

You didn't see me?!



Stop SMIDSY is CTC's new campaign to get bad driving noticed. **Debra Rolfe** outlines the task ahead

'Sorry, Mate, I Didn't See You...' You're cycling along minding your own business when a car buzzes past your elbow and screeches across your path to turn left. The driver offers a half-hearted apology: SMIDSY. Sometimes it's worse and the driver responds to being in the wrong with bluster and abuse. Whatever the response, you're left wondering what you have to do to make some drivers look in your direction and see you. Dress in a lion suit?

Stop SMIDSY is CTC's new campaign to tackle bad driving. It's a tall order. Few motorists would consider themselves either bad drivers or wilfully careless behind the wheel. Yet bad driving can and does cause harm to people and property, which is why CTC's claims line obtained over £2.2 million in compensation for our members in 2008.

Paul Kitson of CTC's claims line says: 'I hope this campaign will heighten motorists' awareness of the growing number of UK cyclists. All too often motorists fail to see cyclists when carrying out a manoeuvre such as making a turn or pulling out of a side road. Their eagerness to continue their journey without delay puts cyclists at risk, yet cyclists have just as much right to be on our roads as motorists.'

Bad driving also causes harm indirectly because it is intimidating and that puts people off cycling. As our Safety in Numbers campaign demonstrated, cycling gets safer the more people that do it. Yet the fear of bad driving is putting the brakes on more and safer cycling, and all the benefits this would bring.

Bad driving exists because some people behave antisocially or carelessly when they're in a car. If we can identify why they drive like they do and then work with the institutions that are supposed to protect all of us on the road, we can start to tackle the problem. At the moment, lots of people see SMIDSY as an adequate response. It isn't.

Why people drive badly

Some people drive badly out of ignorance – ignorance of the power they have to cause harm and ignorance of the experiences of other road users. In the UK, we make only 2% of our journeys by bike and over 80% by car.

John Franklin, author of *Cyclecraft*, explains. 'Many motorists do not have any personal experience of cycling

and in their haste they are sometimes so preoccupied looking for larger vehicles that they do not notice cyclists or anticipate their speed, which is often faster than expected. That's why it's so important for cyclists to ride where they can be seen by motorists who are looking out for other motorists.' (To find out more about cycle training, where you'll learn about road positioning and assertive cycling, see www.ctc.org.uk/cycletraining.)

Some people drive badly because they are inattentive or simply don't look. According to police estimates at the scenes of crashes, 'looked but failed to see' was a contributory factor in 37% of all crashes – 48,034 in total – in 2008.

Some people drive badly out of arrogance. Over 90% of people believe that they are better than average drivers – so by definition at least 40% of them overestimate their abilities. This leads to risk taking, such as overtaking on a blind turn or multi-tasking behind the wheel. Overconfident drivers bet that nothing will happen or that they will be able to avert a crash if it does.

Unsurprisingly, driving in obviously dangerous ways has been linked to other risky and anti-social behaviours. Recent research from Norway found that people with prior convictions cause one-third of all road crashes.

Culture of complacency

Intentionally reckless lawbreakers are in a minority. A lot of bad driving happens for more subtle reasons. For example, a driver's (or cyclist's) behaviour can be shaped by what other road users are doing. The reasoning is: 'If they are overtaking without giving enough space or driving very fast around that bend, I suppose it must be okay.'

This idea of guiltlessness, that bad driving is 'permissible' because lots of people are doing it, isn't a million miles from the idea that road traffic crashes are nothing more than unlucky 'accidents' without either perpetrators or victims.

The good news is that laws and their enforcement can have a powerful effect on people's behaviour behind the wheel. But the right laws need to be on the books, the police need to enforce those laws diligently, and the courts have to understand them and uphold them in their decisions. It's a complex system, and there are

Stop SMIDSY aims to tackle bad driving by making it harder to get away with. The first step is to collect data, not just of actual crashes due to bad driving but of near misses too



You wonder what you have to do to make drivers see you and not cut you up. Dress as a lion?





Drivers frequently don't give cyclists enough room when they're overtaking

always going to be imperfections. However, this situation becomes a bigger problem when the imperfections are wide-ranging and even systematic.

Amy Aeron-Thomas, Executive Director of the road crash victims' charity RoadPeace, says, 'Our system has reinforced the idea that it's okay to take chances. We do not hold drivers accountable for their actions. It took us 15 years of campaigning to get the careless driving charge amended to include mention that a death had been caused. There's so much more that we as a society could do to encourage safer driving that we don't do.'

In *Driving Out Danger* in the April/May 2009 issue of *Cycle*, we discussed the most frequent ways that the police, the prosecutors and the courts let down cyclists. We argued for changes in policy to step up resources dedicated to traffic enforcement. But it's one thing to argue for that in a cycling organisation's members' magazine and another thing to make that happen in the wider world. That's where Stop SMIDSY comes in.

Making changes

Stop SMIDSY is a multi-phased campaign that aims to tackle bad driving by making it harder to get away with. Most bad drivers would drive better if they feared that the law would come down on them. Or, in the case of the habitually risk-taking drivers, if the legal system just took them off the road.

The first step is to understand the extent of the problem of bad driving. Until now, no one has collected data about what happens in near misses. Even when there has been a crash, the police and prosecutors are not always effective in following up on the incident.

CTC already has hundreds of stories of cyclists who have been wronged by the current system. While we have filed them, we haven't yet had a way of capturing and organising the

data, so they remain as anecdotal evidence.

And that doesn't carry enough weight in court.

For example, in July 2008 Anthony Maynard was killed and David Ivory seriously injured when they were cycling on a flat, straight stretch of road near Henley. The Crown Prosecution Service did not prosecute, citing lack of evidence. Dave Maynard, Anthony's father, says: 'We're so disappointed. The driver said that he didn't see them and the CPS took that as an acceptable response. The CPS, as the instrument which decides on whether to take a case to court as well as having a sombre duty towards the community at large, has that specific duty towards the victim – which it fails far too frequently.'

Stop SMIDSY aims to collect these stories in an organised manner, so that we can gather the information we need to demonstrate the scale and complexity of the problem. We can then go to the institutions vested with protecting us on the roads and prove the need for changes in how they operate.

CTC would like to see the Home Office and police forces allocate an increased amount of resources to road traffic policing, to strengthen both the number and the training of officers working on making our roads safer. This should improve the quality of evidence gathering, investigation, and case preparation. In addition, CTC wants prosecutors and courts to change their policies and practices related to bad driving offences – see *The System's Sins of Omission* (right).

What next?

Visit www.stop-smidsy.org.uk to report crashes or near misses and to explain how the police, prosecutors and courts responded. You can get information about the law and practical tips for dealing with bad driving. You can also request to have your report forwarded directly to the solicitors at CTC's claims line.

THE SYSTEM'S SINS OF OMISSION

Problems with bad driving prosecutions that CTC wants to see changed include the following:

- Police failing to attend the scene, take statements or gather evidence from all witnesses.
- Police investigating less seriously those cases that resulted in injury rather than death, even where there was exceptionally dangerous driving involved.
- Police failing to charge motorists who do not stop with 'leaving the scene of an accident'.
- Prosecutors failing to prosecute, or prosecuting for 'careless' rather than 'dangerous' driving.
- Prosecutors prosecuting in the lower courts even when death or very serious injury has occurred
- Courts misdirecting juries on the definitions of careless and dangerous driving (in criminal cases).
- Courts letting drivers off driving bans on the basis of pleas of 'hardship' or 'victim-blaming' when directing juries or making judgments.

Above: Steve Behr/Stockfile