



Wandsworth Cycling Campaign
www.wandsworthcyclists.org.uk

Wandsworth Cycling Campaign Response to the Transport Committee's Inquiry into Traffic Law and its Enforcement

We are pleased to have the opportunity to submit a response to the above consultation.

Wandsworth Cycling Campaign (WCC) is the local group of the London Cycling Campaign in the London Borough of Wandsworth. WCC has 520 members and represents a group of people of all backgrounds and a range of ages with an interest in promoting cycling in the borough of Wandsworth. Our primary interest is in promoting cycling as a practical mode of transport – that is, utility cycling. We have a developing website (www.wandsworthcyclists.org.uk) and have had an e-mail discussion group for the past three years which is open to anyone with an interest in cycling in Wandsworth to join. This e-mail group is very active, with 75 members, and provides an excellent forum for sharing ideas, information, proposals, knowledge and experience.

We bring to our submission practical first-hand knowledge of urban cycling in London. Many WCC members also drive, use public transport, and are of course pedestrians. We therefore consider ourselves to be well qualified to comment on the current situation with respect to traffic law enforcement in this country. Cycling and walking – both of which are inherently healthy modes of transport – have much in common, and we have therefore included some comments on issues of particular relevance to pedestrians as well as to cyclists.

Our responses are given against each of the key questions posed in the consultation brief, as follows:

1. Is the law on traffic offences appropriate?

In short, no. The main problem is that the consequences of traffic offences are not taken into account by the courts – which are, in fact, specifically prevented from doing so.

As one WCC member has stated in response to this question:

“Suppose, to take a parallel, I were to go out on to the streets with a loaded gun and proceeded to fire it randomly, the consequences of this behaviour would be taken into account. If I were to kill someone by this behaviour I would, quite rightly be charged with murder or, at the least, manslaughter, because I could not be but aware of the consequences of my actions. Likewise, if someone were injured I would be charged with causing grievous bodily harm.

But if I were to drive a car or other vehicle in a similarly heedless fashion with similar result, I could only be charged with dangerous or careless driving.¹ Yet a motor vehicle is potentially just as dangerous as a gun – with the important difference that the consequences of misusing it are not taken into account. This is simply wrong.”

An important related issue is the law relating to the treatment of speed cameras. These are potentially an extremely effective way of reducing traffic speeds and thus the numbers of crashes. But in order for a speed camera to be installed at any particular site, an absurdly high number of deaths have to have been caused at that site. Why should human lives be needlessly sacrificed

¹ We understand that the charge of causing death by dangerous driving exists; however it appears to be very rarely used.

in this way? Further, the decision of the Department of Transport to paint the speed cameras a high-visibility yellow is incomprehensible, since it merely encourages speeding drivers to look out for the cameras so that they can slow down when they are within range, whilst conversely allowing them to exceed the speed limit everywhere else. It is essential that it is recognised that it is not in any way sneaky or unfair to attempt to detect drivers who are breaking the law by speeding. Police should likewise not be bullied into feeling that there is something wrong with making a profit on the speed cameras if the sum raised in fines exceeds the cost of installing and running speed cameras. If, as some motoring organisations argue, this is "a tax on the motorist"; it is an entirely self-inflicted tax, avoided by the simple expedient of obeying the speed limits, and this self-serving argument should be rejected out of hand.

Note: The above comments are made from our own perspective as cyclists in Wandsworth, without any particular professional expertise on traffic law. However, we understand that London Cycling Campaign is itself submitting a response on behalf of cyclists across London and that this will address the above question in more detail.

2. Do police and other enforcement agencies have the right priorities?

Again, no. Road traffic offences are consistently given low priority. Early last year, for example, the Metropolitan Police Commissioner announced, with no consultation, that half the traffic police in the capital were to be diverted to higher priority activities – for example, to counter the increase in 'street crime', particularly mobile phone theft. Apparently, 'street crime' does not include the killing and maiming of people in traffic "accidents". What kind of society is it that regards the theft of mobile phones as more important than preventing deaths and injuries on the roads? Existing policing of traffic law was bad enough, but now the situation is much worse. This flies in the face of research evidence indicating that enforcement of traffic laws has great potential for reducing fatal traffic crashes (see, for example, Redelmeier et al., 2003).

Several years ago, the Metropolitan Police carried out a consultation exercise to assess people's views on their priorities. One of the significant areas that the police identified, and on which people were asked to comment, was 'car crime.' However, it was clear that what the police meant by 'car crime' was only crime against cars – in other words, theft of cars or of possessions from cars. Some groups of respondents which included WCC members argued strongly that the definition must be widened to include crime by cars (or rather, their drivers), driving offences such as 'running' red lights, speeding, driving without due care and attention, driving with defective brake lights, and driving (and parking) on the pavement. Again, the consequences of such crimes are the deaths and injuries caused amongst vulnerable road users, particularly pedestrians and cyclists, as well of course as other car users. To these consultees, this was much more important than the relatively trivial issue of, say, stolen car stereos, which can be so easily replaced. Unfortunately, people killed by cars cannot be replaced, nor can the harm done to people who are injured in the same way. Needless to say, the arguments put forward at that time were ignored. WCC very much hopes that the Transport Committee will be more sympathetic to the group's views as expressed in the present consultation.

3. Is sufficient priority given to the needs of pedestrians and cyclists?

The simple answer to this question is 'No, sufficient consideration is not given to cyclists and pedestrians'.

We feel that the context in which urban cycling takes place is important. Increasing motor vehicle power – often used in car advertising as a selling point – increases the potential hazards to vulnerable road users, i.e. cyclists and pedestrians. It seems to us therefore that it is increasingly important to enforce traffic law effectively, amongst other things as a way of ensuring that people are not deterred from walking and cycling.

In particular, we would identify speeding, and travelling at inappropriately high speeds, as a key issue both for pedestrians and cyclists. Motorists who drive too fast intimidate cyclists and pedestrians (and would-be cyclists and pedestrians), as well as degrading the local environment and generally reducing people's quality of life. The evidence also shows that speeding is linked with increased likelihood of causing collisions (for example, see DETR, 2000).

"I feel speed is still a problem for cyclists and pedestrians alike. My road is a 20mph limit but no-one enforces it so what's the point? Children stand frightened by the roadside as cars accelerate down the road, and if I'm cycling the other way they rarely slow down – on a narrow road, the slightest mistake would see me made into mincemeat.... As for the 20 mph zone I'm amazed it makes any difference. The single road hump in our road [a residential street in Earlsfield, London SW18] – seems to provide a competition to see who can get up to the highest speed before having to brake, particularly for the scooter boys. Short of putting speed humps all along (creating more pollution and noise as they accelerate, and then brake) or speed cameras on every street I'm not sure what we can do? Keep educating I guess?"

(WCC member's comments on their own street)

The physical road environment in Wandsworth, as elsewhere in this country, typically puts pedestrians and cyclists at the bottom of the road user hierarchy, ignoring their needs. We endorse the comments made below in an article in 'London Cyclist' magazine:

"Decades of catering for motors have created an environment that not only [is] intimidating to other road users, but obstructive as well. Pedestrians and cyclists travel simply and should be able to take the simplest routes – an approach known as permeability.... Backstreet one-way streets also defeat permeability. Measures to take cyclists round them have created ludicrous hazards. In my locality we have blind corner junction with a driveway at Hackney City Farm, a cycle lane on a narrow pavement up against car doors at Well St Common, and so on. In several saner European countries not only are one-way backstreets rare, but they are automatically contraflow for cyclists. After all, we can see each other coming, and there's room to pass. No conflicts with pedestrians, and quicker for the cyclist. Common sense, but it hasn't arrived in London – yet." (Tim Evans, 2001)

In our response we have already made reference to the somewhat narrow definition of 'car crime' which, in our experience, seems unfortunately to prevail. This overly narrow conception of car crime influences policing priorities and is reflected in the attitude of the police and the local authority in addressing problems caused by motorists such as obstructing cycle lanes, parking on pavements etc. In fact, in the London Borough of Wandsworth, the local authority increasingly sanctions car parking on pavements and appears to have a lax attitude towards the enforcement of traffic law in roads where car parking is not officially permitted:

"Whenever I've phoned to complain about the 25-30 cars parked on the pavement on a daily basis on [a nearby road in Wandsworth] the response is – 'Well, is there a metre of pavement left? If there is we don't worry about it'".

(WCC member resident in Wandsworth)

It seems to us that there is ambivalence within the Council towards keeping footways free of obstacles, to judge from this local authority's attitude towards law enforcement in this respect. And yet it's difficult to imagine a more basic 'need' for an urban pedestrian than to have a well maintained, unobstructed footway!

To judge from WCC members' experience, the police also seem to have little interest in the needs of pedestrians, as evidenced by their lack of enforcement of light controlled crossings. Figure 1, below, shows a car blocking a pelican crossing during the 'green man' phase; a common occurrence in the borough. This junction was originally identified by WCC in September 2002 as a cause of 'community severance' between two parts of Clapham Junction town centre

(Wandsworth Cycling Campaign, September 2002). The ‘green man’ phase at this crossing lasts for only 5 seconds (hardly time for even the most able-bodied pedestrian to cross Battersea Rise), with an 80 second wait period.

Figure 1. Car blocking pedestrian crossing at junction of Battersea Rise/Northcote Road, London SW11 (Saturday 27 September 2003)



An example of a consequence of the lack of enforcement of road crossings is illustrated by the recent replacement of a zebra crossing with a pelican crossing, at considerable cost, on Garratt Lane in Earlsfield. The replacement came about as a result of motorists not stopping for pedestrians at the zebra crossing. Would it not have been more cost-effective for the police to have enforced the use of the zebra crossing instead?

“I’d probably emphasize enforcing the keeping of bus lanes clear, of maintaining cycle tracks clean and clear of rubbish and parked cars, and keeping bicycle signs, parking areas and road marking in good nick – gives the idea that we are respected and fully functioning... also emphasize allowing trips through parks, with good signage saying cyclists to take care, and give way to pedestrians”.

(WCC member’s comments sent in response to present consultation)

The lack of enforcement of traffic law with respect to cycle tracks, cited in the above comments by a WCC member, and the related issue of lack of maintenance of cycle facilities, are issues of great concern to Wandsworth Cycling Campaign. Yet enforcement can make all the difference between a facility that’s useful to cyclists – a ‘facility’ in the true sense of the word – and one that is useless. In the latter case, cyclists will tend literally to vote with their feet, and not to use the ‘facility’. The point has been made many times that putting in cycle facilities and then not policing their use represents a waste of public money.

Looking to the future, given the forthcoming legislation regarding disabled access to all public Areas, we wonder if local authorities might find themselves in breach of this if they do not effectively enforce traffic law, for example, by keeping footways clear and not providing sufficient road crossing times.

4. Could more be done to deal with dangerous drivers before they cause harm?

We believe that much more could, and should, be done to deal with dangerous drivers before they cause harm; prevention is obviously better than cure. We surmise that careless and dangerous driving are closely linked, one leading to the other. Inconsiderate driving is also a

source of great concern to cyclists, and would-be cyclists – a survey in 2002 of WCC members' views on barriers to cycling identified driver behaviour as a major deterrent to cycling. Many UK drivers have no experience of cycling on roads in Britain and do not understand that manoeuvres they undertake may distress cyclists; there is the often cited 'I didn't hit you, did I?' syndrome, which causes such anger amongst cyclists.

We suggest that the concept of 'dangerous drivers' used in this question is flawed, in that all drivers are potentially dangerous to other road users, by virtue of the fact that they are operating a tonne (or more) of steel which is moving in a dynamic and often complex environment at high speeds. We suspect that the idea of 'dangerous drivers' is a way of allowing other drivers (the majority of whom routinely break the speed limit) to distance themselves from those really 'bad' drivers by demonising them.

As cyclists, we are well placed both to observe and, potentially, to suffer from the effects of dangerous and careless driving. Cyclists could, and should, be seen by the police as allies in dealing with such behaviour. However, in our experience the police have little interest in acting on reports of dangerous or careless driving made by cyclists. As a consequence, some drivers assume, with justification, that they can freely treat other road users – particularly vulnerable road users – with contempt. Although 'lack of resources' is usually cited by police as a reason for taking no action in response to complaints from cyclists of dangerous or careless driver behaviour, this often seems to us to be simply an excuse. Often the most useful police action would be the simple one of a 'caution' letter to the motorist involved, with a note to the cyclist concerned to say that a 'caution' letter has been sent. This hardly seems a major task, but it would at least send a useful, clear message to such drivers that their behaviour is unacceptable.

A few months ago, a WCC member was involved in an incident with a motorist which entailed both dangerous driving and racism. The response to the cyclist's subsequent report to the police with respect to the driver's dangerous behaviour was one of complete uninterest. However, when the racism element of the driver's behaviour (consisting of a form of verbal abuse) was mentioned, the police became interested, and offered to visit the cyclist to take a statement. The message was clear: the Metropolitan Police were much less concerned about the physical safety of a vulnerable road user than about their hurt pride! Traffic law enforcement in this instance came a poor second, even though most reasonable people would argue that, if only one law were to be enforced, it would be more important to enforce the one concerning the cyclist's physical safety. (Perhaps not surprisingly, on hearing the response of the police, the cyclist concerned gave up in disgust and declined to take the matter any further).

We would like to comment briefly on another aspect of the wording of Question 4 as posed by the Committee. We suspect that the use of the word 'harm' refers simply to direct, physical harm. However, dangerous, careless and inconsiderate driving cause much more harm to society than the harm caused when they result in a collision. The single greatest barrier to cycling – an inherently healthy and sustainable mode of transport – that is commonly cited by non-cyclists is that they are 'afraid of the traffic'. The consequences, as are increasingly being realised, for public health, are extremely serious. Active modes of transport such as cycling are key ways in which physical activity can be integrated into daily routine. The longer-term effects of lack of physical activity in the UK population e.g. obesity, coronary heart disease, type II diabetes, are being reported on a daily basis. In addition, there is growing concern about the future consequences of a lack of physical activity in children.

Cyclists recognise only too well that most of the danger (actual and perceived) on roads comes from drivers of motor vehicles. We believe that cycling on footways – a problem for pedestrians – sometimes results from a fear amongst cyclists that the road environment is too dangerous for them. We need to move from what is sometimes a vicious circle (cyclists on footways because of fear of motor traffic on roads -> adverse impacts on pedestrians, roads kept clear for motor vehicles -> fewer cyclists on road, roads more hazardous for remaining cyclists -> more cyclists on footways) to a virtuous circle where cyclists feel comfortable on roads, and footways can be

left to their rightful users, i.e. pedestrians. Addressing dangerous and careless driving is therefore seen by WCC as an extremely high priority and one that, if done effectively, will have benefits both for cyclists and pedestrians.

We think that the behaviour of some 'dangerous drivers' at least can be changed by appropriate policing. 'Appropriate policing' might consist of pulling drivers over for a friendly caution if they're seen to overtake cyclists too closely, sound their horn at cyclists and pedestrians, shout at cyclists from car windows, squirt water at cyclists etc. We would also like this kind of caution to be accompanied by a firm assurance that such behaviour is unacceptable and will be dealt with in the judicial system if it reoccurs.

In conclusion, we note that the Metropolitan Police's mission statement is 'WORKING FOR A SAFER LONDON'. To judge from the evidence we see of their (lack of) enforcement of traffic law in and around Wandsworth, there is a need for this agency, as the key law enforcement agency involved, to think about how this mission statement can be translated into action on our roads and footways.

5. What impact do uninsured, unlicensed, and banned drivers have on traffic enforcement?

The inability of police to trace drivers who have acted dangerously because their vehicles are unregistered is clearly a major issue for WCC and Transport for London, who cannot collect their congestion charge. One WCC member has noted that, both times they have gone to the trouble of formally reporting an incident, the vehicles were untraceable. They went on to remark:

"If cars cannot be traced what's the point of having a registration plate? It may be, however, that the police were too busy and didn't bother?"

The issues that we would highlight in response to this question therefore include the waste of police time and that of other relevant traffic law enforcement authorities. A further consequence is the loss of revenue e.g. to TfL from the London Congestion Charge. TfL's budget is naturally a matter of obvious interest to all London boroughs, since its reduction results in less funding being available for other transport schemes. These represent significant categories of 'car crime'.

6. How will changes in responsibilities, such those announced on 20 June, affect road safety and effective law and enforcement?

We do not feel well qualified to comment in any detail on this question. However, the key point that we would make here is that traffic law enforcement needs to be taken seriously, whichever agency is responsible for policing it.

References:

New Directions in Speed Management: A Review of Policy. DETR, 2000.

Evans, T. 'Feeling Vulnerable?', *London Cyclist*, April-May 2001, p. 16-19.

Redelmeier, D.A., Tibshirani, R.J. & Evans, L. Traffic-law enforcement and risk of death from motor-vehicle crashes: case-crossover study. *Lancet* 2003: **361**: 2177-82.

Towards a people-friendly town centre for Clapham Junction, Wandsworth Cycling Campaign, September 2002 (downloadable from www.wandsworthcyclists.org.uk)

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