Submission on Pedestrian and Cyclist Road Safety Framework (May 2005)

Introduction

The Cycling Advocates' Network (CAN) appreciates the opportunity to submit on the final draft of the Pedestrian and Cyclist Road Safety Framework (the Framework) before the document is adopted. The group's executive committee has prepared this submission. We would appreciate the opportunity to meet with your staff to discuss our submission if possible.

General Comments

Land Transport New Zealand (formerly LTSA) is commended for its ongoing commitment and enthusiasm with which it has been improving conditions for cycling over the last few years. In particular, we appreciate the very open consultation process that has taken place regarding the Framework, and are grateful for the regular dialogue that has been sought from CAN (and others) on specific matters.

Our preference would have been to concentrate on **motor vehicles and transport philosophy** as the main deterrent to cycling and walking. Instead, the Framework focuses on interventions that primarily target cyclists and pedestrians (e.g. their behaviour, or facilities for them). In our view, fundamental changes to the overall transport environment and culture of users, planners and policy makers are required before cycling and walking will experience a new beginning.

The Framework refers to the goals of the Getting There – On Foot, By Cycle strategy. "More people choosing to walk and cycle, more often" implies an increase in the **modal share** of these modes. That increase has to come from other modes. Government should commit itself to saying that it wants to decrease the mode share of motorised transport if indeed that is what it intends. If Government wants to increase walking and cycling, driving has to be made less attractive.

One way of making walking and cycling more attractive, and at the same time keeping at risk drivers out of cars, is to **raise the driving age**. We believe the driving age should be raised to 17 for a learner's licence, 18 for a restricted licence and 19 for a full licence.

Another tool for increasing the mode share of walking and cycling is to **raise the fixed costs of car ownership**. The present situation of people being able to easily afford cars is supported by very cheap imports and very low fixed costs of owning cars. An appropriate strategy therefore might be to significantly raise the standard of what can be imported. Also, introducing **compulsory third-party insurance**, would make owning a car more of a burden and having the important side-effect of not leaving a third party out of pocket in case of a crash. With the current situation seeing the country getting flooded with ever cheaper cars, it is no wonder that many teenagers stop walking and cycling and that families

buy a second car instead of bikes. Increasing variable costs such as fuel taxes, congestion pricing, requiring insurance to be paid through fuel levies, or parking levies are all practices which could be spearheaded through national initiatives. We need to start thinking about changing the culture that promotes driving as the norm for most travel.

These suggested policies are not unrelated to the Framework, as mass car ownership prevents an increase in cycling and thus prevents the 'safety in numbers effect' from occurring. And reducing the amount of motor traffic, either on a site-specific level or on a national level, reduces the risk for cyclists and pedestrians.

Cycling and walking are of course very **safe modes of transport** when looking at the harm that they cause relative to cars. The normal way of assessing their risk, though, is to look at the risk imposed on cyclists/pedestrians. In order to make a fundamental change in travel behaviour in NZ, we probably need a more assertive approach. We suggest that we should be analysing and reporting the 'carnage rate' of the various transport modes instead.

CAN encourages care in the use of the term **'vulnerable road users'** in the Pedestrian and Cyclist Safety Framework for referring to cyclists and pedestrians. We are aware that the term 'vulnerable road users' has been used in official policy documents. However this does tend to reinforce the perception that walking and cycling is dangerous and those who use these modes are putting themselves at risk, rather than focusing on the source of risk. This is the very perception that the Pedestrian and Cyclist Safety Framework seeks to overcome.

Focusing on vulnerability shifts attention from the benefits of walking and cycling and resulting, which as the Pedestrian and Cyclist Safety Framework notes, include improved personal health, less congestion and environmental sustainability.

The Pedestrian and Cyclist Safety Framework could provide policy leadership by dropping the use of this term. We are aware that the term has been used with good intentions, namely to attract attention and resources to the problems faced by pedestrians and cyclists but we consider that these earlier gains may now be outweighed by the disadvantage of reinforcing the perception of danger and the lack of attention on the main cause of hazards to pedestrians and cyclists which are primarily from motor vehicles. A more holistic approach is needed to improve safety.

Specific Comments

Reducing Risk

In the road user behaviour matrix, CAN's preference would be for **helmet** wearing to be encouraged, rather than enforced. We also propose the mandatory use of helmets by pedestrians and motorists if the helmet law for cyclists is to remain. Hundreds more head injuries would be prevented by this measure than by requiring cyclists to wear helmets. An undesirable side effect of the helmet law is to discourage people from cycling, resulting in more driving.

We suggest that **tighter driver licensing conditions** be added to the education column.

British research indicates that **vehicle-based speed limiters** could reduce their road toll by up to 30%. We strongly suggest that this should be investigated for New Zealand.

In the physical environment matrix, we note that you intend to enforce appropriate **asset management** programmes. This seems to be better placed in the engineering column. If this is supposed to refer to our previous submission concerning "Liability for maintenance-related crashes clarified", then this is not obvious here and we suggest that it be reworded.

Apart from the enforcement of existing vehicle standards, **improved vehicle standards** are also required (e.g. revision of the Glazing Rule, mandatory provision of truck under-run protection).

The matrices demonstrate the problem of the **Framework not being compulsory**. RCAs are "encouraged" to use various guides, but not taking up that encouragement has no consequences for them (it has for the cyclists, though). As safety audits are compulsory for projects that are to receive a Government subsidy, a precedent for forcing the take-up of Government initiatives exists.

Section 3 – Introduction

The Framework is **non-statutory** and the implementation of the framework will be voluntary and therefore commitment to best practice and change is unlikely to occur in many RCAs. Smaller and/or rural RCAs are mostly not interested in cycling issues. It is not good enough that RCAs can choose to do nothing, so some thought needs to be given as to what "sticks and carrots" are available (e.g. through funding procedures).

Key Projects

The **Safer Routes** programme is effective. Its capacity should be increased significantly, as a handful of programmes per annum is a drop in the ocean.

Research

Unlike the previous draft of the Framework, the **helmet law** review is no longer listed as a separate item under legal review. CAN suggests that this review be carried out. It is important to remember that the "effectiveness of wearing helmets" is quite a different research question to the "effectiveness of helmet-wearing laws".

Rather than given readers the option of requesting **research reports** from an individual Land Transport NZ employee (footnote 6), we suggest that the reports be put online instead and the URL be given here. If there are issues of Government internet policies to be overcome, CAN would be most happy to host the reports on its website.

Vehicle Safety

Rather than just attempting to influence **consumer purchasing choices for cars** by publishing safety results, Government should consider the far stronger incentive of differential taxation based on these safety results, e.g. via ACC levy on vehicle registration. Differential taxation could also be applied to engine size as a way of discouraging "boy racers" and inefficient SUVs, helping break down the car mentality and improving air quality through reduced emissions.

We suggest that you list specific **heavy vehicle improvements** that are proposed, rather than just referring to them in general terms.

Education Projects

We strongly suggest that in addition to the proposed toolkits for regional **Share the Road** programmes, the support of a long-lasting national campaign is required. A layered approach to this social engineering project is required, last but not least because many regions will possibly not commit to a regional campaign in the first place.

Enforcement Projects

Speed management is an area of far greater importance than just enforcement. European experience is that **lowering urban speed limits** is one of the most effective tools in increasing the safety of all road users. The current Setting of Speed Limits Rule does not encourage urban speed limits below the default 50 km/h. From CAN's perspective, the ideal scenario would be an urban default speed of say 30 km/h, with higher speed limits the exception. This would require a quantum shift in transport philosophy, starting from how urban roads are designed to how (or whether) travel time is used in economic evaluation. CAN is convinced that urban speed limits is the area with the greatest potential to make real safety and mode shift improvements.

We have observed that Police have difficulty in gaining an understanding how cyclists perceive risky motor vehicle driver behaviour, and how this unsafe behaviour could be discouraged by enforcement. An obvious tool for overcoming this is to get **Police onto bikes**. This might also lead to Police more readily supporting legal changes to road rules, as many rules perfectly sensible for motorists are not sensible for cyclists (e.g. passing a stationary queue on the left to get to the front of the traffic stream, thus avoiding being squeezed out when the stream gets moving again).

CAN strongly supports the idea of adopting the **'burden of proof'** approach, used overseas (e.g. the Netherlands). This is the principle that drivers of motor vehicles have to prove that they were not at fault for collisions between their vehicle and a cyclist or pedestrian.

CAS and hospitalisation crash involvement

Note that since 1998, there is a legal requirement that cycle crashes be reported to Police. Despite this, crashes not involving a motor vehicle are not added to the CAS database. The Framework should encourage better data collection by suggesting that **CAS data recording** be amended to include all reported crashes not involving motor vehicles.

Identifying at-risk groups – Police reported crashes involving MV

A more common way of expressing **exposure for cyclists** is by injuries per distance, rather than time ridden. This would also overcome the problem of the data for adult commuters in the 25-39 year age group being distorted by them riding faster (i.e. travelling a longer distance in the same amount of time).

Editorial Comments

The document does not have a **references** section. Some references are given in footers, other references are incomplete or not given at all. WHO (1998), Ekman (1996), Jacobson (2003), Leden (2002), and Turner and Francis (2005) are not properly referenced. One system should be chosen and applied to all the references listed in the report.

The two **matrices** in the main body of the text should be labelled as tables 1 and 2.

Footnote 8 appears one page too early.

In the Engineering Projects section, the Pedestrian Network Planning and Facilities Design Guide might be published by the time of the Framework having been finalised. Consideration could thus be given to list this project with the other projects that have already been finished.

Table captions go above a table (done correctly), but the convention for **figure captions** is for them to go beneath the figure.

Two **figures** (2 and 3) have all their axis labels and legends missing.

Axel Wilke

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The Cycling Advocates' Network of NZ (CAN) Inc is this country's national network of cycling advocate groups. It is a voice for all cyclists - recreational, commuter and touring. We work with central government and local authorities, on behalf of cyclists, for a better cycling environment. We have affiliated groups and individual members throughout the country, and links with overseas cycling organisations. In addition, several national/regional/local government authorities, transportation consultancies, and cycle industry businesses are supporting organisations.