



Written evidence from See Me Save Me (CYS 059)

1. Introduction

- 1.1 I founded the See Me Save Me campaign after my sister Eilidh Cairns, a fit and experienced cyclist of 30yrs, was run down from behind by a fully laden tipper truck in Notting Hill Gate as she cycled to work on 5th February 2009; and as it became apparent how frequently cyclists and pedestrians were being killed and seriously injured by HGVs; and how little preventative action, or even acknowledgement, was given by industry, government or the legal system to such systematic failure and loss.
- 1.2 In the majority of cases where a cyclist is killed the driver claims they did not see them. In the majority of cases there is no prosecution. See Me Save Me campaigns for elimination of blind spots in HGVs and for greater visibility for cyclists in the justice system.
- 1.3 I trained as a civil engineer and have worked in the construction industry for 20 years, currently as an independent sustainability advisor. I am a member of the Institution of Civil Engineers (ICE) and sit on its national Cycle Working Group and as such represent the ICE on the TfL construction logistics industry working group currently drafting an industry standard to manage work related road risk to vulnerable road users (VRU).
- 1.4 I am a member of the national charity for road crash victims, RoadPeace, which hosts the See Me Save Me website and I recently set up a regional branch in the North East with other bereaved families and local solicitor. I sit on the London based Lorry Danger Reduction Group alongside LCC, CTC, RoadPeace, British Cycling, Sustrans and Living Streets.
- 1.5 I have instigated two Early Day Motions (EDMs), a ten-minute rule bill (by Sir Alan Beith MP) and lobbied at European Parliament to successfully persuade over 400 MEPs to sign up to written declaration (WD) 81, submitted by Fiona Hall MEP, calling for Europe wide mandatory elimination of blind spots in HGVs through the installation of technology. I obtained permission from Mayor Boris Johnson to install the first permanent ghost bike.
- 1.6 I am an experienced and regular urban and rural cyclist, motorcyclist and car driver with previous daily London cycle commutes ranging from 10 to 20mile round trips. I regularly cycle with my three children aged 3, 6, 8 in rural Northumberland. I have experienced Exchanging Places and I have joined lorry drivers in on-bike cycle training sessions.

2 Background

- 2.1 The main cause of death and injury to cyclists and the main barrier to the uptake of cycling is the danger posed by HGVs. Whilst HGVs are represented disproportionately in cyclist deaths they also

on average kill more than twice as many pedestrians than cyclists.

- 2.2 In the majority of cases the driver says they did not see the cyclist or pedestrian (SMIDSY – Sorry Mate I Didn't See You). This can be because of a) blind areas, b) not looking, c) looking but not at the right time d) looking but not seeing. Many of the cyclists killed were fit and experienced and aware of the dangers of HGVs.
- 2.3 The focus for prevention must rest with reducing the danger at source, that is the danger posed by the vehicle, by the driver and by the environment. This will have benefits to all of society on a far wider scale beyond preventing death, injury, and the cost of such. As such this submission focuses on the measures to address the failings in the construction industry, the legal system and the political system to reduce the risk posed by HGVs to cyclists and other vulnerable road users.

3 Recommendations

A. Whether cycling is safe, particularly in towns and cities

- 3.1 There are many statistics used to argue how safe or unsafe it is to cycle, some of them more appropriate than others. In reality perception is as important as statistics. The fact is the vast majority of the active and able adult population, including Sir Bernard Hogan-Howe¹, the Metropolitan Police commissioner, the man in charge of enforcing road safety in the capital, does not consider cycling a safe mode of transport for themselves, despite their desire to do so, and cite this as the main barrier to uptake. Any person slightly more vulnerable be it because they are older or younger, pregnant or carrying cargo or a child, less able or in bad weather, is usually deemed at best foolish for attempting to cycle and more often than not deserving of any injury that may befall them from a motor vehicle. This is far from the vision of a safe environment for cycling.

B. What central and local Government could do to improve cycling safety

Ideas could include better training and advice for drivers and cyclists, better enforcement of the law applying to drivers and cyclists, and better vehicle and road infrastructure.

- 3.2 There is much that central government can do to improve cycling safety through legislation for better standards for HGVs, the vehicles that pose the greatest risk, and best practice driver training but also through stipulation and enforcement of such standards through contractual documents for publicly funded construction projects.
- 3.3 There are many technologies designed to prevent scratches on bumpers. Vehicle safety technology to date has focussed solely on protection of the occupant resulting in a respective significant fall in death and injury of car drivers. Whilst there are calls to cut traffic speed to 20mph, in the case of collisions with a lorry death of a VRU will occur at a speed of only 2mph. A report published by the Institute of Mechanical Engineers in April 2012 called for the mandatory implementation of 'collision avoidance technologies' to eliminate blind spots on all buses and lorries by 2015.

RECOMMENDATION: Mandatory requirement to have best available design and technology in HGVs to eliminate blind areas firstly focussing on design for direct vision (lower cabs and clear doors) and secondly focusing on technology primarily that which automatically controls the vehicle eg ABS, vehicle departure warnings and sensors when danger of collision occurs.

¹ <http://road.cc/content/news/99432-met-chief-says-some-londoners-ride-because-they-cant-afford-public-transport-he>

- 3.4 On-bike training for lorries drivers regularly results in an epiphany for them resulting in understanding of cyclists' positions, motivations and actions and subsequent acceptance of behaviour and consideration when sharing space.

RECOMMENDATION: Mandatory on bike cycle awareness training for all drivers of HGVs

- 3.5 The construction industry has recognised the specific risk it poses to vulnerable road users and is working on a voluntary construction logistics national standard on Work Related Road Risk due to be launched in December 2013. However, even with wide adoption by the major companies and strict attempts at enforcement and compliance due to the complexity of the supply chain and the well documented lack of compliance at the lower end of the haulage industry (see operation Mermaid) it will be years before every HGV on the road meets the standard without the support of legislation.

RECOMMENDATION: Greater legal culpability of employers who allow ill-equipped or incompetent drivers to negotiate crowded streets in ill-equipped or inadequate lorries which are effectively mobile places of work. Employers must be legally required to have and enforce appropriate risk management policies that deal with risk from activities off site as well as on site.

RECOMMENDATION: All public sector funded projects adopt the new construction industry standard for construction logistics and Work Related Road Safety and ensure its enforcement throughout the supply chain.

RECOMMENDATION: All planning permission for major developments to include requirement to adopt national construction logistics Work Related Road Safety standard

- 3.6 The recent government announcement to introduce exemptions to driver training requirements allowing untrained drivers to take charge of an HGVs for distances up to 50km flies in the face of the spate of recent deaths and the long heard calls for better driver training and the most recent and concerted efforts of industry leaders.

RECOMMENDATION: Immediately withdraw the proposals to any exemptions to driver training requirements

- 3.7 Insufficient priority is given to keeping dangerous drivers off the road. Driving bans are short and can overlap with custodial sentences. There is a misconception that many drivers are convicted and imprisoned but there are less than 250 drivers a year convicted of causing death by dangerous driving or careless driving whilst under the influence.

- 3.8 The driver who ran over and killed Eilidh Cairns in February 2009 later went on to run over and kill pedestrian Nora Gutman in June 2011. Both bereaved families asked the judge not for retribution but that the driver never be allowed to drive an HGV again. Their requests went unheeded. There are many other cases where drivers have a string of convictions, show no remorse and continue to driver irresponsibly.

RECOMMENDATION: Greater consideration of lifetime bans for drivers who kill or seriously injure.

- 3.9 The current culture of conflict and animosity is created and inflamed by confusion over road space, lack of driver's appreciation of a good cycle positioning, inadequate infrastructure causing fear and survival tactics, lack of enforcement of road traffic law designed to protect the vulnerable such as use of ASL, mobile phone use, parking in cycle lanes and dangerous overtaking. Whilst there are calls for

cyclists to exercise greater caution, an analysis by Transport for London in 2011 of fatal and serious collisions involving cyclists shows that 56 per cent of cases are caused by the motorist driving in an “unlawful or anti-social” manner, compared to only 6 per cent of collisions caused by a cyclist doing the same².

RECOMMENDATION: On-bike cycle awareness training to be a mandatory module of every motor vehicle driving test.

- 3.10 Recent cases of police officers stopping cyclists and clearly being unaware of the rights of cyclists and traffic law³ and they themselves driving illegally⁴ do little to instil confidence in the legal system.

RECOMMENDATION: Review and refresh of police officer training with respect to cyclists and road traffic rules and regulations

- 3.11 Existing cycle lanes are positioned on the left side of the highway. Over 50% of cyclist deaths are caused by left turning vehicles. Much danger is presented to those in cycle lanes by motor vehicles entering cycle lanes and advanced stop boxes whilst driving and parking generating fear and conflict.

RECOMMENDATION: A review of road traffic regulations to include a change so that turning traffic has to give way to through traffic and an incentive for motorists to respect areas designed to be safe for cyclists.

- 3.12 There are no national standards in collision investigation; the ACPO road death investigation manual is advisory only and nor is there any monitoring of consistency or procedures used by the 43 different police services across the country. Many police investigations fall well below the level of acceptable competence (Jake Thompson, Eilidh Cairns, Marie Vescoe) resulting in little chance of prosecution or prevention of further similar deaths through corrective action.

RECOMMENDATION: A national minimum good practice standard agreed by ACPO and others including the national charity for collision investigators (ITAI). This should include prompt dealing with witnesses and the use of the Self Administered Questionnaire that allows witnesses to record information immediately.

- 3.13 A review of the court outcomes for drivers prosecuted for killing or seriously injuring cyclists in London found that between 2007 and 2010 of the 50 fatal cyclist collisions considered only half were taken to court. Of those 25 prosecutions only 12 were convicted of death by dangerous or careless driving. Law breaking committed with vehicles is treated much more leniently than with other dangerous machinery, or other crime committed on the street. Prosecutors do not receive specialized training and they rarely visit the crash site or attend any inquest.

RECOMMENDATION: Greater accountability and transparency during the investigation process including reporting of all police forces on the number of cases put forward to the CPS for prosecution

² <http://www.thetimes.co.uk/tto/public/cyclesafety/article3606032.ece>

³ <http://www.standard.co.uk/news/transport/cyclist-taking-kids-to-school-in-cargo-bike-hits-out-at-police-officer-who-stopped-him-during-safety-blitz-8962080.html>

⁴ <http://road.cc/content/news/95184-video-police-apologise-stopping-helmetcam-cyclist-after-admitting-their-officer>

and the number of cases not put forward and the reasons why not.

RECOMMENDATION: Greater accountability and transparency during the prosecution process including a requirement for prosecutors to consider visiting the scene and for the publication of the number of cases which are deemed not suitable for prosecution and the reasons why not.

- 3.14 There is a lack of transparency with the charging decision in road crashes, especially by the police in injury collisions, and the number of drivers in crashes that have broken the law is not counted. Therefore the victim of a road crash is not counted in crime statistics so the number of people killed or injured by law breaking drivers is not recorded or monitored at all at present. We do not know the number of innocent victims injured by Dangerous Driving, Careless Driving, or Drink-Driving, as these charges do not mention when an injury has resulted.

RECOMMENDATION: Victims of law breaking drivers to be included in victim of crime statistics.

- 3.15 Collision investigators are often asked in court what could be done to prevent these deaths. Their answers are unusually ill-informed and without due consideration. Coroners have powers make recommendations to prevent further similar deaths. These are often not exercised because coroners are unaware of preventative low cost measures. In the case of Judicial Review into the inquest of Eilidh Cairns the coroner argued that 'there were no practicable, preventative measures' which could have been implemented to prevent death. This is simply untrue.

RECOMMENDATION: Mandatory and regular training and monitoring of collision investigators, prosecutors and coroners so they can consistently explain the full circumstances of the death and propose preventative measures to reduce future road deaths.

- 3.16 Event Data Recorders (EDRs) or 'Black Boxes' are a simple, cheap and increasingly available technology, which can dramatically reverse the escalating problem of road death and long-term disability. Black boxes are used to improve safety by monitoring the manner in which vehicles are being driven by recording distance driven, start and end time, average speed and time above speed limit, acceleration and deceleration and the highest speed for each trip. Information can be used for driver training and supervision through provision of continuous records, and for crash reconstruction and prevention through detailed vehicle data just before and after a crash. They can also incorporate automatic crash notification (e-call) using GPS to alert the police and emergency services detailing location and potential severity. Drivers driving for work cause the majority of vulnerable road user deaths.

- 3.17 A report by the Institution of Mechanical Engineers⁵ 'Intelligent Transport Intelligent Society' published in March 2012 calls for vehicles to be installed with collision-avoidance technologies, which could help eliminate cyclist and pedestrian deaths caused by driver 'blind-spots', and state that they should be made mandatory for all UK buses and lorries by 2015

RECOMMENDATION: Legislation to require and regulate collision avoidance technologies with all devices meeting minimum technological standards for all high risk groups including young or novice drivers, all public sector agencies, all commercial drivers including public transport vehicles, company cars, and all construction vehicles accessing public roads.

C. Whether it would be desirable and feasible to segregate cyclists from other road users, including, for example, by prohibiting HGVs from entering city centres at peak hours.

⁵ http://www.imeche.org/news/institution/all/12-04-30/Institution_report_on_intelligent_transport_systems.aspx

- 3.18 Statistics show that deaths and serious injuries of cyclists peak at rush hours. A report by the British Medical Journal (BMJ) published in 1994 stated that in inner London, in relation to their traffic volume, HGVs cause 30 times as many cyclists deaths as cars and five times as many as buses. It concluded:
"Until the factors leading to this excess risk are understood, a ban on HGVs in urban areas should be considered."
- 3.19 A study published a decade later in 2004 showed that between 1999 and 2004 nothing had changed. In fact over that period 85% of female cyclist fatalities in London involved heavy goods vehicles.
- 3.20 In Nov 2010 a report by Researchers from the London School of Hygiene & Tropical Medicine (LSHTM) analyzed police road casualty data over a 15-year period from 1992 to 2006 and again called for a ban on heavy goods vehicles in Britain's cities after a study found that despite making only 4% of road trips they were involved in 43% of London's cycling deaths.
- 3.21 The President of the Institution of Highways Engineers at the end of June 2012 called for a ban on HGVs on motorways on Sundays. HGVs are banned in Dublin, Delhi, Paris and Dhaka. A lorry ban occurred in London during the 2 weeks of the Olympics. Not only were no adverse effects obvious but also it was widely reported that London was a much safer, more attractive and efficient place to be and through which to travel.

RECOMMENDATION: Consideration of banning of HGVs during rush hours when statistics show peak collision rates with cyclists, a recommendation which has been made by experts for over two decades.

RECOMMENDATION: Greater consideration and requirement for freight to travel by rail and water rather than by road in order to reduce the number of HGVs on road, and for this to be a requirement of all public sector construction projects.

- 3.22 The adoption of stricter liability would reduce the unfairness of outcomes and encourage the insurance industry to invest in reducing the threat posed to vulnerable road users as they already have with occupant safety and vehicle security. Stricter liability would also help create a safer road environment, promoting active travel.
- 3.23 In a report for the National Institute for Clinical Excellence, on Making walking and cycling normal, changing the civil legal liability system was identified as a key measure (Pooley, 2012).
- 3.24 Most countries in the world have a civil liability system whereby pedestrians and passengers are assumed to qualify for compensation. In Europe this includes Belgium, Denmark, France, Germany, Netherlands, and Spain. In Sweden all casualties qualify for compensation. Stricter liability is the norm outside of Europe and can be found in Asia, including India, Bangladesh, Viet Nam. It was introduced in China less than 10 years ago.

RECOMMENDATION: Adoption of strict liability

- 3.25 General animosity on the road is a result of confusion and fights for space, breaking of rules and uncertainty of unpredictable behaviour. The Dutch Sustainable Safety system shows that if infrastructure is designed to be designed fit for purpose then there is an increase in predictability of behaviour, which in turn breeds consideration between road users.

RECOMMENDATION: review of design guidance and standards to allow creation of cycle infrastructure fit for purpose that is convenient, fast, safe and comfortable with segregation where

possible to facilitate diversity in age, culture, disability, of people able to ride bikes.

RECOMMENDATION: Any highway or road maintenance works to include a review to improve cycle facility

- 3.26 General animosity on the road is a result of prejudice and stereotyping of those who chose a particular mode of transport and a lack of understanding of facts.

RECOMMENDATION: Road safety and bike awareness campaigns to dispel some of the negative myths around cycling to show that cyclists are just people on bikes, that most people on bikes are also drivers and so have insurance, that a person on a bike will normally suffer more in a collision than another road user, that road tax does not exist any more, that road maintenance is paid for through general taxes and the benefits the cyclist presents to all of society.

- 3.27 Road death and injury is not unavoidable, it is not inevitable. Road death is preventable and the reference to deaths as accidental removes culpability, presumes innocent, excuses law breaking and risk taking, undermines prevention efforts and aggravates suffering of the bereaved⁶.

RECOMMENDATION: Policy makers and the media to stop using the word 'accident' when referring to road crashes, and to adopt an appropriate, constructive and accurate terminology such as crash or collision.

- 3.28 Currently most inquest verdicts in the case of road deaths are logged as 'accidental deaths', a term families bereaved find insulting. As a result there is no way to count the number of road deaths and therefore acknowledge the true scale of road death and so attached any meaningful priority.

RECOMMENDATION: Introduction of a specific short 'road death' verdict.

- 3.29 I would welcome the opportunity to give oral evidence

- 3.30 I fully support other submissions by
- The ICE
 - RoadPeace

November 2013

⁶ http://www.roadpeace.org/resources/Crash_not_Accident_May_11_2011