

THE MAGISTRATES' ASSOCIATION

ROAD TRAFFIC COMMITTEE

RESPONSE

“A Safer Way” Consultation by the Department for Transport

The Magistrates' Association welcomes the opportunity to respond to this important consultation on improving road safety beyond 2010, a topic of concern to us all. We are happy for copies of this response to be made available to other parties on request.

2. Background and Context

We support the adoption of targets for improving road safety, and believe that they serve a useful purpose. The 1987 strategy was notably successful, particularly in its early years, but Fig 2.1 shows that in its later years, and for the 2000 strategy, success in achieving the casualty reduction target is as a result of serious injury reduction, rather than deaths. Given the doubts expressed about the reliability of serious injury statistics, notably by the House of Commons Transport Committee¹, this must cause some concern. During the same period, other nations have produced greater improvements, and we have previously commented that the concentration on speed enforcement through camera technology, at the expense of other road safety measures, may not have produced optimum results over the period. It is therefore disappointing that illegal and inappropriate speed is the only road behaviour specifically mentioned as a key challenge at **2.26**. Exceeding the speed limit is recorded as a contributory factor in 6% of accidents, failing to look properly is a factor in 35%² but is not mentioned. We believe that the Department should broaden its approach and accept the challenge of improving behaviour that is not so easily measurable.

At **2.13** it is stated that, in view of the statistic that motorcyclists represent 20% of fatalities, but just 1% of traffic, improving safety for motorcyclists will be a key challenge, but no measures to achieve improvement are suggested, apart from local initiatives to provide high friction surfaces at road junctions. Specifically targeted initiatives should be a high priority.

Figure **2.7** shows clearly how the accident rate falls as drivers grow older, until they enter their seventh decade, when it rises again. We believe that drivers over a certain age should be assessed by an independent doctor, not one from their own GP practice, as to their fitness to drive.

We are concerned by what appears to be a disproportionate number of overseas licence holders that we see in or courts, both from within and outside the EU. Their basic standard of driving may well be lower than the average within the UK, and they are of course driving on the unfamiliar side of the road. This is another group that we feel could usefully be targeted.

3. A Vision for the Future

¹ [Eleventh Report, session 2007/8](#)

² [Road Casualties GB 2007 Table 4b](#)

We agree with the factors identified as likely to be applicable over the next twenty years, but would say that there is little doubt that demand for travel will increase in the short, medium and long term, where the document is more circumspect, talking of a probable increase in the longer term. The whole trend for all public and private facilities has been for fewer and larger locations, shops, hospitals, police stations etc, and there is no sign of this reversing to more local provision, therefore we see more travel as inevitable, although the economic downturn may slow the increase. We are pleased to note that there is no unrealistic expectation that there will be a significant switch from private to public transport. We agree with the aim of having the safest roads in the world, and the time scale for the strategy proposed.

4. The Overall Approach

We agree that the legal and regulatory framework is now largely satisfactory (4.8), subject to detailed adjustments, apart from two matters:

There is a hard core of disqualified drivers who will not be deterred from driving by the current maximum sentence. We urge that driving whilst disqualified be again made an either-way offence, as it once was, so that offenders may be sent up to the Crown Court for a longer sentence. The whole structure of enforcement of road traffic offences depends on disqualification being enforced, but we see people offending 30, 40 or 50 times.

The proposal to make careless driving a fixed penalty offence will effectively downgrade it to a minor matter, never likely to attract more than a £60 fine and three points unless a serious collision occurs. The temptation to police to issue a fixed penalty rather than prosecute will be irresistible, in our view.

We very much support a holistic approach to the road system and road safety issues.

We accept that the primary investigation of road collisions should remain with the police. However, the investigation of collisions by the police, however thorough, is inevitably very much coloured by their duty to consider whether offences have been committed. This is not at all the approach required in order to prevent future accidents, what is needed is an independent and dispassionate analysis of the cause. As the Minister starts his forward to the consultation, "Human beings make mistakes" It is more profitable to road safety to investigate why they have done so and how others can be stopped from repeating the mistakes, than concentrating entirely on whether they are blameworthy enough to be prosecuted, although that of course may also be necessary. We therefore believe that the independent expert panel proposed should be empowered to conduct its own investigations if it considers it desirable. We envisage for instance that in relation to an accident "black spot" the police would investigate each individual collision, but the expert panel might wish to investigate the area as a whole, to ascertain why so many collisions were occurring. The panel might also consider other information, the reports prepared for insurance companies in the event of high loss accidents, for instance.

A truly independent body to report on road safety issues is worthwhile, whether or not our suggestion for additional powers is adopted. A factor that is sometimes blatant and sometimes suspected in reports on road safety issues is that those reporting are also those responsible for the measures or policies concerned, whether at national or local level. A properly independent review would command much greater confidence.

At 4.24 it is said “education and promotion that enable and encourage all types of road users to improve their safety skills and attitudes – we can *all* improve” We endorse this laudable objective, since the large majority of collisions are caused by what might be categorised as “driver error” of one sort or another and motorcyclists are at particular risk, as the statistics show. This is one reason that we support the wider introduction of the Driver Improvement Scheme for drivers who fall below the reasonable standard expected of a competent driver. We are disappointed to see little sign in the document of encouragement for drivers to improve their skills after passing the basic driving test. ‘Pass Plus’ is about the only opportunity for further training outside that offered by private companies for ‘at work’ driver training. The initial test indicates that a driver has achieved a minimum level of understanding and competence. He/she may then continue to drive for the next 60 years with no further training input. They will almost certainly develop undesirable driving habits and may even fall back below the minimum level of competence. We would like to see more Government encouragement for the vast bulk of drivers who are unlikely, at present, to seek further training opportunities. This encouragement could be in the form of statutory training provision but we would prefer a financial incentive to attend organisations such as RoSPA or the IAM, perhaps in the form of a lower insurance premium. If such action leads to a reduction of road traffic incidents then it would be money well spent and could represent a significant saving to Government considering the cost of each fatal/serious road traffic incident.

5. Strengthening the Weak Links in our Road Network

We of course fully support road safety engineering schemes, and agree that they should be considered on a whole-life basis, and merit greater support. At a time of economic difficulty, it is worth pointing out that, given the UK’s high level of imports, newer and safer cars would largely come from abroad, whereas cash spent on road improvement schemes stays within the country, and may provide a Keynesian boost to the economy.

We support the introduction of 20mph zones (5.19), in those limited areas where they are appropriate. It is important that they are respected as a necessary and proportionate measure, and are therefore not imposed on a blanket basis. Around schools, they should apply when children are entering and leaving, but not at other times. This is already in force in certain areas, with a notice on the limit sign, “Applies when lights are flashing” and schools are already used to controlling their school warning signs in a similar way. Limits that are legally in force 24/7 will not be respected, and are less likely to be observed when it is important that they should be. In primarily residential areas, the limit should be self-enforcing, using engineering measures. We do not believe it is appropriate to have 20mph signs alone. As the research shows these reduce speed by 1-2mph (5.22) it is clear that these are neither respected nor enforced, and must therefore reduce general respect and compliance with speed limits. Driving below 20 mph requires a degree of concentration on the speedometer that itself may be dangerous. If un-engineered low speed zones are to be introduced in residential areas, 25 mph might be a more practical speed. The progress of the mixed priority schemes being trialled will be interesting to watch (5.23); these have had some success in the Netherlands, of course.

We support the initiative of asking highway authorities to review speed limits on their A and B class roads (5.29), reducing them from the national speed limit where appropriate. We feel that this is a much better approach than the blanket reduction of the national speed limit on single carriageway roads to 50 mph, which has been suggested. We consider that would cause considerable confusion. We welcome the initiative to provide evidence on the risk factor of

individual roads, which should enable changes to be properly targeted. We do believe, however, that too frequent changes of speed limit along a stretch of road are difficult for drivers to follow.

We note that paragraph 5.6 shows that motorcyclists are three times as likely as car drivers to exceed the speed limit on rural roads, and we conclude that this behaviour should be specifically targeted. It has been suggested that these roads are particularly suitable for the use of average speed cameras, but we point out that current models of these cameras, being forward facing, do not register motor bikes, as these have no front number plate.

6. Supporting the Choice of the Safer Vehicle

The progress made in road safety through improved vehicle technology is well recognised, and, as stated, this has been through both manufacturer initiatives and regulation. It was once thought that improved safety did not help to sell vehicles, this has proved to be quite mistaken, safer cars appeal very much to consumers. We do have concerns that some technologies will tend to remove responsibility from the driver. Intelligent Speed Adaptation is completely misnamed, it is notably unintelligent, taking no account of anything other than the posted speed limit. We are concerned that if ISA can actually limit the speed of the vehicle there will be a tendency to drive up to the limit quite regardless of traffic or weather conditions. Driving too fast for the conditions is recorded as causing more accidents than exceeding the speed limit³; drivers need to learn to adapt their speed to the conditions, and this technology we fear will undermine that, although we do not object to it as simply an information device. Electronic Stability Control on the other hand is likely to be nothing but helpful, and may reduce the 15% of all accidents and 33% of fatal accidents in which “loss of control” is reported as a contributory factor.³ We welcome in particular the Department’s initiatives in relation to the problem of poor vision for drivers of LHD lorries on British roads.

7. Responsible and Irresponsible Road Use

We have responded to the compliance consultation, and await with interest the Department’s reaction. On the matter of repeat offenders (7.9), we refer back to our remarks on disqualified driving above. It is our view that the drink-drive limit should be reduced to 50mg/100ml in blood.

In the THINK! campaign shaded box it is stated “Speeding accounts for more than 720 deaths on UK roads every year” which is of course incorrect. A more accurate statement would be that speeding is one of the contributory causes of 720 deaths on UK roads every year, and in 400 cases that was travelling too fast within the speed limit. The constant message that exceeding the speed limit is dangerous, risks the perverse implication that any speed under the limit is safe; this is clearly a dangerous message to send out, and we think that the Department should emphasise that drivers always need to adjust their speed to conditions.

We regret that the Department does not support putting the ‘P plate’ scheme on a statutory basis. However effective the driving test, a newly qualified driver necessarily lacks experience, and we think the P plate is useful in indicating this. In addition, reverting to that status if points were incurred on a licence would be a useful disincentive. We also consider

³ [Road Casualties GB 2007 Table 4b](#)

that this could be a useful indicator that the driver was not permitted to carry passengers under a certain age. This is a measure that other countries have implemented successfully.

The estimate that 80 road deaths a year could be saved by such a simple measure as adopting Central European Time is startling. Any inconvenience in the sparsely inhabited far North of the country scarcely justifies that loss of life. We believe that this matter should certainly be pursued, not simply regarded as too difficult or politically fraught.

8. Measuring and Ensuring Success

We agree that a focus on road deaths is the right approach nationally, and KSI locally, but with dependable statistics. We are largely content with the other targets and indicators proposed, but the meaning of KPI No 9 on page 87 escapes us entirely. We welcome the proposal of a Road Safety Delivery Board to manage and report on a road safety delivery plan.

Summary of Responses to Specific Questions

Please consult our more detailed comments above for full details of our response to these questions, and further comments on these and other matters.

Vision and targets (Chapters 3 and 8)

1. Do you agree that our vision for road safety should be to have the safest roads in the world? (Chapter 3)
2. Do you agree that we should define a strategy running over twenty years to 2030, but with review points after five and ten years? (Chapter 3)
3. Do you agree that our targets should be to reduce:
 - road deaths by at least 33 per cent by 2020 compared to the baseline of the 2004–08 average number of road deaths;
 - the annual total of serious injuries on our roads by 2020 by at least 33 per cent;
 - the annual total of road deaths and serious injuries to children and young people (aged 0–17) by at least 50 per cent against a baseline of the 2004–08 average by 2020;
 - by at least 50 per cent by 2020 the rate⁴ of KSI per km travelled by pedestrians and cyclists, compared with the 2004–08 average? (Chapter 8)
4. We are proposing a set of indicators in order to help us to monitor performance (Appendix A). Do you believe these cover the right areas? (Chapter 8)

[Yes to all questions above](#)

Context (Chapters 2, 3 and 4)

5. We have identified a number of factors that may affect our ability to deliver road safety improvements in the future world we are planning for. Do you think we have

⁴ Expressed as a three-year rolling average

taken account of the key risks and opportunities? Are there others you would add? (Chapter 3)

a) Yes b) No

6. We think that the key challenge for road safety from 2010 is better and more systematic delivery, rather than major policy changes. Do you agree? (Chapter 4)

Yes

7. This consultation document sets out the current evidence on the key road safety challenges. Do you agree with our analysis? Would you highlight any others? (Chapter 2)

We believe that the Department should accept the challenge of tackling a broader range of poor driving behaviour than speed alone. The concentration on speed over recent years has not given the UK as good results as other countries have achieved.

New performance framework (Chapters 4 and 8)

8. We are proposing a number of measures to support the effectiveness of the road safety profession. Do you think they will be effective? What else might need to be done? (Chapter 4)

We believe that the independent expert panel proposed needs to have the resources made available to it to investigate accidents independently of the police in order to achieve maximum benefit.

9. Do you agree that an independent annual report on road safety performance, created on an annual basis, would be a worthwhile innovation? (Chapter 4)

Yes, but we stress the need for true independence to be very apparent.

10. Do you agree that the Road Safety Delivery Board should be tasked with holding Government and other stakeholders to account on the implementation of a new national road safety plan? (Chapter 8)

Yes

Roads and local authorities (Chapter 5)

11. Do you agree that highway authorities reviewing and, where appropriate, reducing speed limits on single carriageway roads will be an effective way of addressing the casualty problem on rural roads? Are there other ways in which the safety of rural roads can be improved? (Chapter 5)

Yes, where this is evidence based. Safety can be improved by road engineering and other measures suggested as a result of independent investigation of accidents.

12. How can we most effectively promote the implementation of 20 mph zone schemes in residential areas? What other measures should we be encouraging to reduce pedestrian

and cyclist casualties in towns?
(Chapter 5)

See our detailed response on page 3 above.

13. How can we provide better support to highway authorities in progressing economically worthwhile road safety engineering schemes? (Chapter 5)

Provide the appropriate evidence

Vehicles (Chapter 6)

14. What should Government do to secure greater road safety benefits from vehicles?

Continue to co-operate at a European level

15. Do you agree that, in future, crash avoidance systems will grow in importance and will have the potential to greatly reduce casualties?

Yes

16. How can we best encourage consumers to include safety performance in their purchasing decisions?

We doubt this is required, consumers are doing this for themselves

Behaviours (Chapter 7)

17. We have highlighted what we believe to be the most dangerous driving behaviours. Do you agree with our assessment?

Yes

18. What more can be done to persuade the motoring public that illegal and inappropriate speeds are not acceptable behaviours?

As observance of the limit is poorest on motorways, which are also the safest roads, compliance with limits generally is difficult to argue as a safety issue. Probably the existing strategy of concentrating on the urban limit is the best one. As we say above, inappropriate speed **within the limit** should also be addressed.

19. What more can be done to encourage safe and responsible driving?

20. Should more be done to reward good driving? If so, what?

Good, safe and responsible driving is already rewarded and encouraged by the lower likelihood of being involved in a collision, and by lower insurance premiums. It is difficult to think of anything in addition, other than governmental recognition that the vast majority of road users are safe and responsible people.

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