



## **London Cycling Campaign response to the DfT consultation on: New cycling offences: causing death or serious injury when cycling**

November 2018

<https://www.gov.uk/government/consultations/new-cycling-offences-causing-death-or-serious-injury-when-cycling>

### **About the London Cycling Campaign**

London Cycling Campaign (LCC) is a charity with more than 20,000 supporters of whom over 11,000 are fully paid-up members. We speak up on behalf of everyone who cycles or wants to cycle in Greater London; and we speak up for a greener, healthier, happier and better-connected capital.

We welcome the opportunity to comment on the government consultation on *New cycling offences: causing death or serious injury when cycling*.

### **Meeting government targets for cycle use**

To provide context for our comments on the proposed new cycling offences and the pitfalls of singling out this legislation as a priority we are providing a summary of the issues that need to be addressed by the Department for Transport in order that it meets its target of doubling cycle use while reducing collisions involving vulnerable road users.

Every survey of attitudes to cycling finds that fear of traffic is a primary barrier to cycle use. Reducing motor vehicle flows, enforcing and reducing speed limits and implementing high grade cycling infrastructure has been clearly shown, in the UK and abroad, to address people's fears and to result in significantly increased cycling levels. If the government wants to meet, and exceed, its cycling target it has to be unstinting in expanding high-quality cycling infrastructure, and reducing motor traffic speeds and volumes, particularly where cyclists and motor vehicles share space.

Below we summarise the key policy and legislative measures that can further assist cycling growth in London and also boost growth elsewhere in the UK.

1. "Turning the Corner" – the case for legislation to require vehicles to give way to "straight-on" pedestrian and cycle traffic has been well made by British Cycling in its paper on Turning the Corner . Enactment of legislation that would bring the UK in line with most of

northern Europe would simplify cycle infrastructure design, reduce collisions and potentially improve signal timings for everyone, including drivers.

2. In the absence of the above legislation, or in addition, permission to use zebras and cycle crossings at the mouths of junctions, rather than set back a distance from the junction, would visually and legally clarify that pedestrians and cyclists crossing (including from the end of a section of cycle track) have priority over turning traffic. This arrangement is common on the continent. Signalised crossings should be included in this improvement.

3. An explicit policy of reducing car dependency in the UK, rather than a continuing investment in more motoring miles, would enable local authorities to promote sustainable transport more effectively. Ultimately, if cycling or walking a journey is not safer-feeling, more comfortable and enjoyable, as well as more convenient than driving a journey, then that journey won't generally be walked or cycled. Therefore as well as improving provision for cycling, reducing unnecessary car journeys must be explicitly considered too.

4. As one of the means to reduce car ownership and use, car parking provision in new urban developments should be constrained, rather than encouraged, with maximum, rather than minimum, car parking provision specified. Good access to public transport and cycle and walking routes must be provided in new developments.

5. The forthcoming DfT guidance on cycle infrastructure design should be brought in-line with the draft guidance for the Strategic Road Network (195/16 - 2016), Welsh guidance (Design Guidance - 2014) and the London guidance (London Cycle Design Standards - 2014). This guidance should be given status as a standard for all roads across the UK, rather than leaving it to individual regional authorities to decide whether to reduce road danger, in line with good practice standards, for non-motorised road users in all traffic schemes.

6. Legislation should be enacted to enable London to retain Vehicle Excise Duty to improve road conditions in the capital.

7. Cycle training should be explicitly included in the school curriculum, and provided for in every school, for all pupils.

8. The review of driving offences and enforcement, promised in 2014, is long overdue and should be brought forward as a priority – with an aim to ensure far safer driving behaviour as the norm on our streets.

9. Safer Urban Driving (SUD), the government (Joint Approvals Unit for Periodic Training, JAUP) approved module of HGV Certificate of Professional Competence training, should be part of the compulsory element of driver CPC qualifications.

10. All relevant government procurement should include: 'direct vision' standards (based on TfL's developed rating approach), Fleet Operators Recognition Scheme (or equivalent) accreditation (at silver grade or above), and Construction Logistics and Community Safety (CLOCS) champion status.

11. DfT should lobby to ensure minimal delay in implementation of the new European Union regulations regarding lorries with improved direct vision.
12. The work of the London Freight Enforcement Partnership should be replicated in other parts of the UK.
13. Local authorities should be directed to lower speed limits, especially on rural roads where most cycling fatalities occur, as well as on roads where people live, work and shop.
14. 'Close passing' initiatives, similar to those run by the West Midlands police, should, as noted by Minister Jesse Norman, continue to take place across the UK, backed by Government messaging.
15. Drivers should be made aware of the 'dooring' hazard and advised to reach for door handles with their left hand which would encourage them to look back for passing riders (Dutch reach).
16. The DfT should be taking a more liberal attitude to junction and infrastructure design trials where proposed by forward thinking local authorities.
17. Government bodies should have targets for active travel participation. We note that a large proportion of employment in many boroughs is in the state and health sectors.

It is worth noting that policies 3, 4, 9, 10, 11 and 12 are already either in place in London or form part of the Mayor of London's Transport Strategy.

### **Reviewing road traffic offences**

The government promised to embark on a process of changing the law on driving offences in 2014. Four years on, instead of completing that process, it has decided to prioritise changing the law on cycling offences directly following the tragic death of a pedestrian in a collision with a cyclist at Old Street.

This change in the approach moves away from the earlier commitment to address the primary source of road danger, larger vehicles, and fails to offer relief for the families of the large majority of road crash victims who are hit by motor vehicles. And it will do little to address the London Mayor's target of eliminating road deaths and serious injuries by 2041 or governmental ambitions to reduce road deaths and boost cycling rates.

Changing the law on driving offences, as proposed by government, could help reduce the 1,700 road deaths in the UK each year - almost all of which involve motor vehicles.

As the government notes in the consultation on cycling offences, pedestrian fatalities involving cyclists average 3 to 4 per year, of which fewer than a quarter (calculated over three years) had the 'contributory factor' assigned to the cyclist only. Thus legislative changes, addressing an old law that may indeed require reform, but aimed at cyclists alone, will make little impact on the tragic toll of road deaths.

The government has provided no concrete date for its proposed legal changes to the law on motoring offences. In its new 2018 consultation on cycling offences, the government says on this: *“Proposals to make these changes in the law will be brought forward by the government as soon as parliamentary time allows.”* It does not provide a specific year, nor mention that four years have elapsed since that initial consultation took place.

### **Vision Zero in London**

LCC shares the view of the London Mayor that there should be no fatal or serious injuries on the roads of the capital, and we view road deaths as avoidable tragedies. We back the Mayor’s ‘Vision Zero’ target of eliminating all road deaths and serious injuries by 2041.

To help achieve this target by 2041, the Mayor has set out a range of welcome proposals including a London-wide cycle network of safe cycle routes, improved walking routes, a bus safety standard, a safer lorries standard that aims to eliminate lorry blind spots, and reductions in motor traffic.

Underlying these measures is the ‘safe system’ approach that is also endorsed by the Department for Transport (DfT), which recognises that the primary sources of danger have to be addressed as a priority. All adult road users have a responsibility to act with consideration for others, but the greater responsibility lies with the drivers of the largest vehicles, which pose the greatest danger.

Motor vehicles account for almost all fatalities on our roads. In London HGV’s are involved in 50% of cyclist deaths and 20% of pedestrian deaths – figures hugely disproportionate to the number of such vehicles and journeys they make on our roads (HGVs account for 4% of road miles in London).

### **Tackling legislation for all vehicles**

To expedite changing the law on cycling offences, the government appears to want to make cyclists subject to the same un-reformed legislation that is in place for motor vehicles. It would make far greater sense to rationalise all road offences in one go, and to focus clearly (as per ‘safe system’) on the largest sources of road danger as the priority, not one of the smallest sources.

Given this, while LCC does not oppose measures to reduce collisions, injuries and fatalities caused by those cycling, we oppose the singling out of cycling legislation for urgent action while further delaying overdue action on vehicles that pose by far the greatest road danger. We urge the government to bring forward a comprehensive review of roads offences, enforcement, sentencing and prosecution for all vehicle users as a matter of urgency.

We also urge the government to improve funding levels, design and rapidity of roll-out, of cycling infrastructure and Highway schemes that separate those walking, cycling and driving physically, so that differing masses and speeds of Highway users interact far less frequently – this would not only cut collisions and risk to all users of injury or death, but also enable far more journeys to be walked or cycled.

### **Hit and runs**

A government review of traffic offences must also address the growing problem of hit and run collisions which now account for one in five incidents in London. Deterrence of, and enforcement against, this unacceptable offence must stem the increase in such incidents. According to the report of London Assembly member Sian Berry 20% of collisions in the capital in 2015 were hit and runs – an increase of 40% on 2011. When considering tougher sentencing and enforcement measures against traffic offences the government must ensure that they also serve to deter hit and runs.

### **Driving bans and road user protection**

We share the view of Cycling UK that greater use of driving bans would serve to deter driving offences. Avoidance of bans by arguing 'exceptional hardship' can be subject to misuse and can allow drivers who have repeatedly committed offences to stay on the roads and further endanger other road users. The points system allows a series of warning steps that can lead to a driving ban – if that ban can then be avoided the value of the points system as a deterrent is undermined.