

Traffic Policing and Technology Supplementary Written Evidence from the Slower Speeds Initiative, March 2006

Graduated penalties for speeding

The Slower Speeds Initiative objects strongly to any reduction in speeding penalties. We strongly support a system of graduated penalties which would permit *higher* fixed penalties in order better to reflect the seriousness of an offence which is the leading cause of violent death and which intimidates and endangers all road users and roadside communities.

We are very concerned that the Department has provided no evidence to support the proposal and that it has offered no evaluation of its likely effect on road danger and casualties, especially in view of the fact that it is being introduced under road safety legislation.

In this response we examine the fairness of reducing penalties (since this is the ostensible purpose of the proposal), what the evidence suggests the impacts will be and why the evidence does not support reduced penalties for any speeding offences.

Fairness

The ostensible point of reducing penalties is to create a 'fairer system for motorists caught speeding' (Department for Transport 2004c). The Government have not set out the way in which the present system is unfair to motorists. In fact, for the crime which is the leading cause of violent death in the UK (RoadPeace and the Slower Speeds Initiative 2005; Mosedale and Purdy 2004), the present system is unaccountably lenient.

The fixed penalty system reinforces the attitude that speeding is a minor, 'victimless' and merely administrative offence (Corbett 2003). Only the minimum tariff can be imposed. Since 92% of speeding offences are dealt with through fixed penalty notices (Fiti et al. 2005), the vast majority are already prosecuted in the most lenient way possible in law. The system of totting up officially sanctions repeat offending.

Speeders are also treated very leniently given levels of enforcement effort, the high threshold speeds for automatic detection, the requirement for drivers to be warned in the majority of cases that enforcement is being carried out and, above all, the requirement for a serious crash history to justify enforcement.

Despite the very high benefit to cost ratio (Gains et al. 2005) only a tiny proportion of the road network has effective speed limit enforcement. On the generous assumption that half of the estimated 5000 speed camera sites (Department for Transport 2005a) are 'live' at any one time and that each can reduce speed over a 1 kilometre stretch, then 2500km of the country's 387,674 km of public roads (Department for Transport 2005e: Table 7.6), less than 1%, has effective enforcement.

In 30mph speed limits current ACPO guidelines recommend a 35mph enforcement threshold (Association of Chief Police Officers 2004), a speed twice as likely to kill a pedestrian as 30mph according to the Department for Transport (2005d). Signs warn drivers well in advance that enforcement is taking place and the enforcement itself has to be highly visible. There is evidence that this encourages speeding away from camera sites (Corbett and Simon 1999; Fylan et al. 2006; RAC 2005; Clark 2005).

Speed limits are rarely enforced in the absence of a casualty history. In 2003, 80% of the fixed penalty notices issued for speeding were a result of camera detection of the offence (Fiti et al. 2005, Tables B and D). The overwhelming majority of camera detection is carried out by Safety Camera Partnerships and the rules have required a speeding related casualty history before enforcement can be carried out. It is hard to imagine a more lenient system than one that allows law-breakers to kill and maim before enforcement takes place and it is hard not to see this as an extreme example of the law being weighted in favour of the criminal and against the victim.

A reduction in penalties implies that some injustice is being done to drivers whose speeding is detected. The Government's concern for law-breaking motorists should be seen in the context of a road transport system in which the fear of road danger seriously distorts transport choices and travel patterns and imposes a set of linked burdens on society from obesity and urban air pollution, to growing CO2 emissions and fuel insecurity.

A MORI study for the Commission for Integrated Transport found 44% of people 'said they would cycle more if the roads were safer and 26% would travel less by car if the conditions for walking locally were better (Hutton and Klahr 2001). Department for Transport research into attitudes to walking and cycling (Department for Transport 2003) has found that 37% of those asked would use their car less if there were safer walking routes. Three quarters of adults agreed with the statement, "The idea of cycling on busy roads frightens me" and nearly half (47%) agreed strongly.

Traffic danger is the main reason that 58% of parents accompany their 7 to 10 year old children to school (Department for Transport 2005b). A more recent survey by Brake and Green Flag (2006) reveals that 68% of those asked worry about being killed on foot and 36% of people who never cycle on the roads do so for reasons which include a fear of traffic. Road danger was spontaneously mentioned as a barrier to cycle use in another survey (Department for Transport 2004a). Speed featured in the top eight of unprompted local concerns in yet another (Department of Transport, Local Government and the Regions 2001b).

At the same time that they propose reduced penalty points and a fine of £40 for speeding offences, the Government have been very preoccupied with how people behave in public. The Prime Minister has defended anti-social behaviour legislation as necessary to protect the vulnerable and the law-abiding. The 2003/2004 British Crime Survey found that speeding is the form of anti-social behaviour of greatest concern to the greatest number of people (43%; Wood 2004) and is more than twice as worrying to them as behaviour such as littering and graffiti for which the Government recommends a £75 fine in Clean Neighbourhoods and Environment Act 2005 (United Kingdom Parliament 2005). By this measure of public concern, the minimum fine for speeding should be at least £150.

Impact of lowering the penalty from 3 to 2 points

A basic test for changes to the speeding penalties regime is their likely effects on road safety. If penalties serve as a deterrent, then lighter penalties will deter less than harsher ones. All the evidence indicates that the result of reducing penalties will be to increase danger on the road, disproportionately affecting vulnerable road users.

Downgrading speeding penalties will suggest to drivers that the offence has been found to be less serious than previously thought, contradicting messages concerning the dangers of speeding which drivers are well known to underestimate (Fylan et al. 2006; RAC 2005). It could also have the perverse effect of further eroding the legitimacy of enforcement rather than bolstering public respect for the system — the Government's stated aim for the proposal (Department for Transport 2004b).

The message that speeding has suddenly become a less serious offence may provide drivers with a justification to choose higher speeds than at present when they can (Fylan et al. 2006). The general rule of thumb is that a 1mph increase in average speed will be accompanied by a 5% increase in the number of crashes (Taylor, Lynam and Baruya 2000). Increasing the average speed of speeders by 1mph is predicted to increase crash frequency by 19% (Transport Research Laboratory 2002).

Drivers who get flashed by speed cameras are twice as likely to be involved in crashes involving injury as drivers who keep within the enforcement threshold (Stradling 2004). By increasing the number of steps to potential disqualification, lower penalties will provide persistent offenders with 30% more opportunities to re-offend. This will also increase danger for other road users.

Circumstances where a lower penalty would be appropriate

There are no circumstances where a lower penalty would be appropriate.

As we pointed out in our main evidence, speed is the single most important risk factor in road crashes (Elvik et al. 2004). It is known to be the major contributory factor in nearly 30% of crashes involving death (Mosedale and Purdy 2004). Furthermore, there are very good grounds to consider that this is an underestimate. Very small changes in speed can prevent a crash from occurring or if one does occur make a very large difference in the severity of injuries (Taylor, Lynam and Baruya 2000; Elvik et al. 2004). The Transport Research Laboratory calculated that a 2mph reduction in average speed across the entire road network would save 280 lives, prevent 3900 serious injuries and reduce all crashes involving injury by 24,000 each year (Barker 2002) — around 10% of casualties of each severity. The relationship between speed and crashes is too sensitive to be properly evaluated in crash investigations, no matter how sophisticated. ‘Minor’ violations can have major consequences.

This is especially so if speed limits are inappropriately high. There is clear evidence that from a road safety perspective the 30mph limit for restricted roads and the 60mph national limit for single carriageway roads are too high. Speeding is more dangerous than the law acknowledges.

Built up roads: 30 and 40mph speed limits

The majority of detected speeding offences take place on built up roads. 53% of car drivers exceed the 30mph limit when they can, with 47% choosing speeds between 30 and 40mph (Department for Transport 2005f). About 80% of speed camera sites are in urban areas, with 64% in 30mph limits (Gains et al. 2005: Table 2.2). The proposed new tariff structure would fine a driver £40 and award 2 penalty points for speeds up to 39mph (Department for Transport 2004b). The vast majority of detected speeding prosecuted by fixed penalty notices must therefore be in the band the Government propose to downgrade.

Impact speeds up to the legal limit of 30mph can account for 45% of pedestrians deaths; 80% occur at speeds of 40 mph or below (Ashton and Mackay 1979).

40% of road deaths, 59% of road deaths and serious injuries and 68% of all road casualties take place on built-up roads. Pedestrians continue to account for the single largest group of fatalities, 38%. Together, pedestrians and cyclists account for 45% of the deaths, 43% of the deaths and serious injuries and 26% of casualties of all severities on built up roads (Department for Transport 2005c: Table 24).

31% of all road deaths, 50% of road deaths and serious injuries, and 59% of all road casualties occur on roads with a 30 mph speed limit. The breakdown for vulnerable road users is not published but one would expect it to be even higher than for built-up roads as a whole. In the UK in 2003, per unit of exposure measured as distance travelled, pedestrians were 16 times and cyclists were 20 times more likely to be killed or seriously injured than car occupants (Department for Transport 2005c; Tables 13 and 50). Studies of under-reporting of suggest that these figures could underestimate serious injuries for all road users by a factor of three and nearly six for cyclists (Department of Transport, Local Government and the Regions 2001a; Aeron-Thomas 2000).

There are no official data on the impact speeds at which these casualties are occurring. However, the evidence on the relationship between impact speed and injury severity and on driver speed choice on built up roads strongly suggests that most deaths and serious injuries on these roads must be occurring within the speed band which the Government propose to downgrade as a less serious offence.

While the general rule of thumb is that a 1mph increase in average speed will be accompanied by a 5% increase in the number of crashes, the relationship varies with the type of road. It is stronger at lower speeds due to the greater number of conflicts and the more varied mix of road users. Transport Research Laboratory have calculated that crashes increase by 6% with every 1mph increase in average speed on congested urban roads (Taylor, Lynam and Baruya 2000).

Sending an official message that speeds up to 39mph constitute a less severe offence while increasing opportunities to speed will increase road danger, and will increase it disproportionately for pedestrians and cyclists. We note that the Secretary of State for Transport, Alistair Darling, told the Committee that

improving the safety of these road users is not an objective of the policy (House of Commons Transport Committee 2005, Ev 11-12).

Single carriageway roads: 40, 50 and 60mph limits

In 2004 the average speed of car drivers on single carriageway roads with a 60mph limit was 48mph; only 10% of car drivers exceeded the speed limit (Department for Transport 2005d). On the best quality single carriageway roads the average speed is only 51mph (Taylor, Baruya and Kennedy 2000). Even though average speeds are well below the limit, 42% of road deaths occur on these roads (Department for Transport 2005a, Table 13). It is not unlikely that many (on modest estimates, around a third) of these deaths will be the result of excessive (including inappropriate) speed — drivers attempting to drive up to and over 60 mph. Therefore speeding up to 72mph on these roads cannot possibly be a minor offence.

As we pointed out above, the vast majority of fixed penalty speeding offences are detected by cameras which can only be deployed where there is a serious crash history. Where speed limits are lower than the national limit on rural single carriageway there is also almost always a crash history. If a speed limit has been reduced and then enforced for this reason, it is hard to see how speeding (up to 61 in a 50mph limit and 50 in a 40mph limit) on such stretches of road could be considered a minor offence.

40mph is a common speed limit through villages even though 30mph is supposed to be the norm (Department of the Environment, Transport and the Regions 2000). Many villages have higher limits, including the national 60mph limit. Traffic speed is a major blight for country dwellers. Enforcement is usually only carried out in response to a serious crash history. It is not a minor offence to speed through a village.

Motorways and dual-carriageways

56% of car drivers speed on motorways and 48% speed on dual carriageways (Department for Transport 2005f). It is often stated that our highest speed roads are our 'safest' and this is sometimes used to argue against the relationship between speed and crashes. But our highest speed roads are also our most highly engineered to minimise potential conflicts between road users.

Even so, when trend is considered, in 2003 the number of fatal crashes on motorways (separate casualty data for dual carriageways are not available) had increased since 1993 while remaining static on other roads. The number of fatal and serious crashes had increased slightly while falling on all other roads. The casualty rate had fallen by 6% compared to a 19% reduction on other roads (Department for Transport 2004d, Table 8.3). Motorways have not become safer in the last 10 years relative to other roads.

Crashes on motorways involve more vehicles and more casualties of greater severity than on any other roads (Department for Transport 2004d, Table 12). Any mistake — or violation — by one driver leading to a crash will affect more travellers more severely on a motorway than the same mistake on other roads.

There is no room for a 'minor offence' on our highest speed roads.

Conclusion

In their 2000 consultation on road traffic penalties, the Government noted that speeding is an offence 'seen by some as less serious, or involving little risk to others' and that 'any perception that these are mere regulatory offences' had to be changed (Home Office et al. 2000, para 2.2). A quicker — not a slower — route to totting up disqualification was deemed appropriate for those who failed 'to heed the warning implicit in the first offence' (para 8.7).

The Government have presented no evidence to support this reversal of their position.

They have suggested that the penalty should reflect the severity of the offence but offered no criteria for severity. They have not evaluated the potential impacts. They have demonstrated that they are much more concerned with 'fairness' for offenders than safety and equity for law-abiding motorists, vulnerable road users and the communities through which drivers speed.

The policy will send the wrong message to drivers about the seriousness of the offence, could push up speeds and will increase opportunities to speed. It will increase danger on our roads. In built up areas this will disproportionately endanger pedestrians and cyclists.

The policy does not consider whether current limits for which it would relax penalties are optimal from the point of view of society: that is whether they serve to minimise and equitably distribute risk and reflect desirable road use and wider transport objectives. From a road safety perspective, not only are driven speeds already too high but so are many speed limits. On built up roads this is demonstrated by the relationship between speed and injury severity and the disproportionate representation of vulnerable road users in the casualty statistics. On single carriageway roads average speeds are well below the national speed limit. The disintegration of the system of national limits also indicates that speed limits are too high as they are increasingly varied downwards by local authorities.

The rationale for reducing penalties appears to be to make speed limit enforcement more acceptable to drivers. *The Government should do this not by making it easier to speed – a dangerous and backward step – but by making it easier for drivers to comply with speed limits.* The Government should:

- explain the reason for speed limits and enforcement through high profile publicity campaigns,
- remind drivers of what the speed limits are,
- widen the scope of enforcement to maximise its benefits,
- introduce legislation requiring all cars to be equipped with black boxes and,
- provide incentives for the adoption of driver-operated variable speed limiters while intelligent speed adaptation systems are in development.

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