

Welsh Government

Road Safety in Wales - A New Road Safety Strategy consultation

A response by the Association of Personal Injury Lawyers

January 2024



Introduction

APIL welcomes the opportunity to respond to the Welsh Government's consultation on the New Road Safety Strategy. Implementing measures such as specific enforcement, safer speeds and safer vehicles, continual education and improving post collision investigations are crucial in meeting 'Vision Zero'.

APIL supports the change of the default speed limit to 20mph on restricted roads in Wales. Enforcement of this new policy will be key to ensure compliance.

To improve road safety and reduce road danger, we are calling for: the adoption of a Direct Vision Standard for Heavy Good vehicles (HGVs), the adherence to CLOCS (Construction Logistics and Community Safety) for construction vehicles, and for Intelligent Speed Assistance (ISA) to be fitted on council vehicle fleets and buses.

We strongly recommend that the approach to post collision investigations is reviewed and improved. It is of vital importance that the police and local authorities prioritise the post-crash response within the road safety strategy. Collision investigation by the police provides knowledge for the development of effective road safety policies and to help bring justice for the victims of road collisions.

APIL has provided a detailed response to question 14 below.

Question 14: Do you think more needs to be done to make Welsh roads safer?

APIL believes that to commit to 'Vision Zero', the road safety strategy must be designed with a focus on safety and a people-centred approach. It must be based on shared responsibility among road users, vehicle manufacturers, road designers, law enforcement, and policymakers.

Make road danger reduction a priority

The new road safety strategy must put people at its centre, to provide protection, and avoid needless road collisions resulting in injuries. This is the fundamental basis for meeting 'Vision Zero'. 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 can access the compensation they require 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 who may have been involved in some way post-collision.

A road danger reduction, as opposed to a 'road safety', approach, prioritises tackling the behaviours and vehicles which pose the most risk.

Safe speeds

APIL supports the change of the default speed limit to 20mph on restricted roads in Wales. Lowering speeds to 20mph on residential and urban roads can reduce danger and create more attractive streets for walking and cycling. The new default speed limit must be enforced effectively, not only by using speed cameras but also by officers, to highlight the fact that any speed limit on any road is enforceable and requires compliance.

Our members have reported that in Wales, the 20mph speed limit was implemented on certain roads, which were not restricted, urban or residential roads, and as such should have been outside of the remit of the lower speed limit. and as such not qualified for the speed limit reduction. Whilst we strongly support the reduction of the default speed limit to 20mph, this should be done with appropriate consideration of the roads on which it is being implemented. To build public support and ensure compliance with the new speed limits, these have to be properly assessed. The public should also be educated about the harm that speeding can cause and on the importance of the new policy.

Safe Vehicles

In line with a road danger reduction approach, the harm caused by the most dangerous vehicles needs to be mitigated. APIL is calling for:

Heavy goods vehicle (HGV):

- The adoption of a Direct Vision Standard in London requires HGVs operators of lorries over 12 tonnes gross vehicle weight to obtain a safety permit before entering and operating in most of Greater London, particularly in urban areas. The Direct Vision Standard should be adopted in Wales so that HGVs are required to mitigate the risk posed by blind spots through additional safety equipment like cameras.

Construction vehicles:

- Government contracts to require adherence to CLOCS (Construction Logistics and Community Safety). Adoption of CLOCS for contractors of government construction projects would significantly reduce the risk posed by these vehicles.

Council fleets and buses:

- Intelligent Speed Assistance (ISA) to be fitted on council vehicle fleets and buses. ISA uses a speed sign-recognition video camera and/or GPS-linked speed limit data to advise drivers of the current speed limit and automatically limit the speed of the vehicle as needed. As well as reducing the risk posed by these vehicles, ISA would have the effect of reducing the speeds of other vehicles travelling behind them.

Road policing - Enforcement

Whilst in February 2023 the Home Office made roads policing a strategic requirement, resourcing for enforcement has significantly reduced over the last decade. It is important to note that where cutbacks to funding impact the enforcement of road policing, there is little to no improvement in road safety. When enforcement increases, however, casualties are reduced due to increased compliance with road traffic laws.¹ There is strong evidence that changes in road policing noticeably affect casualties.

We appreciate that with limited resources, police must prioritise. This should mean targeting those offences which pose the most harm to others and adopting a road danger reduction approach to deliver 'Vision Zero'. The priority offences should include speeding, driving under the influence of alcohol or drugs, careless driving, mobile phone use and those who drive while uninsured.

The police should also publish enforcement activity data. Statistics published by the Home Office and Ministry of Justice do not provide for an up-to-date or detailed understanding of enforcement in local areas. In London, the police and Transport for London (TfL) publish an annual report of road policing activity.² This presents data at the borough level and speed enforcement by the speed limit. This approach should also be introduced in Wales to ensure transparency in enforcement data.

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 at which they are travelling, and be more aware of potential hazards, as well as the potential hazard they may present to others.

Third party reporting capability should also be a priority for roads policing under the new strategy, and the outcomes of third party reporting (NIPs, warning letters, No Further Action) should be published by police.

Post-collision investigation

APIL believes that post-collision investigations must be improved. Post-collision investigations and learning are an essential part of 'Vision Zero' and one of the five pillars of 'Safe Systems'. In June 2022 the Government confirmed the introduction of the Road Safety Investigation Branch (RSIB)³, however its remit will be exclusively autonomous vehicles. Whilst this emerging vehicle type warrants inspection of its safety, the RSIB as such will not be providing data and policy recommendations on the behaviours and issues which are currently causing death and injury on Welsh roads. It is therefore of vital importance that the

¹ Parliamentary Advisory Council for Transport Safety (PACTS) - Roads policing and its contribution to road safety p.7 <https://www.pacts.org.uk/wp-content/uploads/Roads-Policing-Report-FinalV1-merged-1.pdf>

² Action Vision Zero, RoadPeace, and 20's Plenty for Us - Commit to act on road danger - 2021 Police and Crime Commissioner Manifesto <https://actionvisionzero.org/wp-content/uploads/2021/01/JointRoadDangerPCCManifesto2021-SM.pdf>

³ Department for Transport - Government launches country's first ever investigation branch focused on road safety <https://www.gov.uk/government/news/government-launches-countrys-first-ever-investigation-branch-focused-on-road-safety>

police and local authorities prioritise the post-crash response within the road safety strategy. Collision investigation by the police provides vital knowledge, for the development of effective road safety policies and to help bring justice for the victims of road collisions. Without a quality investigation, criminal drivers are undeterred, crashes not learned from, and victims unable to access civil or criminal justice.

Collision investigation, especially into injury collisions, has not been a priority for police. Although a Road Death Investigation Guide exists for fatalities, there is currently no best practice or uniform approach agreed for serious injury collisions.

APIL is calling for:

Improving evidence gathering and investigation practices

1. Minimum standard of evidence gathering and investigation

Officers attending the scene of a serious injury collision should be required to conduct a minimum level of investigation. The more serious the injury, the higher the standard of investigation should be. Standards should be made available to first response officers as a check-list easily accessible on their tablets. A system should be put in place to ensure that police are held to account on these standards being met.

2. Improved collision investigation training (at-scene and follow-up)

Training should be rolled out to police to train them on obtaining the minimum standards of evidence for serious injury collisions, and the impact of the training measured.

3. Review officers appointed.

To ensure consistent and accurate/fair charging decisions, dedicated officers should be assigned to review serious injury collision investigations (as done within the Serious Collisions Investigation Unit).

4. Independent No Further Action (NFA) review

A review of NFA decisions should be undertaken, starting with collisions involving vulnerable road users, namely pedestrians and cyclists.

Improving the transparency of procedures and outcomes

5. Investigation outcomes reported, including NFA reasons

There is no data linkage between collision reports and court records. The police should publish this data, and include reasons for NFA (e.g. lack of evidence, or liability of injured party)

6. Level of satisfaction surveys

The police should be confident enough to survey injured victims on their level of satisfaction with the collision investigation and how well informed they were kept. An annual survey should also be conducted with solicitors (although this could be conducted by campaigners, not police).

7. Self-Administered Interview statement should replace current questionnaire

The paper form seriously injured victims are now required to complete is too generic and contributes to cases being dropped. Better already exists. The Road Safety Trust has funded the development of a Self-administered Interview which improves recall.

8. Disclosure procedures and practices improved

All staff and officers should know and adhere to NPCC's guidelines on disclosure. In addition:

- Pre-paid accounts should be set up for solicitors, as is done with the courts system, to mitigate against delays and time taken for individual payments to go through.
- 'Disclosure experts' should be appointed, or a dedicated team set up, to ensure there are people within the organisation that colleagues can refer to if they are unsure about disclosure policies.
- Name of driver and vehicle number should be given out without charge to victims/solicitors
- Police should share a list of all the evidence they have.

9. Guide for seriously injured victims should be published.

A guide for seriously injured victims should be developed so that victims and families know what to expect from police and understand the process of how a serious injury collision is investigated. The guide should be developed in consultation with victims, campaigners, and solicitors.

Ensuring collision investigation contributes to road danger reduction

10. Contributory factors recorded at the end of an investigation

Currently, contributory factors in serious injury collisions are recorded at the scene. This should be done once an investigation is concluded, to ensure that data on the causes of crashes is correct. In 2019, speed was initially reported as a contributory factor in 17.5% of fatal collisions in London. However subsequent analysis of investigation reports by Met found that speed was a contributory factor in 49.2% of fatal collisions. Road safety policy would greatly benefit if the causes of crashes were accurately recorded.

11. Strategy published and working group set up

In order to monitor progress on investigation practices, a strategy should be developed in conjunction with community and victims' groups, and a working group set up.

E-scooter regulation

There is currently a gap in the regulation of micromobility vehicles, such as e-scooters. These vehicles are currently being used on Welsh roads illegally as they are restricted for use on private roads.

APIL believes that regulation must be in place to enable people to travel safely. The use of e-scooters presents a serious risk of injury or fatality, to the users and others if not used safely. The Parliamentary Advisory Council for Transport Safety (PACTS) published a report on the safety of private e-scooters in the UK. The recommendations made by PACTS around e-scooter regulation align with those previously made by APIL in consultation responses.

The data collected by PACTS showed that there have been 37 deaths involving e-scooters between July 2019 and October 2023. The severity and number of recorded head injuries are also a concern as few e-scooter riders wore a helmet. Whilst e-scooter riders impact

their heads with a similar force to pedal cyclists there is a higher likelihood of facial injury for e-scooter riders. The findings also show that although e-scooter riders are themselves vulnerable road users, around 20% of the casualties in collisions involving e-scooters are other road users, mainly pedestrians and cyclists.⁴

We believe there is a pressing need to regulate e-scooters and that the recommendations made by PACTS should be included in the legislation. The recommendations include:

- a. Maximum speed of 12.5mph (20km/h)
- b. Maximum motor power of 250W
- c. Prohibition of tampering by law
- d. Minimum front wheel size of 12 inches (30.5 cm)
- e. Two independently controlled braking devices for the front and rear wheel
- f. Mandatory lighting
- g. Mandatory helmet use and audible warning
- h. Prohibition to ride on the pavement
- i. Minimum rider age of 16 years old and rider training and education
- j. Prohibition to carry a passenger
- k. Prohibition to drink/drug driving, dangerous or careless driving and mobile phone use
- l. Third-party insurance

Improving road awareness and continuing education

APIL believes that improving awareness of distractions and dangerous behaviour will be critical in avoiding needless road collisions and therefore avoidable deaths and serious injuries. This is important for all road users - updates to The Highway Code should be properly communicated to all road users through advertising, public campaigns and social media. Making the public aware of the hierarchy of road users and how drivers should behave safely around vulnerable road users should be part of the re-education when changes to The Highway Code are made.

Education is important to improving and maintaining road safety. Teaching children the fundamental principles at an early age is just the beginning of the education required to maintain road safety. Continual re-education throughout life ensures road users' knowledge is up-to-date and the roads are as safe as possible, especially due to the introduction of automated vehicles and the use of micromobility vehicles on public roads. Further, young adults should be educated on the dangers of speeding, and driving under the influence of drugs and alcohol, as well as potential distractions such as phone use, at the age they can learn to drive.

⁴ Parliamentary Advisory Council for Transport Safety (PACTS) – The Safety of Private E-scooters in the UK <https://www.pacts.org.uk/wp-content/uploads/PACTS-The-safety-of-private-e-scooters-in-the-UK-Final-Report.pdf>