



RoadPeace briefing

RCA Vehicle Design course

Vulnerability in the City

Researching the risks faced by 'unprotected' transport users in the city, and exploring new design strategies to protect them



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1 An introduction to RoadPeace

We are the **national** charity for road crash victims. Our members include those who have been bereaved or injured in crashes and also those who are concerned about road danger.

We are the only **member based** charity for road crash victims in the UK, and the only one with local groups.

We provide both **support** for existing victims and work to **prevent** future victims by campaigning for road danger reduction.

We are **independent**, with the majority of our funding coming from our members and supporters, which allows us to speak out and challenge the government on issues that are important to us.

We are **pioneering** and have led the way in campaigning for the rights of road crash victims and road danger reduction for nearly 20 years.

We are **evidence based** and are the only road safety related charity in the UK to have produced a systematic review for the [Cochrane Collaboration](#).

Our work

Offering support services to road crash victims

- Emotional support including a national helpline for road crash victims, a befriending network and Resilience support programmes for bereaved families
- Practical information guides that explain the post crash legal procedures
- Advocacy and casework including attending inquests, trials or meetings with the bereaved family and the police, CPS, or their MP
- Remembrance activities including the World Day of Remembrance for Road Traffic Victims, Remember Me roadside plaques, and the RoadPeace Wood.

Working for change - campaigning for justice for road victims

- RoadPeace champions the rights and recognition of road crash victims to ensure the trauma they suffer is acknowledged. To this end, RoadPeace researches and documents the experiences of road crash victims, using the findings to inform and influence policy makers, agencies, the media and the public.

Working for change - campaigning for road danger reduction

- RoadPeace works to make the roads safer for everyone by **reducing road danger**.
- Our key priority is for speed reduction - slower speeds make sense, they reduce the severity of injuries, but more importantly reduce the likelihood of a collision in the first place.



2 Road Danger Reduction vs Road Safety

RoadPeace was launched in 1993 on the principle of road danger reduction.

Road danger reduction takes a more radical approach to the problems on our roads. Rather than putting the responsibility on people to make themselves safer, it focuses on making the roads and systems less dangerous, and tackling danger at the source.

It also takes into account the other negative consequences of inappropriate and excessive motor vehicle use such as intimidation, environmental impact and public health issues.

Road danger reduction differs from road safety in that it adopts a wider approach that considers not only the quantity of death and injury by crashes, but also the effect of excessive and inappropriate motor vehicle use on the quality of life and the environment, and it places a greater duty of care on those that pose the greater threat, i.e. motor vehicle owners and drivers, and argues for danger to be controlled at source (in the motor vehicle).

We believe that if planning, urban design, transport policy adopted a principle of Road Danger Reduction at its core, we would have a safer fairer and greener society.

3 Protecting vulnerable road users in UK law: Stricter liability

Amy Aeron-Thomas, Executive Director of RoadPeace, insists that the cycling revolution won't happen without civil law reform

Like many others, RoadPeace fears that the promised cycling revolution will not take place until our civil compensation system has undergone radical reform. Reform is necessary to make the system fairer, by compensating more vulnerable road users for sometimes horrific injuries, which will in turn create a culture of safer driving, where all road users are expected to exercise care over those more vulnerable than themselves.

Some call this 'driver liability', whereas RoadPeace prefers 'stricter liability', which shifts the focus away from drivers. All are calling for the burden of proof in collisions involving motor vehicles, pedestrians and cyclists to be reversed. At present, in the event of a car hitting a cyclist or pedestrian, our motor insurance system requires proof that the driver caused the collision before any compensation can be paid to either cyclist or pedestrian for injuries sustained.

Insurance companies currently rely on the outcome of a police investigation before deciding liability. Yet the Department for Transport estimates that the average cost of police resources spent on a serious injury collision investigation is only £250, and for a slight injury collision it's only £60.



These amounts do not pay for much police time, and so it is the lack of a thorough investigation, rather than the proof of innocence, that often results in the police finding no evidence of any crime or culpability. The sad fact is that the cyclist or pedestrian always suffers worse injuries, so is at a severe disadvantage in reporting events and collecting witnesses. Without proper investigation or eye-witness evidence, there is frequently no chance for a cyclist or pedestrian to claim compensation. This is why it is much fairer for the default position to be that injured cyclists and pedestrians automatically qualify for compensation, unless it's proven they contributed to the crash.

'Stricter liability' does not mean that poor road behaviour by the average cyclist or pedestrian would automatically be compensated. For example, pedestrians dashing out from between parked cars or cyclists running red lights could have their compensation severely reduced.

'Stricter liability' would also not have any effect on criminal prosecution: 'innocent until proven guilty' is a basic human right, but it refers to criminal prosecution, not civil compensation. Civil compensation is based on probability and a lesser standard of evidence, and it would be the insurance company that pays out, not the individual driver. However, if you're a driver that repeatedly hurts cyclists or pedestrians, your insurance premium will go up and up. A disincentive has been introduced for driving that causes harm to those more vulnerable.

Stricter liability is the norm in much of the world, including Western Europe, China, India, Australia and New Zealand, although the practice varies widely. For example, it's very rare in France for an injured cyclist or pedestrian to have their compensation reduced. And in France and the Netherlands no matter what a child, an elderly person or someone with 20% or more disability does, they are always compensated – the system recognising that we all have a duty of care towards the most vulnerable. In the Netherlands able-bodied adults always get at least 50% compensation, whereas in Germany compensation is often denied entirely if the injured pedestrian or cyclist is proven to have contributed to the collision. However, all have the same starting point, with injured pedestrians and cyclists not having to prove they qualify for compensation.

Everyone in the UK travels on foot, and so would benefit from the reform. Cycling would also benefit massively as drivers instantly became more accountable and, consequently, less dangerous. We know that fear of traffic is the number one obstacle to increased cycling. Another benefit is that when insurance companies bear more of the costs related to injured pedestrians and cyclists, they will invest in safety improvements for vulnerable road users, as they have already for vehicle occupants, reducing road danger further.

The cycling revolution requires a change of mindset about the duty of care owed vulnerable road users by drivers, motor vehicle owners and transport system providers. This includes not accepting speeds that pose a serious chance of killing or seriously injuring a pedestrian or putting up with blindspots on HGVs. Progress is being made on many fronts, but reforming our civil law system has lagged behind.

This article was first published in the LCC magazine *London Cyclist*.



4 The conflict between HGVs and vulnerable road users

HGVs pose a particular danger to vulnerable road users in the urban environment. Originally designed for long distance motorway driving, where it was more important to see vehicles in the distance, HGVs now also operate in cities where they need to be able to share the space safely with road users such as cyclists and pedestrians. However, the position of the driver's cab means that the driver is often unable to 'see' cyclists and pedestrians near by, and they in fact operate with known and 'accepted' blind spots.

Unfortunately for the pedestrian or cyclist however, due to the sheer size and bulk, the impact of an HGV will often result in a fatality. This is something that can be easily, simply and cost-effectively rectified with the installation of appropriate mirrors, sensors and other technologies such as in-cab CCTV.

HGVs, and particularly construction vehicles, are **disproportionately** involved in collisions with pedestrians and cyclists. HGVs have traditionally accounted for 45% of all London cyclists' deaths, and one in five of cyclists' deaths in the UK, yet represent only 5% of road traffic. In 2009, of the 13 cyclists killed, 9 involved HGVs and 7 were young women, several of whom were very experienced cyclists. To date in 2010, 3 cyclists have been killed by HGVs.

HGV safety in relation to cyclists has been identified as a priority for many, but road users, for example motorcyclists, are in fact much more at risk as road users than cyclists. Any countermeasures to deal with the HGV/cycle conflict must not impact negatively on other road users (pedestrians, powered 2 wheelers, vehicle occupants).

It is possible the situation may get worse with the launch of the cycle hire scheme and cycle super highways project this year, with the associated expected increase in cyclists on London's roads, in conjunction with the increased lorry traffic from the construction projects associated with the Olympics (deliveries to increase from 650 to 1000 per day in 2010) and Cross Rail.

In addition, there is growing pressure, from both an environmental and a public health perspective, to promote active, or sustainable, modes of travel such as cycling and walking. This much needed shift to cycling and walking is unlikely to happen until we reduce the fear and risk from HGVs, nor do we believe that it is responsible to be promoting such a modal shift without putting the appropriate measures in place to reduce the risk.

More information can be found at: www.roadpeace.org/change/safer_streets/hgv_safety/



5 HGVs – what should be done?

We recognise that this issue is complex and without an obvious single solution, but we believe that an implementation of a range of measures, many of them relatively low cost, would drastically reduce the threat from lorries to vulnerable road users.

Some suggestions:

Safer vehicles

- Improved lorry design incorporating safety measures such as adequate mirrors, proximity sensors, side guards, and cameras

Safer drivers

- Lorry driver education including cyclist awareness training, encouraging an attitude of sharing, not owning the road.

Safer systems

- Corporate social responsibility – fleet operators and owner drivers must take responsibility for lorry and driver behaviour including issues such as impaired (drink/drug) driving, tiredness, unrealistic targets, overloaded vehicles, vehicle maintenance, inactive employment and related health issues such as weight gain leading to heart problems etc
- Law enforcement - increased enforcement of traffic offences such as speeding, misuse of advance stop lines for cycles, and defective lorries, using Health and Safety powers as well as the criminal law
- Procurement procedures to prioritise lorry safety, and for this to include sub-contractors

Safer road environment

- Reduction in peak hour deliveries
- Safer junctions

Safer cyclists

- Improved awareness through events such as Exchanging Places



6 RoadPeace's top 10 priorities for making cycling safer in London

- 1 **Speed** – slower speed limits, including support for 20 mph default speed limits across London.
- 2 **Cycling targets for statutory organisations** – we need more police, CPS, TfL and local authority officers cycling.
- 3 **Collision investigation** – improved standards of investigation for all collisions resulting in death or serious injury, but with particular attention to serious injury collisions which are at present neglected, and with additional data collection at the end of the investigation, to ensure that 'lessons are learned'.
- 4 **Freight** – side and front sensors (and alarms) should be required on all HGVs with compulsory membership of FORS for all HGVs operating in London, ideally extended to the development of a permit scheme which only allows accredited operators to drive in London
- 5 **Commercial driver training** – requirement for all drivers of commercial vehicles for the public sector or its subcontractors to pass a cycle awareness course similar to that offered by Lambeth
- 6 **Training and education** - promotion of considerate road use for ALL Londoners, including cyclists and pedestrians
- 7 **Publicity and campaigns** - tackling the misleading and negative image of cycling in the press. This is a diversion from the real issue of danger on the roads which is bad driving – and we believe that regular anti-cyclist press directly influences driver attitudes and behaviour towards cyclists. Publicity and education campaigns should emphasise that cyclists contribute much more to society than they take away – and debunk the myths often surrounding cyclists, such as they should pay tax etc.
- 8 **Road danger reduction**; TFL to formally adopt a road danger reduction approach to its policies which will inform its publicity campaigns, with particular attention to the road user hierarchy which prioritises the most vulnerable road user, including the need for cyclists to give way to pedestrians
- 8 **Liability**; TFL to conduct a scoping study on the impact of reforming the civil compensation system so it favours the vulnerable road user where there is a lack of evidence
- 9 **Funding** – an increase in funding to promote cycling linked in to Local Authority targets. Take Action Active Travel recommends a minimum of 10% of the overall transport budget should be spent on promoting walking and cycling.
- 10 **Annual Review** – including a review of the current situation, progress made, and work outstanding. This should include information on the legal outcome of all cyclist injury collisions and who was held responsible for the collision, if anyone.



7 Resources and further reading

RoadPeace – www.roadpeace.org

Road Danger Reduction Forum - <http://rdrf.org.uk/>

Campaigners and Bloggers

RoadPeace – www.roadpeace.org

LCC – www.lcc.org.uk

CTC - <http://www.ctc.org.uk/>

See Me Save Me - <http://www.seemesaveme.com/blog/>

Cycling Silk - <http://thecyclingsilk.blogspot.com/2009/11/cycling-against-car-culture.html>

Real Cycling – <http://realcycling.blogspot.com/2010/03/hgv-deaths-critical-mass-demo-this.html>

I bike London - <http://ibikelondon.blogspot.com/search/label/safety>

London Cyclist - <http://www.londoncyclist.co.uk/>

Moving Target - <http://www.movingtargetzine.com/article/two-london-cyclists-killed-in-two-days-by-lorries>

3 feet please - <http://3feetplease.org.uk/>

Copenhagenize – <http://www.copenhagenize.com/>

Bloody Cyclists! - http://www.chapmancentral.co.uk/wiki/Bloody_cyclists

Government and Industry

Freight Transport Association - www.fta.co.uk/

Road Haulage Association - www.rha.uk.net/home

Mineral and Products Association - <http://www.mineralproducts.org/>

FORS - <http://www.tfl.gov.uk/microsites/fors/>

London Borough of Lambeth -

<http://www.lambeth.gov.uk/News/PressReleases/011209CyclistAwarenessScheme.htm>

Metropolitan Police Service

Commercial Vehicle Unit - <http://www.met.police.uk/traffic/departments.htm>

RoadSafe online reporting tool - <http://www.met.police.uk/roadsafelondon/>

Transport for London

Cycle Safely Action Plan - <http://www.tfl.gov.uk/corporate/projectsandschemes/15480.aspx>

Cycling Revolution - <http://www.tfl.gov.uk/roadusers/cycling/15459.aspx?lid=switcher>

Transport Research Laboratory

[Collisions involving pedal cyclists: establishing the causes \(report\)](#)

[Pedal Cyclist Fatalities 2001 – 2006](#)

Video

Pedal Power – ‘22 too many’ - www.youtube.com/watch?v=LGQT2eLotTo&feature=youtube_gdata

Met Police Exchanging places - <http://www.youtube.com/watch?v=uPkbNFt5NuY>

TFL awareness raising - www.dothetest.co.uk/basketball.html & <http://www.dothetest.co.uk/bankjob.html>