**Promise Unfulfilled**

**Executive summary.**

* cycling and walking in isolation are intrinsically safe
* in 1971, 80% children walked to school; in 1990, 9% walked to school
* active travel public health benefits outweigh risk (crashes, pollution etc)
* worldwide, road crash is main fatal accident risk in children, 9-17 years
* children and elderly are more fragile and at risk of crashes
* 52% of Merseyside road KSIs are pedestrians and cyclists
* increased pedestrian and cyclist deaths followed seatbelt legislation
* lowered risk to drivers from car safety devices induces faster driving
* limited protection of vulnerable road users by the judicial system
* road conditions produce fear and withdrawal in walkers and cyclists
* deterring active travel removes its public health benefits
* by 2050, 90% of adults will be obese, if no action is taken
* MCC / WPA challenge: safer roads for healthier people

**Rights, risks and active travel.**

While driving cannot be an absolute right, it appears to be an earned privilege, permitted by and within the wider society. Laws and codes exist to maintain safety and to protect the freedoms of others. Nonetheless, immense, intrinsic security of modern vehicles and a confused, prevaricating and complacent judicial process, have accompanied attrition of the safety of vulnerable road users.

Following introduction of seatbelt legislation in 1983 there was a more modest reduction in road casualties than expected, mooted by some as risk compensation by drivers [1]. A breakdown of these figures within the Office of Population Censuses and Surveys data for 1976-87 shows that fewer drivers and front seat occupants had died, but deaths of pedestrians and pedal cyclists were substantially greater than expected. Today, a growing range of sophisticated technologies protects the car driver who, in turn, is expected to continually exercise the utmost care to ensure the safety and comfort of other road users. Yet risk compensation for ‘safety improvements’ translates into improved performance in the form of higher speeds and faster cornering [1]. In practice, the safety of those outside the vehicle depends on their own caution, wit and, perhaps, luck. The protection of these vulnerable walkers and cyclists by the courts has for some time been limited by newsworthy leniency of penalties meted out for careless and dangerous driving.

Merseyside Cycling Campaign (MCC) exists to promote safe cycling and has recently expressed concerns over an increase in Merseyside’s casualties amongst vulnerable road users, from 47 in 2007 to 85 in 2012 [2]. While this is concerning enough, for the first time the falling curve representing casualties within automobiles has crossed that of vulnerable groups outside the vehicle. Now it is walkers and cyclists in Merseyside that represent the majority, 52%, of all road KSIs (killed or seriously injured), where the national average is 38% [2].

It is perhaps all too easy to consider the ‘end of the war on the motorist’ as contributing to these figures, yet whatever factor or factors underlie the triumph of car technology over the resilience of flesh and bone, there must be concerns over an apparent policy failure, specifically in Merseyside. It is axiomatic that cycling and walking are intrinsically extremely safe; it is the proximity of motor vehicles that brings the association with serious injury and death.

A challenging mélange awaits those who would travel under their own steam. Added to the lethal statistics are physical barriers, street clutter, pavement parking, poorly regulated speeding, pollution and noise, amidst an overwhelming mass of traffic movements. It is not irrational that this can induce profound fear, isolating the elderly and the young and removing people from some heavily trafficked and barricaded trunk roads. This has produced stretches without any casualties, misinterpreted as ‘safe’ highways. In truth, these are just too frightening for vulnerable road users to approach, and indeed levels of walking and cycling are found to be directly related to the speeds and volume of motor traffic. A further disincentive to active travel is the implication of particulate pollution from transport in 239 deaths per annum on Merseyside, amongst the highest air quality risk in the UK [3]. Lastly, the would-be active traveller can expect Liverpool’s walkways to be frequently obstructed by pavement parking, and cyclists should allow for occasional colourful admonishment by self-impressed, overweening motorists.

Worldwide, the leading cause of death by injury amongst children of 9 to 17 years of age is traffic collisions [4]. It is notable that children and the aged are more fragile in crashes, have difficulty resolving the speeds of approaching vehicles and can be slower moving across the road. It is clearly essential for allowances for these limitations in agility to be made in driver behaviour. That child fatalities have halved over the past 20 years is, however, not due to bold interventions or enforcement, but to the withdrawal of children from road space [1]. Between 1971 and 1990 the percentage of children travelling to school without supervision fell from 80% to 9%. Instead, they are now driven to school, removing the opportunity to exercise, adding to congestion and, perversely, to road risk [5].

MCC and Wirral Pedestrians Association (WPA) equate societal withdrawal from the real and imagined risks of road space, with the denial of opportunities and freedoms to choose to travel actively. Public Health practitioners have long advocated the benefits of walking and cycling, which reduce heart and lung disease, cancer, diabetes and stress. These health benefits of active travel are so great that they outweigh even the risks from poor air quality and road traffic collisions. Further, the more we travel on foot or bike, the more we reduce congestion, pollution and road risk, as well as liberating road and parking space.

**Safety: to create opportunities for active travel.**

In responding to the known risks of speeding, a core method is to introduce blanket 20 mph areas which have been shown to reduce risks of injury by 20% across all road users; in these conditions, everyone has more time to avoid a crash. 20 mph is being implemented on Merseyside and should have broad impact since everyone walks and many motorists also cycle.

There remains, though, an anachronism that limits robust management of road crime; the UK lies outside the presumed liability laws of the EU, lacking the legal protection afforded to those injured in, often complex, crash scenarios. Head injured cyclists and walkers may not recall details of a crash, and the UK still lacks presumption that the driver of the heavier vehicle is deemed liable until proven otherwise. An apparent readiness for police and the courts to ‘blame the victim’ may reflect onerous channels for prosecuting a ‘privileged’ driver, innocent until proven guilty.

The Cyclists Touring Club and others have raised concerns and provided support to victims where sentencing has been seen as inappropriately mitigated. Recent examples include a fatally injured, un-helmeted rider (no helmet law exists) which was the motorist’s second cycling death [6], and an ‘invisible’ walker [7] who was killed by a speeding driver. Despite conviction of both drivers, who had removed the right to life of their victims, neither received a custodial sentence to limit their own freedoms.

Where a motorist ‘didn’t see you’, did he or she actually look for you? Is being dazzled by the sun a fair mitigation where a driver has continued on at speed, despite claimed, temporary blindness? That seemingly fabricated and specious claims might mitigate fatally flawed, incompetent, or even deliberately intimidating driving is most concerning, not least for confidence in the judicial process. Adopting presumed liability should, as demonstrated elsewhere, allow the law to protect the vulnerable: children, the elderly, disabled, walkers and cyclists, perhaps even approaching the safety afforded by air bags, seatbelts and crumple zones.

**Recommendations.**

For these reasons, MCC and WPA are campaigning for a new target of **zero road deaths on Merseyside** [8,9], a figure that calls all road users, and those responsible for enforcing the freedoms of the vulnerable, to account. Only in this way can we realise a truly safe, travelling environment that brings the freedom of physical independence to all ages and fulfills the promise of the extensive public health benefits that arise from active travel.

We strongly recommend the installation of visionary space for cycling and walking, using segregated infrastructure where necessary, as has been proven in the greatest cities of the UK and EU. We challenge taxi, bus, freight and police drivers to act as ambassadors for best practice, and for those practices to represent a new gold standard. We challenge the authority to lobby for the enforcement of safe driving practices everywhere and, particularly, of indicated speed limits that include the most dangerous, rural B roads. We finally challenge the justice system to initiate an informed debate that will empower the courts to openly and fairly address the plight of vulnerable road users.

And what of our own ‘lycra louts’, the outlier pirates of sustainable transport? We are in no doubt that if you respect and protect your cyclists and walkers, they will return that, most worthy, respect.

How do we see the future of transport for our children and our grand-children? To answer that, ask yourselves: ‘how many Merseyside children should we accept being killed and seriously injured on our roads each year’?

**References**

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