

Pedestrian Priority and Motorist 'Duty of Care', Paul Gannon, May 1999

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Campaign member & journalist, Paul Gannon, discusses the need for pedestrian priority rather than the current working principle that motorists have right of way except at official pedestrian crossing points. The continental equivalent of Rule 108 is the law in most northern European countries, and the legal principle of motorists' giving priority to pedestrians also extends to cyclists.

"NO! STOP! STOP!!!", I heard a woman's voice scream, her tone one of pure terror, as I approached my local shops on Brecknock Road in Kentish Town. I turned round to see, on the other side of the street, at a junction with a minor road, a car turning into the junction juddering to a halt, two woman standing in shock on a traffic island, and halfway across the junction a small boy frozen to the spot.

One of the women grabbed the boy and dragged him back to the island, she then straightened up and gave a thank you wave to the car which carried on with its journey. The woman then started to shout at the boy. Her emotions underlying her anger were clearly those of pure fear at the boy's near miss, but he could only see his mother in a state of supreme rage. He stood still, his head down, clearly trying to understand what could be so terrible about running.

No doubt he will learn, as his mother and her friend already had, that you always give way to cars - and perhaps he will even recall the essential etiquette whereby you must thank them if they are so kind as not to knock you down.

Waiting to cross Brecknock Road

Wait for it



They'll knock you down if you don't step backwards



Your're never to old to run, thanks to the Great British Motorist!



But, the Highway Code rule 108 states that vehicle drivers should give way to pedestrians crossing the road into which they are turning. In other words, the Highway Code says that the boy had priority. But somehow or other, despite the clear rule which all drivers must learn before they can pass the driving test, motor vehicles have established their right of way at junctions.

Indeed, if you are a frequent pedestrian, you will frequently find motor vehicles accelerating at you as you cross a junction, horn blaring that well known tune, "Get out of my way, or you're dead".

That is how motor vehicles have established that Highway Code Rule 108 is a deadletter - over several dead bodies, and hundreds or thousands more maimed ones. Of course they have been helped by the police and judiciary, successive governments and the civil service, central and local who have all tacitly encouraged the law of the jungle to edge the rule of law off our roads - and along with it the numbers of people prepared to cycle or walk on our streets. Governments have consistently refused to make the Highway Code law, and in any event the police consistently refuse to prosecute motorists except in exceptional circumstances, and then penalties for the very few who are convicted are risible. No wonder might, in the form of a ton or more of metal, has established precedence over frail flesh.

Rule 108 of the Highway Code: "give way to pedestrians crossing the road into which you are turning"



The police categorise all crashes according to a set of accident types. One of these types is pedestrian continuing to cross road heedless of on-coming traffic. Unfortunately there is no reverse category - no motor vehicle driver continuing to drive along road heedless of pedestrian attempting to cross the road - that concept simply doesn't exist (except in certain well defined situations such as on pedestrian crossings). In other words, it's always the fault of the pedestrian, never of the car driver.

Yet everyday I see people trying to cross Brecknock Road to get to the Post Office or the shops, while cars speed madly along - racing to get to the red traffic lights. When traffic is heavy they will pull up in front of you rather than let you cross. When traffic is light, you can be a third of the way across the road, when a car will come into view around the corner and accelerate straight at you, leaving you very quickly to decide whether to retreat or run for the other side. And they can get away with because the British system drills into you from babyhood - cars have priority.



The same morning that I saw the incident described at the beginning, I read a small item in the diary column of the weekly media newspaper, UKPress Gazette. There aren't too many laughs from war zones, especially in Sierra Leone it said, [but] recently this sign was spotted near a junior school in war-ravaged Freetown and reported by a leading BBC journalist. What was so funny? A notice that read: "Drive Slow - free range children". Laugh I did not. Appreciate the irony, perhaps. But my real shock was at the madness that our top journalists should find so funny as to report on it from poor sad Sierra Leone, the concept that children should not be corralled and contained in order to keep the world open to speeding motorists, but that motorists should contain their speeds so that children can run about in the open spaces outside their homes or schools.

The notice is a sad reflection on the fact that we have turned our children into factory farmed youngsters, strapped into the back of a car wherever they go - for their own safety. But the idea that where children live is part of their playground was been a common feature of people's existence from the year dot - until circa the year 1970. Funny how quickly the entire history of humanity can be turned upside down so rapidly.

Last spring I visited a friend who lives in a council-run block of flats near Gospel Oak - one block of several served by a single road which is cut off to prevent through traffic and loops around a common central green. In other words, the road and the central green are an ideal place for kids to play overseen by the surrounding blocks of flats. The only vehicles are those of residents and people visiting the flats - and there is nowhere to speed to. But when the local police and council discovered that children did indeed play on the streets their reaction was incredible.

A local community policing unit officer wrote to residents: "I am writing to you with regards to the persistent problem of road safety in the area. In recent weeks we have received an increasing number of reports concerning juveniles residing in the area playing around parked vehicles [plus reference to separate vandalism]. We have also been given information that some children are actually playing with moving traffic in the these streets by standing in front of vehicles on their approach. It needs to be emphasised that such activities will inevitably lead to a road traffic accident resulting in either serious injury or even a fatality. If at all possible please could such games be discouraged to avoid any future tragedy." And the local council estate officer also weighed in: "With the warmer weather approaching several residents have shown concern regarding child behaviour on the estate. Small children have been seen playing in the road, dodging in and out of vehicles. The game of chicken is likely to result in a fatality and I would ask all parents of children to be aware of this problem and ensure that younger children are not allowed out unsupervised." A mention to vandalism to the flats, but not cars, by older children is followed by a threat that residents failing to control their children's behaviour could be evicted - a threat that is applied to both the problems of vandalism and playing outside unsupervised.

These letters are shocking, not least in the way that both letter writers have manage, consciously or unconsciously, to put innocent playing outside on the same level as more dubious activities such as chicken and even vandalism; give a child a bad name and you can justify pushing out of sight. But in any event, I suggest it takes two to play chicken, because if car drivers refused to move forward when children challenge them the game is no longer playable; and anyway if drivers were going a maximum of 5-10mph, then accidents are both

much less likely to happen and if they do happen are highly unlikely to result in fatalities. The police and the council don't see it like this; their solution to the problem of children playing outside is not to reduce the speed of the motor vehicles, but to try and prevent the playing. This knee-jerk reaction shows just how far we have to go to change our attitudes.

But some of us haven't given up hoping that things could be different - so different that the authorities try to identify how to constrain speeding vehicles rather than trying to stop children playing. Here in the UK we are lucky to see what several of our continental neighbours have done to try and recover some room for children to move around. One concept is the "Home Zone" - this is a residential area where pedestrians have priority over vehicles and bicycles have priority over motor vehicles. The streets are engineered to break up the idea of roads and pavements and reestablish the area outside homes as part of the living area.

Many local authorities in Britain would like to establish home zones here - but the government has just decided that it will not even review the law needed to reverse priorities and establish pedestrians' legal precedence for at least three years, let alone change it.

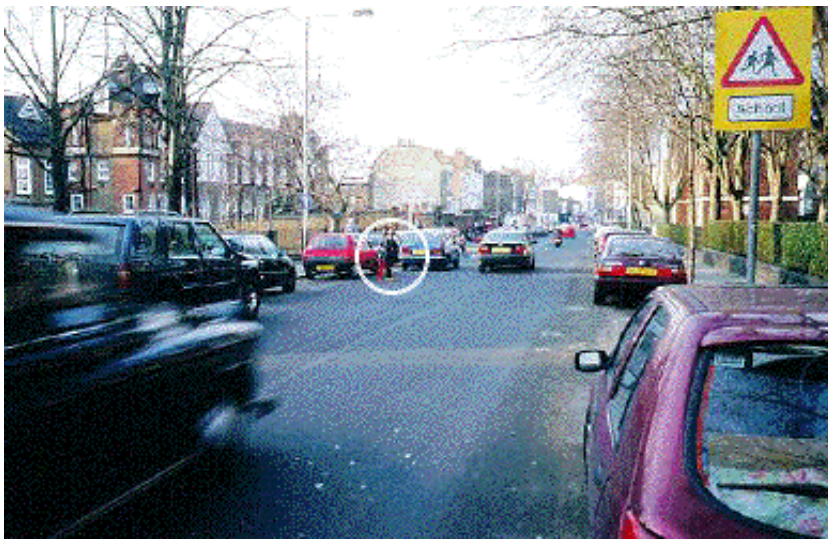
Local authorities must introduce home zones without this legal backing and see if it is really necessary, says the government. Local authorities have responded by saying, "we won't introduce home zones without the changes". Result - a convenient deadlock for both central and local government which allows each to blame the other for the absence of home zones in Britain. How many other residents will receive letters from the police and the council warning them of the danger of letting their children play outside over the next three years while this inertia persists at the DETR and the Home Office? And, surely the police and the council would do better to do something to reduce the speed and control the aggressive behaviour of drivers, instead of confining our children to an ever smaller space.

In the Netherlands there is pressure to do more to rebalance the equation. There it has been proposed (and strenuously opposed as well) to make motor vehicle drivers responsible for all medical etc costs of any pedestrian or cyclist they have an accident with - even if the pedestrian or cyclist was legally at fault (except in very exceptional circumstances of gross and conscious recklessness). The thinking behind this is that the vulnerable road users suffer most in an accident only because motor vehicles travel so fast and that the financial consequences should fall on those who speed, not those who suffer from their speed.

Outside a school in the Netherland - a road converted into a two-way cycle track



Outside a school in Kentish Town - a road converted into a speedway for motorists



The proposal would introduce a duty of care on car drivers to think about the consequences of their actions on other. The idea of the duty of care is well established in English law - it applies for example to the disposal of pollutive waste - so it could be brought into force here on our roads too. But only when governments, civil servants, courts and police understand that the driving behaviour that they encourage is inimical to their declared aim of stimulating walking and cycling. One of the complainants about cyclists on the pavement on the letters page of the Camden New Journal recently, said, "if they want to cycle, let them cycle on the roads and risk being killed". That is the sort of thinking that underlies present police and government attitudes to those who do actually walk or cycle. This must change. You don't get killed by cycling, but by speeding motor vehicles. You don't get killed by walking, but by cars encouraged to speed regardless of pedestrians. This must change.

We must stop teaching our children and ourselves to STOP!! every time a vehicle appears on the horizon. We must tame not our youngsters, but our car drivers, bus drivers, van drivers, lorry drivers, motor cyclists and, yes, even some of our cyclists. But we can only do this if the government sets the lead and tells the speeding motorist - "NO! It's your turn to STOP!"

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