

Scottish Government – Transport Scotland

Scottish Road Safety Framework to 2030

A response by the Association of Personal Injury Lawyers

December 2020



Introduction

APIL welcomes the opportunity to respond to the Scottish Government’s consultation on the Scottish Road Safety Framework to 2030. The approach to road safety that is outlined within the consultation document is ambitious, yet sensible. Implementing measures such as specific enforcement, continual education and improving infrastructure are crucial in meeting ‘Vision Zero’. Resources and funding are the fundamental requirements to ensure road safety improvement in Scotland.

APIL also supports the fact that the consultation seems to focus on a strategy for injury prevention. The focus on injury prevention, in addition to the introduction of an overarching organisation to deal with road safety and roads policing, will ensure that lessons are learnt from road-related injuries or death. Improving awareness of distractions and dangerous behaviour will also be critical in avoiding needless road collisions and therefore avoidable deaths and serious injuries on Scotland’s roads.

APIL has responded to the questions in its remit.

Q1. Is the vision set out for the next 10 years the right one?

APIL agrees that the vision set out for the next 10 years within the consultation is the right one. Encouraging collaboration and a collective approach places responsibility on road users to ensure their own safety as well as the safety of others. Holding them accountable for potentially dangerous decisions and actions makes people think about their decisions whilst using the road. This will go some way to educate road users of the vulnerability of others and the consequences of their actions. The collaboration between the Scottish Government, its agencies and local authorities can also contribute to the safe, climate focused and accessible transport system which the strategy aims to do by directing resources to infrastructure and education.

In addition, putting people at the centre of the Safe System approach and using the five pillars (safe road use, safe vehicles, post-crash response, safe roads and roadsides and safe speeds) to provide protection is the fundamental basis to meet ‘Vision Zero’ by 2050 and reducing road traffic deaths and serious injuries by at least 50% by 2030. When road traffic collisions do occur, putting individuals at the centre of the approach ensures that they are cared for properly when they have sustained injuries and that they are able to access the compensation they require in order to put them back in the position they were in prior to sustaining their injuries, as far as possible. A people-centred approach will also encourage a learning culture for those involved in the collision, their families and friends, first responders, the police and the authorities whom may have been involved in some way post-collision.

Q2. Are the outcomes to deliver the vision the right ones?

Q3. Do you agree that the Safe System Approach is fundamental to the success of the Framework?

APIL believes that the outcomes; safe road use, safe speeds, safe vehicles, safe roads and roadsides and post-crash response; are correct in order to deliver the vision of the consultation.

Although the Safe System approach will be fundamental to the success of the framework, it is crucial to acknowledge the most important aspect of the approach and that is education. Teaching children the fundamentals at an early age is just the beginning of the education required to maintain road safety. Road awareness is important for *all* road users. Continual education throughout individuals' lives is critical to ensure their knowledge is up-to-date with developments and technologies, especially with the introduction of automated vehicles in the near future. For example, educating young adults on driving under the influence of drugs and alcohol as well as potential distractions at the crucial age which they are able to learn to drive. This is also critical now for individuals of all ages, with micromobility vehicles such as e-bikes and e-scooters being used on the roads. Micromobility vehicles are currently not reflected in The Highway Code and much to APIL's disappointment, was out of the scope of the recent Highway Code Review¹. Therefore, education is required to give road users vital information regarding the vulnerability of these road users, the precautions which should be taken when coming across micromobility vehicles and the danger they pose on the roads to maintain road safety.

Q4. Are the 12 key challenges for road safety, from Climate Emergency, Health to Emerging Technologies and Post-crash Response, the correct ones?

There are common themes between the consultation document and the issues discussed as part of the Institute of Public Policy Research Report published in August 2020², which APIL supports. Another key challenge is that ample funding, investment and resources are required to improve infrastructure, public transport and education to meet the aims set out within the consultation document. Therefore, there may be issues in ensuring proper funding is available to address the challenges outlined.

Q5. Do you think the strategic actions will deliver the outcomes and address the identified challenges?

APIL believes that the strategic actions mentioned within the consultation document will address the identified challenges and in turn reduce the number of fatalities and serious injuries on Scotland's road in line with the vision.

Q5.2. Are some of these actions more important than others?

APIL believes that the most important actions are; Funding and Resourcing, Change in Attitudes & Behaviour and Education.

¹ Department for Transport Cycling and Walking Investment Strategy: Safety Review – Consultation on a review of The Highway Code < https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904038/consultation-on-a-review-of-the-highway-code.pdf >

² Institute for Public Policy Research 'Better than Cure – Injury Prevention Policy' (August 2020)

Firstly, ensuring that sufficient funding is available is crucial to provide suitable resources, especially in relation to Roads Policing. There are currently not enough Roads Police Officers on the roads to ensure enforcement of road traffic offences. Where cutbacks to funding impact on enforcement, there is little to no improvement to road safety but when enforcement increases, casualties are reduced due to increased compliance with road traffic laws³. This demonstrates the negative impact of reduced numbers of roads police officers on drivers' actions and decisions because it allows people to take advantage by using mobile phones, failing to wear seatbelts and adhere to speed limits and driving under the influence of alcohol or drugs. The lack of roads policing results in lack of care taken by road users which causes road collisions and makes pedestrians, cyclists and horse riders more vulnerable.

Secondly, Change in Attitudes & Behaviour is critical in protecting vulnerable road users and ensuring they are not put at additional risk. Often drivers of motor vehicles can be impatient with cyclists and horse riders due to reduced speeds they travel at. This impatience can lead to drivers using their horn inappropriately or making bad decisions regarding passing these already vulnerable road users. This endangers not only the vulnerable road user, but also the driver themselves, the passengers in the vehicle and other road users in the vicinity. APIL welcomes the focus on road user attitude and behaviour because it will educate motorists on their responsibilities and highlight the consequences of making risky decisions. The suggested use of online influencers and celebrities on social media sites shows a forward-thinking approach to reach all potential road users in a modern-day society.

Finally, as previously mentioned, education is fundamental to improve and maintain road safety. APIL supports the consultation document in that education is a lifelong-learning process and should commence at an early age. We reiterate the requirement for further education following transportation developments because these can present a significant risk on the roads. The Highway Code does not go far enough in educating people and is currently out-of-date with technological advancements. It is important that education of this sort moves with the time. People have changed the way in which they watch television and opt to watch Netflix or Amazon Prime which do not have advertisements. This means they are unlikely to see road safety advertisements on television like they previously would have done. The use of social media and online influencers as suggested in the consultation document would inform a wide range of people of road safety matters such as casualty statistics and precautions which should be taken to avoid road collisions. As we see in society today, hard-hitting and controversial news stories, videos and information shared on social media get more attention and acknowledgement of importance and it is particularly influential when public figures use their platforms to reach their large following. In light of this, it is crucial to use these platforms to educate road users of the consequences of making bad decisions which will affect families, friends and the wider community in an attempt to make them think twice when they use the road.

Q6. What are your views on the proposed 2030 Interim Targets?

Reducing the number of people killed or seriously injured by 50 per cent in addition to reducing the number of children killed or seriously injured by 60 per cent on Scottish roads are ambitious Interim Targets. We would support the efforts to achieve these and to meet the long-term goals for 2050. Monitoring progression by using the proposed 2030 Interim

³ Institute for Public Policy Research 'Better than Cure – Injury Prevention Policy' (August 2020) p 29

Targets is crucial. As is setting further targets for 2040, depending on the improvements made by 2030.

Q7. Do you think that the Intermediate Outcome Targets and Key Performance Indicators are appropriate to monitor the progress towards the 2030 Interim Targets?

The Intermediate Outcome Targets are appropriate in monitoring the progress towards the 2030 Interim Targets because they focus on road users who are particularly vulnerable, such as pedestrians, cyclists and young people. These groups of people make up a large proportion of those killed or seriously injured as discussed in the consultation document. However, in line with the recently proposed amendments to The Highway Code, perhaps the Interim Outcome Targets should also focus on horse riders and horse drawn vehicles. Within the recent Highway Code Consultation⁴, horse riders and horse drawn vehicles are also classed as some of the most vulnerable road users, on the same level as pedestrians and cyclists within the Road User Hierarchy. Monitoring the vulnerable groups of road users will go some way to reducing the number of people seriously injured or killed by 2030, and therefore it is sensible to make them key priority areas.

The Key Performance Indicators are also appropriate to monitor progress because they specifically focus on driver behaviour which contribute to collisions that may result in death or serious injury. Monitoring these areas of road safety will highlight the enforcement necessary to reduce the contributory factors and behaviours which leads to collisions on Scottish roads.

Reporting on the outcome of the Intermediate Outcome Targets and Key Performance Indicators will highlight areas which require improvement in relation to enforcement and education. This will help to develop a focus for the year ahead to further reduce death and serious injuries.

Q8. Do you think that the proposed Governance Structure is appropriate?

Q8.2. Would road safety performance be improved across Scotland as a result of systematically sharing information and best practice between local authorities and/or local/regional partnerships through the Local Partnership Forums?

The Governance Structure proposed within the consultation seems to be appropriate due to the collaboration involved within the Strategic Partnership Board, Operational Partnership Group and the new Local Partnership Forums.

APIL believes that the co-ordinated approach proposed in the consultation to deal with road safety will improve performance. Traffic collisions and the post-crash approach encourage a learning culture for all. However, the introduction of an overarching organisation can further aid this learning culture.

A 'Highways Accident Investigations Branch', similar to the Rail Accident Investigation Branch⁵, would improve road safety and reduce casualties due to the overarching organisation solely dealing with road collisions. It would ensure that investigations, processes and approaches are carried out effectively and consistently. Such an organisation will benefit from centralised data and will allow individual police forces to refer their

⁴ The Highway Code Review 2020 (n 1)

⁵ Institute for Public Policy Research (n 2) p 29

investigations to an entirely separate overarching organisation, permitting current roads policing officers to focus on other criminality. This organisation will ensure lessons are learnt from the most serious collisions and ensure future improvement to road safety to not only meet the Interim Targets but also the Long-term Targets. Proper and efficient recording of road collisions to assess correlations of areas which require improvement will indicate whether Intermediate Outcome Targets are being met annually. Funding is essential to ensure that an overarching organisation fulfils its aim to improve road safety.

In light of the above, the identified trends in the Intermediate Outcome Targets and Key Performance Indicators would be shared with the Governance structure to highlight improvements that would be required to reduce the collisions. This will give the Governance structure clear, accurate and collated data to then decide the best course of action to rectify the issues identified.

Q9.1. In your opinion, what aspects of road safety work well at the moment?

The use of technology such as speed cameras can work well in making the roads safer when properly deployed. They go some way to ensure road users reduce their speed which in turn reduces the number of collisions which speed is a contributory factor. Targeted public campaigns such as those created by THINK!⁶ also work well. They raise awareness of dangers which are specific to road users such as the impact distractions and tiredness have on road safety and the consequences of drink driving. These campaigns should be implemented further and especially focus on educating young drivers. Young drivers are more likely to be involved in road collisions⁷ and such campaigns will help to educate them of the consequences of their actions and behaviours when driving.

Q9.2. What practical actions would you like to see taken to encourage and promote these aspects?

Investment and resourcing are essential to encourage and promote the technological advancements that can be beneficial in making the roads safer for all road users and to reduce the need for roads policing officers. The implementation of an overarching organisation to deal with roads policing could also collect the data from speed cameras and other technological developments to free up police time and reduce the need for roads policing officers from local forces.

Q10.1. In your opinion, what aspects of road safety do not work well in general and as a result of Covid-19?

Due to the Covid-19 pandemic, as well as the benefits to the environment and health generally, members of the public will be more inclined to take up active forms of travel such as cycling and walking rather than taking public transport. This is due to the increased likelihood of exposure to coronavirus on forms of public transport. However, the current infrastructure for active forms of travel will be unable to accommodate the increase in the number of people cycling. In addition, one survey found that three fifths of drivers would swap to public transport if the services were better⁸. Public transport does not currently

⁶ THINK! Campaigns < <https://www.think.gov.uk/campaigns/> >

⁷ THINK! Campaigns 'Party Car' < <https://www.think.gov.uk/campaign/party-car/> >

⁸ Institute for Public Policy Research (n 2) p 32

incentivise drivers to use it because of the inconvenience. The increase in use of accessible public transport will reduce the number of collisions between motor vehicles due to the reduction in human error. It will also benefit the climate. Therefore, the current infrastructure of roads, in addition to the limited public transport, do not work well and need imminent development to meet the outcomes discussed within this consultation.

In general, drivers' attitude towards vulnerable road users such as cyclists and horse riders contribute to the road safety problem. Motorists can often be impatient when behind a cyclist or a horse rider. In addition, when they do overtake, they do so too fast, too close and cut back into the traffic too quickly. This results in further danger for cyclists and horse riders which may discourage them to use the road due to fear of injury. For example, one of the top reasons for individuals taking up cycling during lockdown in a recent Cycling Scotland Survey was the fact that there was less traffic on the roads⁹. Almost two thirds of those surveyed who started cycling during lockdown stated that more cycle paths would encourage them to continue cycling after lockdown is lifted¹⁰. With this attitude and without suitable infrastructure to protect vulnerable road users, members of the public will be less likely to take up cycling to benefit the environment due to the dangers it presents. Although changes have been proposed to The Highway Code to introduce safe passing speeds and distances as well as highlighting the dangers of horses on the road, this does not go far enough in educating current and future motorists on protecting vulnerable road users and changing their perceptions.

In light of the above, The Highway Code also does not inform motorists how to react in relation to micromobility vehicles such as e-bikes and e-scooters. Micromobility vehicles are already present on the roads within the UK as a whole, yet they are not mentioned within The Highway Code and were out of the scope of The Highway Code Review 2020¹¹. Their presence on the road presents significant risks to all road users and motorists are not currently informed of their road positioning and what they are capable of.

Q10.2. What practical actions would you like taken to overcome these aspects?

In order to overcome the points discussed in the previous question, there needs to be further investment in infrastructure to encourage people to use active forms of travel and accommodate those that already use active forms of travel. This will give cyclists a safe space and make them feel more protected and respected by motorists. There also needs to be investment into widespread, accessible public transport to incentivise drivers to opt for a safer and low-carbon transport option.

There needs to be a push for further and continual education for all road users throughout their lifetime to highlight the importance of respecting other road users and the consequences of impatience for vulnerable road users. Vulnerable road users are prone to more serious injuries and therefore enhanced safety precautions should be taught from an early age. There also needs to be up-to-date education on safety precautions and risks for all road users on emerging transportation advancements.

⁹ Cycling Scotland Monitoring/Policy 'New Lockdown Cycling Survey' 9 June 2020 < <https://www.cycling.scot/news-article/new-lockdown-cycling-survey> > accessed 26 Nov 2020

¹⁰ Ibid.

¹¹ The Highway Code Review 2020 (n 1)

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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