Department for Transport

Roads Policing Review: Call for Evidence

A response by the Association of Personal Injury Lawyers

October 2020

Introduction

APIL welcomes the opportunity to respond to the Department for Transport's (DfT) call for evidence on the Roads Policing Review. Not only do we agree that roads policing is critical in making roads safer for all to use, we also argue that better education at all levels and investment in infrastructure are the basis for improving road safety. As a society we have become desensitised to road collisions, injuries and fatalities, adopting the mindset that this is unlikely to happen to us. The reality is statistics show otherwise. Within this response, we will focus on the consultation questions within APIL's remit.

Q1. Why do you think road casualties have remained fairly constant?

Roads policing is not a police priority. Resourcing for enforcement has significantly reduced over the last decade with a 22 per cent reduction in the number of roads policing officers from 2010 to 2014 and a further reduction of 18 per cent since 2015[1]. This is despite the fact the number of homicides and deaths caused by terrorist attacks in 2018 together make up 678 less deaths than the number of road deaths in the same year[2]. This lack of enforcement, and individuals' awareness of the lack of enforcement, allows people to take advantage of being able to ignore road traffic law such as using mobile phones, failing to wear seatbelts, adhere to speed limits and driving under the influence of alcohol or drugs. For example, 76% of respondents to the National Travel Attitudes Study (NTAS) on road safety thought that the law on using mobile phones whilst driving is not enforced properly[3]. All this contributes to drivers failing to take care which ultimately causes collisions.

The infrastructure of roads has also made road casualties fairly constant. Due to lack of funding and therefore lack of road maintenance, potholes, faint road markings and lower street lighting have had a negative effect on road safety[4]. This may cause individuals to swerve or break down which can result in road casualties.

Due to technological advancements within motor vehicles, there are more distractions now compared to ten years ago when enforcement was cut. Distractions such as using a mobile phone and the ability to watch television or films on dashboard displays reduce a driver's road awareness which can ultimately result in a collision through failing to look properly when changing lanes or exiting junctions. This is also detrimental to pedestrians, cyclists and

[1] Institute for Public Policy Research 'Better than Cure – Injury Prevention Policy' (August 2020) p 29
[2] Parliamentary Advisory Council for Transport Safety (PACTS) 'Roads Policing and its contribution to road safety' (June 2020) p 83
[3] Gov.UK National Travel Attitudes Study (NTAS) Road Safety < https://www.gov.uk/government/statistical-data-sets/national-travel-attitudes-study-ntas#road-safety-ntas05 >
[4] Institute for Public Policy Research (n 1) p 29

horse riders who are vulnerable road users and are at risk of being involved in road collisions.

Another reason why road casualties could have remained constant is the change in people's habits over the last ten years. This includes people driving children to school, and the way that we shop. For convenience, many people shop online whether that is to purchase clothing, household items or groceries. It has become evident that some delivery companies pay their drivers per delivery they complete. The Covid-19 pandemic has further increased the number of people that shop online which will increase the pressure on delivery companies and their drivers placing increased pressure on them to deliver parcels to customers within the specified delivery times and slots.

There is a perception amongst those that we have spoken to that delivery drivers may increase their speed above the speed limits to meet their delivery targets. This practice could affect the safety of pedestrians and other road users. Anecdotally, we also hear that where premises do not have driveways or areas to pull off the road, vans are being left at the side of the road or partly on pavements. There have also been occasions when drivers leave their vehicles in places which they are prohibited to leave them, such as double yellow lines, no stop zones and on busy high street roads, further causing congestion. This can cause significant problems for pedestrians, other motor vehicles adhering to the road lanes and bicycles who ride at the edge of the road. This should be explored further to assess whether the way in which delivery companies function increase the risk of collisions and casualties.

Finally, since the plateau in the number of casualties since 2010, education on road safety has also significantly reduced due to the decrease in traditional Education, Training and Publicity officers and School Crossing Patrol services, especially in London[5]. Without warnings and awareness around road use, road casualties will at best remain consistent and at worst increase further. This will be discussed in depth further into the response.

Q3. What evidence led initiatives demonstrate what could be done to help reduce road traffic casualties?

It is important to note that where cutbacks to funding impact on the enforcement of roads policing, there is little to no improvement in road safety and when enforcement increases, casualties are reduced due to increase compliance of road traffic laws[6]. This highlights the fact that changes in roads policing noticeably affects casualties on our roads.

The UK lacks an overarching organisation and co-ordinated approach to deal with roads policing and learn from traffic collisions and road casualties. The proposition to introduce the 'Highways Accident Investigations Branch' would follow the models seen in other methods of transport such as the Rail Accident Investigation Branch[7]. This would be beneficial in improving road safety and reducing casualties because the overarching organisation would solely deal with road collisions, ensuring that all investigations carried out are consistent. The organisation will benefit from having centralised data and allow individual forces to refer their investigations to an entirely separate overarching organisation. This would permit the

[5] London Road Safety Council – Cuts in Road Safety Education will lead to more Deaths on the Road, Fears the London Road Safety Council (press release 29 June 2017) < http://londonroadsafetycouncil.org.uk/wp-content/uploads/2016/02/Cuts-in-road-safety-education-will-lead-to-more-deaths-on-the-road-fears-the-LRSC-1.pdf >
[6] Institute for Public Policy Research (n 1) p 29
[7] ibid. p 30

current roads policing officers to focus on other criminality on the roads such as trafficking. The overarching organisation will also ensure proper and efficient recording of road collisions and incidents through local police forces because non-fatal injuries are currently underreported to the police. This is demonstrated through the 2019 National Travel Survey statistics which showed that the police were unaware of 48 per cent of road accidents in the last three years where the respondent had sustained injuries[8]. In addition, it will ensure lessons are learnt from the most serious collisions and ensure future improvement to safety for road users.

In order to reduce road casualties, it is crucial that the overarching organisation dedicated to roads policing is well funded to meet its full potential and aims and that there is additional funding for local police forces to ensure that incidents are reported.

Alternatively, a cross-sector injury prevention strategy should be introduced to create an overarching organisation for all accidents which have caused injury. In addition to this cross-sector organisation giving the opportunity to learn from accidents including road traffic accidents, this will ensure that investigations are consistent and efficient and also optimise the resources available for those investigations[9].

Q7. What else alongside enforcement (such as education or examples of use of technology and signage) has been evidenced to increase compliance?

Education from a young age and re-education throughout individuals' lives is crucial in maintaining road safety. Road awareness is important to all road users. It is essential to teach children of the dangers of using the road as a pedestrian, a cyclist, a horse rider and as a driver in the future. Teaching children fundamentals such as looking both ways and ensuring a safe time to cross is just the beginning of the education required. It is also critical to educate young adults learning to drive of the dangers of driving under the influence of alcohol and drugs as well as distractions such as using mobile phones at the crucial point where they are learning to drive. There is a perception that many young adults adopt an invincible attitude when it comes to driving for the first time, however it is essential that they should be extra cautious due to lack of experience. One fifth of all reported road casualties in Great Britain involve 17-25-year olds despite the fact that this age group only represents one tenth (11 per cent) of the population[10]. This shows that younger people are far more likely than other age groups to be injured in a road traffic collision. This further demonstrates that education throughout life after completing a driving test is vital. Continual re-education throughout life is critical in ensuring road users' knowledge is up-to-date and the roads are as safe as possible, due to the introduction of new technology and vehicles, such as micromobility vehicles, using the road.

[8] Gov.UK National Travel Survey 2019 Details of Involvement and Injuries sustained in road accident in previous three years: England 5 August 2020 < https://www.gov.uk/government/statistical-data-sets/nts06-age-gender-and-modal-breakdown >

[9] Institute for Public Policy Research (n 1) p 4

[10] Department for Transport Road Accidents Reports < https://roadtraffic.dft.gov.uk/custom-downloads/road-accidents/reports/40bd01ab-b4a2-4eba-b373-291ed7ac84a6 > and ONS mid-year population estimates < https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland >

Alongside this consultation is the Governments review of The Highway Code[11]. The proposal made is that a hierarchy system of road users is introduced in order to protect the more vulnerable road users. If/when introduced it is essential that this is properly communicated to all road users through advertising and other means to ensure that everyone is aware of it. This is crucial even for pedestrians because despite The Highway Code specifically stating within the introduction that it is "essential reading for everyone"[12], only 27% of UK adults who do not drive have read the rules for pedestrians within The Highway Code[13]. Often people are aware of The Highway Code but may not have physically read it or plan on reading it. Making people aware of the hierarchy and ensuring people understand *how* to be safe around vulnerable road users is part of the re-education that is essential when implementations to The Highway Code are made.

Education of this sort must move with the time. Previously there were road safety advertisements on television, these were a successful way of educating individuals on a particular safety campaign. However, the way in which people watch television has changed within the last decade. Many individuals have turned to using sites such as Amazon Prime, Netflix and on-demand channels to watch television programmes and films without advertisements. The advertisements people see and hear on these platforms advertise products and services rather than road safety matters and they can also be skipped. Due to the change in the way individuals react to published advertisements of the sort outlined above, other forms of advertisement are required to continue to inform people of all ages of road safety matters.

The use of social media, especially platforms such as Twitter and Instagram could be a modern and forward-thinking way of informing a wide range of people of road safety matters such as casualty statistics and precautions which should be taken by road users to avoid collisions. As we see in society today, often the hard-hitting and controversial news stories, videos and information shared on social media get more attention and acknowledgement of its importance. This information is shareable to a user's following and can be more widespread. This is therefore particularly influential when public figures share stories on their platforms because it reaches their large followings. A prime example of this is the impact of Marcus Rashford, a Manchester United and England Football Team player, campaigning against the Government's decision not to provide free school meal vouchers during the summer of 2020 through his Twitter account, which forced the Government to make a U-turn on this decision.

This hard-hitting yet educational information should also be widespread across roads. Informing road users of the number of people being caught for traffic offences will also urge road users to abide by road traffic law because people are concerned with receiving penalty points on their license, being required to attend and pay for awareness courses and the increase in their insurance premiums. Signs showing statistics of casualties and fatalities on specific roads will also make road users think of the speed in which they are travelling, be more aware of potential hazards as well as the potential hazard which they may be to others.

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[11] Department for Transport: Consultation on a review of The Highway Code (July 2020) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904038/consultation-on-a-review-of-the-highway-code.pdf >

[12] Gov.UK Department for Transport The Highway Code Introduction < https://www.gov.uk/guidance/the-highway-code/introduction >

[13] YouGov opinion polling commissioned by Association of Personal Injury Lawyers. Total sample size was 2184 adults. Fieldwork was undertaken between 28th – 29th May 2020. The survey was carried out online. The figures have been weighted and are representative of all UK adults (aged 18+)

Often people adopt the mindset that a collision, casualty or fatality simply will not happen to them and statistical road signs may make them think twice.

Q11. Can you provide evidence or examples of where enforcement of road traffic law can benefit congestion and air quality?

In today's society there must be a focus on injury prevention, especially in relation to roads safety. This focus can implement new measures to improve the safety of vulnerable road users by reducing the number of motor vehicles on our roads, which will in turn help meet the UK's decarbonisation targets. Air pollution creates a number of health problems. For example; it results in 1 in 5 childhood asthma cases, leads to up to 36,000 early deaths annually and related health costs of more than £20 billion[14]. Air pollution also disproportionately affects those in more deprived areas. The Covid-19 pandemic and subsequent public lockdown has resulted in air pollution being at an all time low and 69% of people surveyed across UK cities were keen to ensure that the UK did not return to pre-lockdown levels of air pollution[15].

The reduction in vehicle use, wider pavements and cycle lanes, prioritisation of pedestrians and cyclists at traffic lights in addition to minimising danger to pedestrians at junctions rather than prioritising the speed of traffic, would significantly improve road safety for vulnerable road users[16]. Similar measures to these have been implemented in Oslo and Helsinki and as a result, in 2019 Oslo saw one and Helsinki saw zero pedestrian deaths[17]. This clearly evidences the impact of prioritising vulnerable road users. This would also make vulnerable road users feel safe and encourage drivers to use alternative forms of travel such as cycling and walking, in turn decreasing the number of motor vehicles on our roads. Ultimately, changing the focus of prioritisation when assessing our transportation system will reduce road danger in an environmentally sustainable way[18].

In Great Britain, car occupants made up 44 per cent of road deaths in 2018 and two thirds of UK transport emissions are from car use[19]. Currently, access to public transport is uneven across the UK. Investment in convenient and efficient low-carbon, cross country public transport will however reduce the incentive or need to drive because one survey found that three fifths of drivers would swap to public transport if the services were better[20]. In light of this, a restructure and widespread initiative to increase the use of public transport systems will ensure more people are able to use public transport as an alternative to a car. This will result in a significant reduction in transport emissions and potential collisions and casualties.

Furthermore, active travel must be encouraged and promoted, especially in post-lockdown society where walking and cycling can reduce the risk of contracting Covid-19. This however requires significant investment and permanent changes to infrastructure to ensure pedestrians and cyclists feel safe. This is because in London, fear of death or injury is the largest deterrent for people cycling more in London[21] and nationally, 66 per cent of adults

[14] Institution for Public Policy Research (n 1) p 30
[15] ibid. p 30
[16] ibid. p 32
[17] Institution for Public Policy Research (n 1) p 32
[18] ibid. p 30
[19] ibid. p 30 - 31
[20] ibid. p 32
[21] ibid.

(over 18-year olds) in England agreed that it is too dangerous to cycle on the roads[22]. In turn, investment and changes to infrastructure would encourage drivers to consider active travel as opposed to using motor vehicles. Ultimately, if people feel safer using forms of active travel such as walking and cycling, air quality will improve which will benefit society's health and the environment generally.

Paris' 100 per cent bicycle promise has made traveling by car far more inconvenient and less necessary and has also provided alternative ways to get around the city. The Mayor of Paris' promise has resulted in transformative measures being implemented to favour pedestrians and cyclists within the city. These measures include removing 72% of on-street parking spaces for cars to increase cyclist and pedestrian space, 100,000 additional bicycle parking spaces, the ban on diesel and tourist buses by 2024, an initiative to ensure there is a cycle path on every street by 2024, a drive for there to be 100 per cent electric vehicles by 2030 and road camera surveillance to ensure cycle and pedestrian safety[23]. Not only is this an example of how to improve road safety for vulnerable and other road users, these changes will ultimately reduce air pollution. It strongly incentivises individuals to take up active travel, which in turn makes for a healthier and environmentally friendly society.

Potential emerging threats and concerns

APIL is concerned about potential emerging threats on the road which may impact road safety and increase the number of collisions and casualties as a result.

The introduction of micromobility vehicles such as e-scooters which are currently undergoing a trial period, may present additional safety concerns due to the features of e-scooters. E-scooters have small wheels, can reach substantial speed with minimum effort and are able to be used for long distances, these things make them more prone to being involved in road collisions. E-scooter users are not obliged to have training prior to using an e-scooter and helmets are not mandatory. This presents the risk of significant injury to e-scooter users if they are in a collision with a motor vehicle and also presents further risk to pedestrians and other road users such as cyclists.

The Covid-19 pandemic will ultimately force people to take up other forms of transport rather than using public transport such as trains and buses to reduce their chances of contracting the virus. This will include more people choosing to cycle or use micromobility vehicles on their daily commutes, especially in cities and busy areas, which will increase the risk of collisions. One in five UK adults aged 18-44 are willing to try using an e-scooter despite the fact 93 per cent of them have never used one before[24]. In addition, 28 per cent of 18-34 year olds are looking for alternative methods of transport for when they return to working from offices after working from home due to the Covid-19 pandemic[25] which may result in an increase in collisions.

As mentioned above, with the introduction of new forms of transport such as e-scooters, in addition to more people using private forms of transport, education and re-education for all road users is crucial in ensuring road safety. This includes ensuring drivers are more aware

[22] Gov. UK National Travel Attitudes Study Walking and Cycling Statistics: England 2019 < https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/906698/walking-and-cycling-statistics-england-2019.pdf > p 10
[23] Institution for Public Policy Research (n 1) p 33
[24] LV 'Safety First: Brits open to E-scooters, but insurance and helmets priority' 11 August 2020 <https://www.lv.com/about-us/press/brits-open-to-e-scooters> accessed 17 August 2020
[25] LV (n 17)

of safe passing distances and educating cyclists of the benefits of obtaining public liability insurance.

In addition, it should be made compulsory for all new commercial vehicles to be equipped with reversing cameras to ensure that pedestrians are safe walking behind vehicles which may attempt to reverse. Although there may be warnings for pedestrians to display the driver's intention to reverse, impaired pedestrians which are for example hard of hearing, may be at risk of being unable to acknowledge a van or lorry driver's intention when walking behind a vehicle. Commercial vehicles also often carry heavy goods or are larger than other motor vehicles and are therefore capable of causing more damage if they collide with a pedestrian. This relates back to the point on the increased number of delivery drivers, the speed in which they drive and the nature of their work. Making it compulsory for delivery vans to have rear view cameras will reduce the risk of collisions with pedestrians and cyclists when reversing out of driveways.

The further widespread introduction of Smart Motorways also presents significant safety concerns for road users. The use of the hard shoulder either permanently or temporarily as a lane results in road users being forced to break down in an open carriageway. 68% of those surveyed as part of RAC's Report on Motoring in 2019 stated that removing hard shoulders on motorways compromised the safety of road users[26]. Although emergency stopping areas have been introduced for drivers to pull over in an emergency, they are infrequent and make it challenging to stop safely after or whilst breaking down. This is extremely dangerous because it can cause near misses and collisions and therefore casualties and fatalities.

APIL is also concerned about the development of Automated Vehicle Technology and the future use of partially automated and driverless cars. According to experts, by the mid-2020's truly autonomous vehicles could be viable with 21 million autonomous vehicles on the roads across the globe by 2035[27]. The DfT's consultation on implementing provisions to allow the use of Automated Lane Keeping Systems[28] also raises significant concerns on road safety for all road users. The increase in use of these technologically advanced vehicles will give drivers a false sense of security and the flawed perception that they are not required to fully concentrate on the road. This will result in further road collisions and casualties due to drivers relying on automation.

[26] RAC 'Smart Motorways – What are they and how do you use them? | Video guide' (22 January 2020) < https://www.rac.co.uk/drive/advice/driving-advice/smart-motorways/ > accessed 25 August 2020

[27] Joshua Hughes 'Automated Vehicle Technology and Personal Injury Law' 20 December 2017 < https://www.boltburdonkemp.co.uk/news-blogs/accident-claims-blog/automated-vehicle-technology-personal-injury-law/> accessed 17 August 2020

[28] Department for Transport: Safe Use of Automated Lane Keeping Systems (ALKS) Call for Evidence <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/911016/safe-use-of-automated-lane-keeping-system-alks-call-for-evidence.pdf >

About APIL

The Association of Personal Injury Lawyers (APIL) is a not-for-profit organisation which has worked for 30 years to help injured people gain the access to justice they need, and to which they are entitled. We have more than 3,000 members who are committed to supporting the association's aims, and all are signed up to APIL's code of conduct and consumer charter. Membership comprises mostly solicitors, along with barristers, legal executives, paralegals and some academics.

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