, in addition to many A and B roads.

Encouraging and ensuring **compliance with speed limits** has been neglected for far too long. This has contributed to the domination of our streets by vehicles to the detriment of those on foot and cycle. Improving compliance with speed limits can be addressed by the following:

- **Speed limit enforcement should be given higher priority**, along with other aspects of road policing
- **Average speed cameras** are an effective way to ensure compliance from those who might otherwise drive dangerously even on narrow residential streets.
- Speed limit compliance should be an **official government target**, as in Sweden's Vision Zero programme.
- **Intelligent Speed Adaptation systems should be required on all public service and government vehicles**, including contract vehicles, taxis and private hire services
- Speed **awareness courses** should be required for all novice drivers
- Speeding should be made as **anti-social** as drink driving
- **Fines** for speeding should be unlimited as they are with drink driving
- **Driving bans** and vehicle confiscation – even short-term — should be used to deter speeders.
- **Penalty points** should be suspended, rather than waived for those attending Speed Awareness courses.

3. Safe 5-10mph speeds on residential roads

The 'safety' of speeds varies according to who is using the road. For example, 20mph might be safe for older children on bikes, but it is too fast for young children cycling independently and too fast for playing out.

Nearly two in three road accidents happen when children are walking or playing and the risk of being involved in a road accident when walking or playing is more than 10 times greater for a child with hearing difficulties. The dangerous years are 11 and 12⁹, since greater independence brings with it a hugely increased risk of being killed or seriously injured in a road accident.

Much good work has been done recently on reducing through-traffic from residential streets by installing modal filters. To maximise the use of these streets for everyone, including children wanting to play or cycle, the speeds should be 5 or 10mph, comparable to the 15kmph used on residential streets on much of the continent.

4. Traffic law enforcement – more effective roads policing

Visible roads policing is known to be a highly effective road safety measure. This is because the fear of being caught influences people's driving standards far more than the severity of the ensuing punishments.

Despite this, roads policing has faced disproportionate cuts in recent years. The number of traffic officers in England and Wales outside the Met Police area fell by 48% between 2004/5 and 2015/6, a far greater drop than for the police workforce overall. This has coincided with a recent rise in pedestrian and cycle casualty numbers after a long-term downward trend.

Roads policing should qualify as core work for police so it can be better resourced, monitored and evaluated properly, including how it protects those most vulnerable.

Policing of dangerous driving that affects pedestrians (such as 20 mph limits or dangerous parking) by police services is essential. On the road, activity has to be widespread and frequent. This can be promoted by high-quality social media output (for example by Surrey Roads Police) that provides essential publicity. This must be backed up by well-publicised facilities for third-party reporting, for example with Operation Snap.

Without this level of activity, the central purpose of this type of policing – that drivers should be aware that they should not commit rule and law infractions which endanger cyclists and pedestrians – will be absent and have minimal or, at best, inadequate effect.

⁹ The AA Motoring Trust Report, 2003

https://www.theaa.com/public_affairs/reports/facts_about_road_accidents_and_children.pdf

The numbers of road traffic police officers need to be significantly increased to reduce road danger, facilitate more and safer walking and cycling, as well as deal with non-traffic crime that is associated with motor vehicle usage.

We note that enforcing traffic laws is unfortunately not a priority for police since the vast majority of **driving offences do not qualify as notifiable offences**. The police are also not monitored or valued on their effectiveness at enforcing traffic laws or investigating collisions.

Roads policing should qualify as core work for the police so it can be better resourced, monitored and evaluated.

5. Focus on driving offences that affect vulnerable road users

DfT should work with the police to update the “fatal four” driving offences, with more priority given to reducing harm posed to walkers and cyclists, including that posed by “careless driving”. It should also help define best practice on active travel-related enforcement, such as close pass operations, on-line reporting, and training around victim blaming.

DfT should direct the police services to enforce laws involving driver actions that could injure or kill pedestrians. These include:

1. Failing to comply with traffic direction and signs
 - a. Exceeding statutory speed limit on a public road (including 20mph)
 - b. Traffic signal offences
2. Specific enforcement of Highway Code Rule 170 in relation to drivers taking care at junctions and giving priority to pedestrians when appropriate
3. Construction and use offence - using a mobile phone while driving a motor vehicle
4. Careless, dangerous and reckless driving offences (offences involving pedestrians)
5. Pedestrian crossing regulations

The Chief Constable (or Commissioners in the Metropolitan and City police districts) should report annually on the numbers of prosecutions in each of these five categories and share data at least quarterly on the number of drivers and riders summonsed in each of the five categories.

6. Collision investigation and reporting

There needs to be greater transparency, accountability and effectiveness in collision investigation. An effective investigation is essential to achieving justice and reducing road danger. Without this, law-breaking escapes detection, fair compensation is hampered, prevention programmes are limited, victims suffer secondary victimisation, and public lack confidence in police interest in protecting them, thus deterring many from walking and cycling. It is the cornerstone for justice on our roads.

Investigators need to be properly trained and resourced in order to conduct thorough and impartial investigations into pedestrian and cyclist collisions. As RoadPeace’s recent report on [Road death investigation](#) indicates, there is a lack of consistency and quality assurance even amongst fatal collisions.

In 2013, the College of Policing issued new guidance on investigating road deaths which is less comprehensive than the previous ‘Road Death Investigation Manual’ which preceded it. This is not used for serious non-fatal collisions. As a result, key evidence may be lost in non-fatal cases, e.g. witness statements or contact details are not gathered, eyesight and mobile phone records are not checked etc. This can undermine a successful prosecution, and hence the ability of the victim to secure compensation.

DfT should re-establish the Justice for Vulnerable Road User Working Group and begin with helping the police address the biases in collision reporting and investigation to ensure accurate reporting and increased confidence in investigation

We support calls for a separate body, a **Roads Collision Investigation Board** to be set up, as advocated by PACTS, Brake, Cycling UK and other organisations, to investigate the causes of collisions and how they could be avoided in future. This type of sector board has been very successful in reducing deaths and serious injury in the rail, air and maritime travel sectors.

7. Criminal justice reform—laws, prosecution and sentencing

Although visible roads policing is the most effective deterrent to unlawful behaviour, offending drivers still need to face suitable sanctions, not least for the sake of public protection.

Criminal justice reform should tackle the gaps which affect those more vulnerable, including:

- the charging standards around careless and dangerous driving;
- the lack of a serious charge for those leaving the scene of a fatal/serious injury collision;
- the harm posed by opening a car door or passing too closely to a cyclist or pedestrian.

We believe the legal framework of ‘dangerous’ and ‘careless’ driving offences is weak, unclear and applied very inconsistently. Too often, drivers who have committed serious offences with terrible consequences face lenient penalties. A fine of a few hundred pounds is not uncommon, even in fatal cases. They may well then be free to drive again within weeks or months. Not only does this cause added distress to maimed or bereaved road crash victims, it also reinforces the idea that road danger is something to be tolerated, rather than eliminated. The definitions of ‘dangerous’ and ‘careless’ traffic offences thus need to be revised, with sentencing policy revised accordingly.

Alternative sentences, including **short driving bans and vehicle impoundments**, and telematics-based driver monitoring, need to be considered to encourage drivers to take more care around those walking and cycling.

For **serious driving breaches** resulting in serious injury or death we recommend that the legal system should focus on **lengthy driving bans (rather than prison sentences)** for people who have caused death or serious injury by driving in a manner that clearly caused danger, but with no need to lock them up for public protection. A jury may be reluctant give guilty verdicts where the defendant is likely to be given a custodial sentence, but the same jury may be more willing to convict if the punishment is to impose a driving ban on the defendant.

Prison sentences should still be the main option in cases involving driving that was more obviously ‘reckless’ or intentionally dangerous, or where the driver has flouted previous driving bans.

8. Civil liability and compensation

Civil compensation reform should remove, rather than add, barriers to fair and timely compensation for injured pedestrian and cyclists.

We support the introduction of a **presumed liability civil compensation system** where injured walkers and cyclists would be presumed to qualify for civil compensation. This would be a major step forward and should be introduced for children, older people and those with disabilities as a first step. DfT should research how the introduction of presumed liability would help expedite compensation of pedestrian and cyclist casualties and promote greater duty of care by drivers.

Pedestrians and cyclists should be exempt from the MoJ’s small claims reforms that are aimed at reducing whiplash related and other fraudulent claims by motorists.

The rehabilitation code should also be extended to police so that rehabilitation and civil claims are expedited.

Just as the Cycling and Walking Investment Strategy is to review the planning process to audit its impact on active travel, so should this apply to any changes in civil compensation or criminal justice procedures.

9. Other reforms to road traffic offences and penalties

The Ministry of Justice should also consider the following changes:

- Road casualties should be presumed to be victims of crime, until the contrary is proven.
- Closing the loophole whereby offenders routinely evade driving bans by claiming this would cause ‘exceptional hardship’.
- A new offence of failing to stop following a collision where the driver knew, or should have known, that a fatal or serious injury might have occurred, carrying more serious penalties than the current maximum of a six-month custodial sentence.
- Stronger penalties for drivers who queue across and block pedestrian crossings.

10. Transparency in the justice system and road crash victim support

Annual government statistics, derived from police records, show what road-user types have suffered what level of injury due to road collisions in different circumstances. The Government also publishes data on the number of prosecutions and convictions for different types of offence, including road traffic offences, and the range of penalties received. We advocate that a link is provided between these two datasets.

Greater transparency is also needed in individual cases. When someone is prosecuted merely for 'careless' rather than 'dangerous' driving, or not prosecuted at all, the victim often cannot even find out who has taken the decision (e.g. whether it was the police or Crown Prosecution Service), let alone the reasons behind it. This makes it very difficult for victims to challenge decisions which they believe are wrong. This too must be changed, as part of a wider package of improvements to road crash victim support.

11. The Highway Code

The UK Highway Code shows a bias towards motorised traffic, and places the burden of self-preservation on individuals walking and cycling. We advocate a revision of the Highway Code (HC) to remedy the bias against people walking and cycling summarised as follows:

- **Driver duty of care.** A rule at the beginning of the HC that makes it clear that a motor vehicle has a dramatically greater potential lethality compared to walking or cycling, which means that there must be greater responsibility and obligation from those in charge of them. Driving is a licensed activity – it is not a right, but a legally permitted activity allowed under certain conditions.
- **Speed.** The message that speed limits are maximums and not targets must be reinforced. Drivers should be encouraged to drive at speeds several miles below the limit.
- **Careless vs dangerous driving.** Examples of careless and dangerous driving should be included, with reference to vulnerable road users. DfT-commissioned research found that careless driving was poorly understood by the public, as well as magistrates.
- **New rules on junction priority:** We support the 'Turning the Corner' campaign, called for by active travel organisations. We would like to see new codes introduced at all junctions (signalled or not), obliging motor traffic to give way to cyclists and pedestrians going straight ahead at a junction, even where the turning traffic has a green traffic light. Until our laws are changed to give priority to through traffic over turning traffic, the need for drivers to ensure turns are safe before they change direction should be stressed.
- Lorry drivers should be required to stop far enough back from pedestrian crossings to enable drivers to see people on the crossing.
- **Remove anti-pedestrian rules as follows:**

Rule 1: *Pavements (including any path along the side of a road) should be used if provided. Where possible, avoid being next to the kerb with your back to the traffic. If you have to step into the road, look both ways first. Always show due care and consideration for others.*

Reason: It may not be possible to use the pavement if it is too crowded or obstructed. It may not be possible to face traffic while near the kerb. You may have to step into the road suddenly because of congestion on the pavement.

Rule 3 *Help other road users to see you. Pedestrians are asked to wear something light colour or fluorescent in poor daylight conditions, and to use reflective armbands, sashes, waistcoats, jackets and footwear) to be seen by drivers up to three times away than if wearing non-reflective materials.*



Rule 3: Help yourself to be seen

Rule 17: At night. *Wear something reflective to make it easier for others to see you (see [Rule 3](#)). If there is no pedestrian crossing nearby, cross the road near a street light so that traffic can see you more easily.*

These are unreasonable rules and place the onus for not being hit on the pedestrian. Car drivers should be driving at speeds at which they can see pedestrians under any light conditions and stop in time.

Rule 4: Young children *should not be out alone on the pavement or road (see [Rule 7](#)). When taking children out, keep between them and the traffic and hold their hands firmly. Strap very young children into push-chairs or use reins. When pushing a young child in a buggy, do not push the buggy into the road when checking to see if it is clear to cross, particularly from between parked vehicles.*

Reason: Young children should be able to go out on a residential street without fear of being run over. Residential streets need to be made safer so that these un-encouraging rules do not have to apply.

Rule 5: Organised walks. *Large groups of people walking together should use a pavement if available; if one is not, they should keep to the left. Look-outs should be positioned at the front and back of the group, and they should wear fluorescent clothes in daylight and reflective clothes in the dark. At night, the look-out in front should show a white light and the one at the back a red light. People on the outside of large groups should also carry lights and wear reflective clothing.*

Reason: These difficult and unreasonable rules do not encourage people to walk in groups.

- **Strengthen rules protecting pedestrians.**

Rule 62 should have a statement that where shared paths are unsegregated, cyclists must give pedestrians priority. This would reinforce our suggestion on strict liability for cyclist/pedestrian collisions.

Rule 170 needs to be strengthened for the protection of pedestrians.

Current wording

Rule 170: *Take extra care at junctions. You should*

- *watch out for cyclists, motorcyclists, powered wheelchairs/mobility scooters and pedestrians as they are not always easy to see. Be aware that they may not have seen or heard you if you are approaching from behind*
- *watch out for pedestrians crossing a road into which you are turning. If they have started to cross they have priority, so give way*

This is a weak rule. There is a mandatory MUST for not throwing rubbish such as cigarette ends out of a car, or a MUST for not smoking in a car, MUST for not using your horn at certain hours of the day. These are actions that cause only minor problems compared to not giving way to a pedestrian on a side road crossing which is advisory only. We believe this rule should be changed to:

Proposed wording

Rule 170: Take extra care at junctions. You **MUST**

- watch out for cyclists, motorcyclists, powered wheelchairs/mobility scooters and pedestrians as they are not always easy to see. Be aware that they may not have seen or heard you if you are approaching from behind
- watch out for pedestrians crossing a road into or out of which you are turning. If they have started to cross they have priority, you **MUST** so give way

Consultation Q3

Do you have any suggestions for improving the way road users are trained, with specific consideration to protecting cyclists and pedestrians?

1. Driver training, testing and retesting

The theory test should examine candidates' awareness not only of the rules of the road but also the reasons behind them. Both the theory and hazard perception tests should also examine awareness of how to respect pedestrians' and cyclists' safety. Driver training that ensures turning drivers give-way to pedestrians walking along the main road should also be obligatory.

Learner drivers and the driving test should cover key areas such as impact of speed, 'Dutch reach' to open a car door, close-passing, and how failure of regard to vulnerable road users is included in the charging standards of dangerous driving.

Living Streets supports the principle of 'graduated driver licensing'. This system sets a minimum period or a minimum amount of learning time before candidates can take their test, with provisional restrictions (for example on carrying passengers at night) for a period after passing.

Commercial drivers operating in urban areas should be required to do Safe Urban Driving training as part of their Continuing Professional Development, including time on cycles and awareness of pedestrians.

The Government should also consider periodic **driver retesting**, including professionally administered sight tests, particularly for older drivers.

Disqualified drivers, those who have accumulated 12 penalty points, and those who have committed serious driving offences, should take a compulsory re-test linked to remedial training.

Consultation Q4

Do you have any suggestions on how we can improve road user education to help support more and safer walking and cycling?

Unfortunately, DfT's "road safety" messages have focused on the responsibilities of cyclists and pedestrians at the expense of educating them about their rights and the benefits of walking and cycling. We believe the emphasis should be on encouraging pedestrians and cyclists rather than giving them equal responsibility as motor vehicle drivers on the streets. Conversely drivers must gain greater awareness of their responsibilities on the road.

We have a number of suggestions in relation to changing the driving culture in relation to pedestrians and cyclists:

1. Attitudes and awareness

The changes we have proposed (above) to the Highway Code, stronger penalties for a range of offences and new speed limits all require a concerted and sustained public information programme to educate road users. We cannot simply hope that things gradually improve through learner driver training and driver re-education. The public can be invited into a dialogue about these changes.

Education is needed to raise awareness of the rules and why they matter. This improves compliance as well as building public support for enforcement activity. But effective enforcement is also necessary to ensure that educational messages are not undermined by those who ignore them. Those who continue to behave irresponsibly must be seen to face appropriate sanctions.

2. Reducing driver sense of entitlement

There is a cultural issue that many drivers believe they have a special right to the roads, which cyclists and/or pedestrians do not have. A key element of making a safer road environment for all road users is to effectively challenge this culture. Doing so requires a transformation of education in schools, in driver training, and in messages to the media from central and local Government.

For example, the driver's feeling of "owning the road" is related to the common - but incorrect - belief that they have a special right due to having paid a "road tax" with inevitably bad consequences for safety. It needs to be pointed out that drivers do not pay for the external costs (such as pollution, congestion etc.) they incur compared to pedestrians and cyclists.

3. Educating potential drivers

Forms of "pre-driver training" (which have been proven to not reduce danger from new drivers) should be replaced by education which stresses the disadvantages of driving to society. These include ill health due to inactive travel, pollution, greenhouse gas and noise emissions, visual intrusion, local environmental destruction and community severance. This would emphasise the relative desirability of walking or cycling to driving.

4. Support give-way on turning

The recommendations outlined in the 'Turning the Corner' report need to be implemented. We also support the recommendations set out by Cycling UK in relation to driver training and policing. However, given the changes to the Highway Code and legislation may take some time, we believe that in the interim there needs to be greater enforcement of the existing principle set out in the Highway Code Rule 170; *"watch out for pedestrians crossing a road into which you are turning. If they have started to cross they have priority, so give way"*.

Drivers should be made far more aware of Rule 170 as currently few give way on turning once a pedestrian has stepped out. Given it is one of the most common types of casualty, there also ought to be far more prosecutions for hitting pedestrian and cyclists when a driver is turning into, or out of, a side road.

Consultation Q5

Do you have any suggestions on how Government policy on vehicles and equipment could improve safety of cyclists and pedestrians, whilst continuing to promote more walking and cycling?

1. Safer vehicles

Lorries and other large vehicles: HGVs account for only around 3.6% of non-motorway motor-vehicle mileage on Britain's roads, yet they are involved in around 14% of pedestrian fatalities. The problem is particularly acute in urban areas.

We believe the following measures should be taken to reduce danger posed by lorries:

- Adoption of the 'direct vision standard' for lorry cabs. Restrict unsuitable lorries with poor cab vision from city streets.
- Protection at the front and sides of lorries by front and side guards extending well down towards the carriageway.
- Widespread adoption of hard surfacing at building sites and waste and recycling sites to avoid lorries needing high clearance and consequent danger to pedestrians and cyclists.
- Lorries required to stop far enough back from pedestrian crossings to enable drivers to see people on the crossing (see also response to Consultation question 2: Highway Code).
- Safer Urban Driver Skills training, including time on cycles.
- Measures to reduce urban lorry traffic, e.g. by making greater use of rail and water-borne transport and cargo bikes to deliver smaller consignments in urban areas.
- Freight consolidation at edge of town 'trans-shipment depots', where HGVs or trains can transfer loads onto smaller, more street-friendly vehicles for delivery to their final destination.

- Bodies responsible for the regulation and enforcement of lorries, lorry drivers and lorry operators need to be better co-ordinated.
- Larger lorries should be made to follow prescribed routes which avoid narrower and residential streets.

2. Use of Intelligent Speed Assistance and Black Box technology

Intelligent Speed Assistance (ISA) is the term given to a range of devices that assist drivers in choosing appropriate speeds and complying with speed limits. In-vehicle monitoring (Black Box) technology monitors how, when and where a vehicle is being driven, records the data and provide an analysis as feedback to the driver and/or other parties.

There are strong reasons to make greater use of mandatory ISA. ISA would improve the safety of vulnerable road users by increasing speed compliance, particularly in urban areas. In countries where data are available, in free-flowing traffic, up to 80% of drivers exceed speed limits in urban areas. In a London trial in 2016¹⁰, all buses fitted with ISA remained within the speed limit 97-99 per cent of the time. In an ISA trial in Australia, mandatory ISA was modelled to reduce all crashes by 26.4%¹¹.

Vehicles being driven for work should not have the capability to exceed the speed limit and both the companies that manage the vehicles, and the regulators of them, have a duty to operate within the law. In order not to impose excessive costs on companies, legislation should be enacted that from an agreed date in the future, all new vehicles (vans, good vehicles, HGVs, taxis and PHVs) should be fitted with mandatory ISA.

Black Box technology allows relatively inexpensive and continuous measurement of driving behaviour and vehicle use, which is otherwise difficult to observe.

The data that all these devices produce should be available to local authorities with transport safety responsibilities and, through those bodies, as open data to the general public.

3. Autonomous vehicles

While we believe that autonomous electric vehicles are more likely to be safer for vulnerable road users, the focus on their use must be sharing of vehicles and their effectiveness in providing mobility as a service.

Government and Parliament must clearly legislate for liability in collisions involving AVs in criminal as well as civil law. It must be a criminal offence (as well as civil negligence) if a driver puts an AV into autonomous mode in inappropriate circumstances (which need to be clearly defined), or fails to resume control when the vehicle indicates that driver intervention is needed.

4. Sports Utility Vehicles (SUVs) in an urban setting

Of real concern to pedestrian safety has been the promotion and encouragement of the use of SUV-type vehicles in an urban environment. There is evidence from the United States that the proliferation of these vehicles has contributed to increased pedestrian casualties owing to a) their weight over a standard car and b) the higher positioning of the bonnet which presents a greater danger to pedestrians. Their use should be discouraged in urban areas.

Consultation Q6

What can Government do to support better understanding and awareness of different types of road user in relation to cycle use in particular?

¹⁰ <https://tfl.gov.uk/info-for/media/press-releases/2016/march/successful-trials-prove-effectiveness-of-speed-limiting-technology-on-buses>

¹¹ <http://tca.gov.au/images/stories/pdfs/Cost-Benefit%20of%20ISA%20Adaptation%20-%20Report.pdf>

We believe that there needs to be a better understanding and awareness of the needs of those walking as well as cycling as follows:

1. Targets and indicators

We are disappointed that the national road safety targets are no longer being used, and support other active transport organisations' calls to reinstate them.

Targets relating to cycle and pedestrian safety should also incentivise measures to increase walking and cycling to maximise the well-evidenced 'safety in numbers' effect.

Policy-makers should therefore avoid targets or indicators which aim simply to reduce cyclist or pedestrian casualty numbers. These risk creating a perverse incentive to reduce levels of walking and cycling, thereby shortening more lives from the loss of active travel health benefits.

Instead, any targets or indicators should be 'rate-based', e.g. measuring the risk of a walking injury (or a serious or fatal injury) per kilometre walked, or per trip, or some other unit of walking (or cycling) activity.

2. Publicise statistics for risks posed by different road users

DfT should publish statistics by vehicle type so motor vehicle users can see the disproportionate risk they pose to others. And DfT should commission further "near miss" research, rather than just rely on reported casualties.

3. Address car domination of our streets and normalise other uses

We recommend the Government promotes and funds the following initiatives to create a walking-oriented street environment and culture:

- **School Streets:** Restrictions on motor car movement around school entrances to be implemented around all schools in UK as a priority
- **Play Streets:** These should be encouraged on all residential streets as a standard routine especially over weekends.
- **Regular street (motor traffic) closures:** Make it easy for residents and businesses to apply for regular/ weekly street closures on local streets.
- **Car free days:** Cities should have regular large-scale car free days, and local authorities should be allowed to make it easier to have local car free days in shopping areas and local centres.
- **Parklets:** Allow residents to apply for uses other than car parking on streets such as play areas, planting and seating.

4. Add near-misses and harassment to Fix-my-Street

Disabled people and older adults may be put off from walking due to near-miss experiences. Tracking this would provide data on the prevalence of near-misses and potentially reveal if this related to geographic locations.

Equally, feeling safe while walking is important. National data shows large gender differences in feeling safe while walking home at night, with 38% of women not feeling safe walking home at night compared to 14% of men.

Fix-my-Street is a national website <https://www.fixmystreet.com/> and app which allows users to log problems in their street. This data is sent directly to local authorities. Near-misses and street harassment could be added to this national database, to allow local authorities to identify and target key hotspots.

5. Raise the status of walking

Walking to work reward schemes should include:

- a. Vouchers for shoes, backpacks, waterproofs
- b. Umbrellas
- c. Local city walking maps

- d. Recreational and cultural walking maps
- e. A sports physiotherapy session

6. Provide more funding for walking

The Government's transport spending plans currently propose a rapid increase in roads investment, while the tiny annual allocations for its Cycling and Walking Investment Strategy (CWIS) are currently set to decline. This is contrary to its aim to make cycling and walking a safe and normal option for short journeys, and to maximise their health, environmental and other benefits.

Funding for different modes

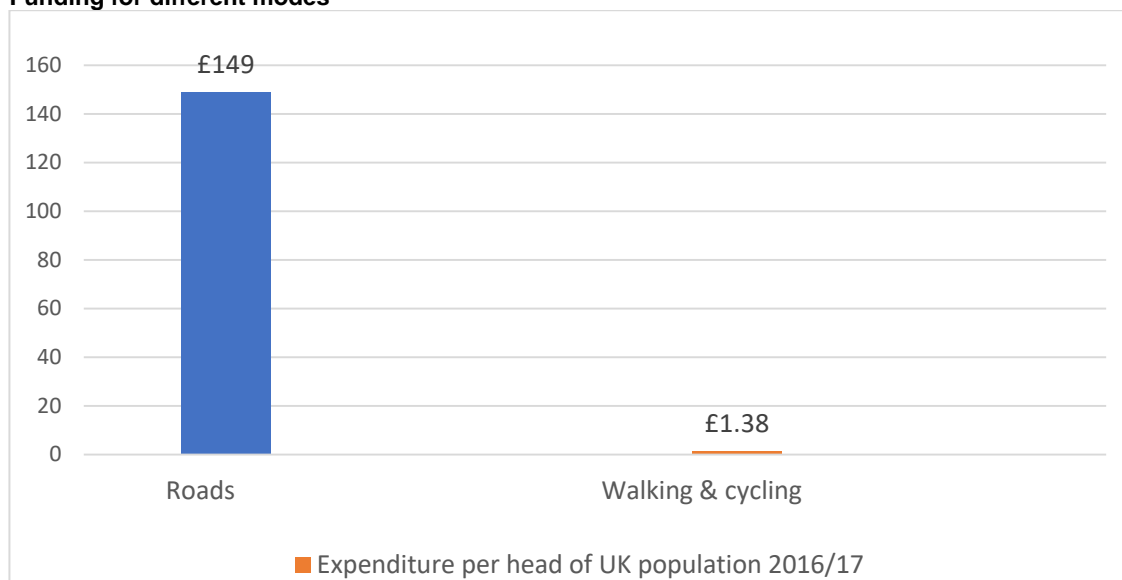


Figure 2: Government expenditure on roads vs. walking and cycling.

Source: Department for Transport & RAC Foundation

Transport funding is currently skewed in favour of those who drive the most, despite road building schemes offering poor value for money (compared to walking and cycling schemes) and often, ironically, they exacerbate ill health and congestion.

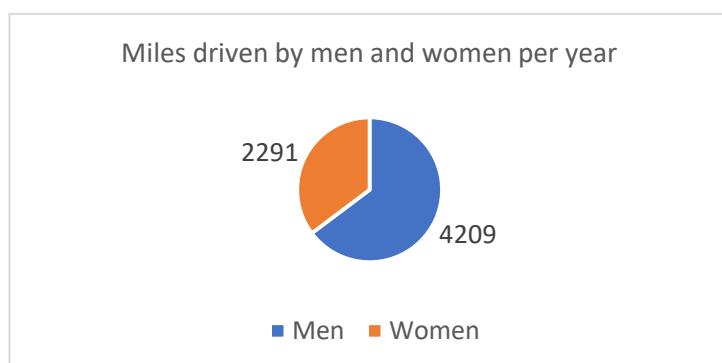


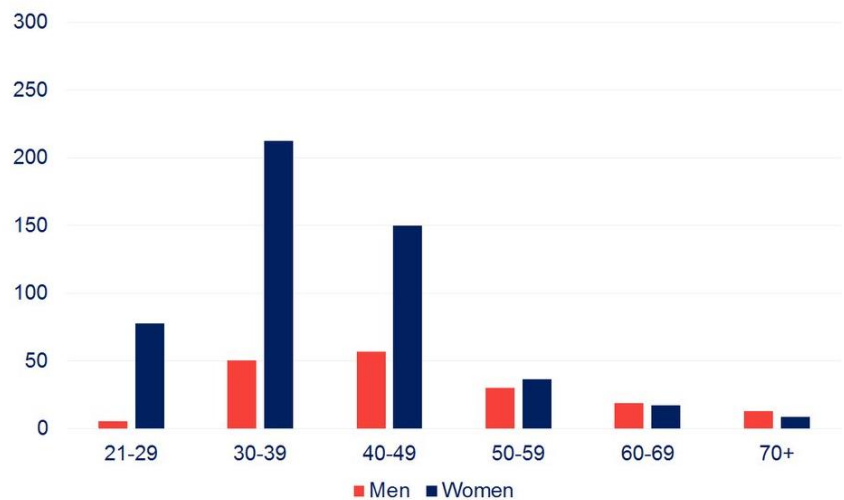
Figure 3: Proportion of miles driven by men and women: on average, men drive approximately twice as many miles as women per year. Source: [Understanding the drivers of road transport: current trends in and factors behind road use](#). Department for Transport, 2015

While funding for roads is intended to also pay for better walking and cycling facilities, most roads (including new or amended roads) **are not safe, accessible and comfortable** to all ages on foot, bicycle, or mobility scooter. The focus for roads spending is overwhelming on congestion relief via expanding motor vehicle capacity with miniscule proportions (e.g.: 1 or 2 % of LEP funding¹²) going to walking and cycling.

The funding imbalance means those most in need of safe, comfortable walking and cycling environments who ought to be protected by the Equality Act are being marginalised through the built environment. The government is falling short of its duties towards those with protected characteristics.

¹² <https://www.bettertransport.org.uk/roads-nowhere/local-transport>

The vast majority of funding for roads focuses on commuting car trips. Funding for short local walking and cycling journeys remains inadequate. Again, this current spending is biased in favour of men who are more likely to make commuting trips by car. The funding weighting prejudices children (who do not drive) and those who are most likely to make education escort trips most of which could be done on foot or bicycle, given the right road conditions.



Source: <https://www.gov.uk/government/statistical-data-sets/nts06-age-gender-and-modal-breakdown#table-nts0611>

Figure 4: Annual 'escort education' trips per person, 2016. Source: Dr Rachel Aldred, Twitter

The Government should thus rebalance overall transport spending, with a far greater proportion being invested in healthy and sustainable local transport solutions, such as walking and cycling networks and safer streets, including local road and footway maintenance. This would improve road safety for everyone, but particularly for children, older people, those on lower incomes or with disabilities, who may be more dependent on non-motorised travel. It would also help tackle wider problems such as congestion, pollution, physical inactivity and climate change.