



**LEGISLATIVE ASSEMBLY**  
**FOR THE AUSTRALIAN CAPITAL TERRITORY**

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STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair),  
Mr Andrew Braddock MLA

## Submission Cover Sheet

### Inquiry into Dangerous Driving

**Submission Number: 036**

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# **Living Streets Canberra**



## **ACT LEGISLATIVE ASSEMBLY STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY INQUIRY INTO DANGEROUS DRIVING**

### **SUBMISSION FROM LIVING STREETS CANBERRA**

via email to [LACommitteeJCS@parliament.act.gov.au](mailto:LACommitteeJCS@parliament.act.gov.au)

**September 2022**

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## Summary

This submission focusses on the role of street design and construction in preventing dangerous driving, most relevant to the Inquiry's Terms of Reference item (h): Police and other related technological advances to identify and prevent dangerous driving.

Key points we make are:

1. **Human rights:** ACT is a human rights jurisdiction. The rights to life, movement and freedom from discrimination are basic human rights. Safety is fundamental to life. In making ACT's streets and roads safe, care must be taken to ensure that people are not excluded from travelling without a car. ACT's transport system (including active travel) must comply with the ACT's Discrimination Act 1991 and Human Rights Act 2004 and the Commonwealth's *Disability Discrimination Act 1992* (DDA) and *Age Discrimination Act 2004* (ADA).
2. **Safety:** ACT's travel environs should **be safe** – not safer – and **feel safe** – for everyone to use, regardless of their age, ability, gender, culture or mode of travel (including active travel).
3. **Dangerous driving currently happens all the time:** It is any driving that is inattentive and not fully focussed on operating a vehicle safely according to the driving environment - including being aware of the possibility of other people (particularly vulnerable road users) and being able to stop in time to avoid a collision.
4. **Police and safety cameras cannot be everywhere and cannot stop all dangerous driving:** There are limited resources for policing and a huge amount of space on which driving can take place. Police and safety cameras also don't deter some people from driving dangerously. Furthermore, it is sometimes impossible or too dangerous to stop a dangerous driver.
5. **Infrastructure that makes it difficult or impossible to drive dangerously (and that protects people from dangerous drivers) is vital:** The key to safer driving is street and road design and construction - not legislation such as speed limits, signage, presence of police or safety cameras for deterrence or law enforcement, penalties, or vehicle design. Design tells us how to think and behave. Currently, almost all ACT streets are designed to facilitate dangerous driving. Design and construction of streets must be upgraded to focus on safety not speeding and inattentive driving. We can change our streets' visual and physical cues so that they make people drive more carefully and slowly.

6. **Clear hierarchy of travel modes and users:** Clear transport hierarchy, reflected in clear legislation, is key to safe travel for everyone and good practice for urban planning and transport and can help reduce dangerous driving. Everyone in the ACT needs to have a very clear idea of priority of travel modes and users. We all need to know what and who has priority. We need to know this whether we are citizens or visitors; or travelling, governing, planning, designing, building or maintaining, educating or enforcing. The basic and most vulnerable mode of travel, walking, must be the top priority.
7. **Urgency and universality:** Dangerous driving can and does occur on any street or road, including streets serving shopping, business and school precincts and 'quiet suburban streets'. Modifying ACT streets to signal clearly to drivers that they can only drive slowly will go a long way to preventing dangerous driving in the vast majority of urban ACT. For all our streets (including the existing ones, which are in the majority) to be safe for everyone, a universal transformation of existing infrastructure is needed quickly and can be much cheaper than slow and expensive changes in a few places or on new streets. Such change can have the added bonus of improving accessibility and attractiveness for people- and climate-friendly active travel. Express roads focussed on high-speed motor vehicle travel on separated carriageways require different remedies to prevent dangerous driving and its consequences.
8. **Behaviour and attitudes:** Changing behaviour and attitudes to focus on community and care for others (particularly the most vulnerable) will go a long way to reducing most dangerous driving (though not that by people affected by hallucinations or substances like 'ice'). Not blaming victims is also important: media, officials and the public need to avoid victim-shaming. Too often we see commentary focused on the victim's behaviour rather than the design and construction of the infrastructure and the behaviour of the driver. In a car- and individual-oriented culture and environment, these changes will require considerable effort.
9. **Penalties for dangerous driving need revision:** Currently, the ACT legislation and penalties for offences are inconsistent in how they recognise the special status of vulnerable road users; the serious harm that other, more powerful road users can cause them; the need for potential harm-causers to be especially careful of vulnerable road users. Legislation needs revising to remove gaps and overlaps, as well as expenses, time delays and risks associated with having offences that require going to court. Offences and penalties need to reflect the seriousness of the offence, particularly with regard to causing harm to vulnerable road users and to be consistent relative to each other. For offences and penalties

to be effective in changing behaviour, they must be deterrents to both the unwanted behaviour and avoiding the penalty.

10. **Leadership:** The ACT is proud of taking a leadership role in Australia, leading important matters such as human rights and climate action. Will the ACT be a leader on road safety, including safe active travel and deterring dangerous driving or a laggard (continuing car-centric culture, design and planning)?
11. **Implementation:** Implementation of changes needed need not be limited to or fully controlled by government; in fact, community-initiated and ‘-owned’ changes can be more successful, as well as cheaper and quicker.
12. **Measuring needs and success:** Measurement must be fit for purpose for both determining users’ needs and measuring progress in ways that are timely and frequent enough to show progress. Measuring requirements must include subjective needs (e.g. where and how people feel unsafe or safe, conflicts, and crashes not captured by current routine methods of collection). Using modern and innovative technology can increase the frequency and ease of measuring needs and success while reducing the burden on users and the government.

## **Summary of recommendations**

### **Recommendation 1**

**Deterring and stopping dangerous driving should be promoted as essential for delivering key human rights of people in the ACT.**

### **Recommendation 2**

**Any changes to deter and stop dangerous driving should ensure the safety of all road users and equity, inclusion and full accessibility of active travel.**

### **Recommendation 3**

**Ensure that investigations into every crash or dangerous driving incident include:**

- (a) non-professionals on the investigating team**
- (b) investigating all the factors that contributed to the crash - including street design.**

### **Recommendation 4**

**The Standing Committee on Justice and Community Safety:**

- (a) propose 30 km/h as the evidence-based maximum default safe speed,**
- (b) propose that a process be developed, in consultation with relevant community groups, to decide which ACT streets and roads \*need\* to have faster motorised traffic and to ensure that those streets and roads are sign-posted accordingly and have convenient and fully accessible pedestrian-priority crossings joining footpaths on both sides of streets**

### **Recommendation 5**

**The Standing Committee on Justice and Community Safety write to the Minister for Transport and City Services requesting that all ACT streets and roads and street/road designs be quickly upgraded to focus on safety for all users and for everyone to feel safe to use - regardless of age, ability, gender, culture or mode of travel.**



## **Recommendation 6**

**ACT Government, preferably assisted by community groups and other jurisdictions, expand educational campaigns to increase community understanding of what can be dangerous driving. Because speed of impact so greatly affects whether a person is killed or seriously injured and recognising the international shift to 30km/h default speed limits, making use of NSW's 'Casual Speeding. Every K Counts' campaign should be top priority and adapted to focus on 30km/h rather than 40km/h.<sup>1,2</sup>**

## **Recommendation 7**

**ACT Government develop and implement an education program for the judiciary to better understand all the factors that contribute to dangerous driving and crashes - including street design.**

## **Recommendation 8**

**The Standing Committee on Justice and Community Safety write to the Minister for Transport and City Services requesting that ACT policy, legislation, designs, and practices for streets be changed so that ACT streets make it difficult or impossible to drive dangerously (and protect people from dangerous drivers).**

## **Recommendation 9**

**ACT legislate a clear hierarchy of road users, based on the UK one that came into effect in January 2022.**

## **Recommendation 10**

**ACT deter dangerous driving by:**

- (a) focusing on urgent and universal transformations that apply throughout ACT and/or can be implemented quickly, rather than just slow and expensive changes in a few places**

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<sup>1</sup> NSW Centre for Road Safety. 2022. 'Casual Speeding. Every K Counts', Transport for NSW, <https://campaignbrief.com/nsw-government-challenges-casual-perceptions-of-low-level-speeding-in-new-campaign-via-bmf/>

<sup>2</sup> Green, R. 2021. 'NSW Government challenges casual perceptions of low-level speeding in new campaign via BMF', *Campaign Brief*, 17 November 2021, <https://campaignbrief.com/nsw-government-challenges-casual-perceptions-of-low-level-speeding-in-new-campaign-via-bmf/>

- (b) focusing early efforts and resources on experimenting to quickly and cheaply put in place remedies to deter dangerous driving and create safety for all users - and quickly and cheaply find out what works well, what does not and what needs adjusting**
- (c) include changes to foster and support people focussing on community and care for others (especially for the most vulnerable) rather than on individuals and their personal needs and behaviours**
- (d) harness tacit (local) knowledge and people power and community enthusiasm to undertake experimentation to quickly and cheaply find remedies for creating safety for all users**

#### **Recommendation 11**

**ACT Government involve and foster the broader community in the changes required to reduce dangerous driving.**

#### **Recommendation 12**

**ACT revise road safety and traffic management legislation (including the Road Rules):**

- (a) to remove gaps and overlaps, as well as expenses, time delays and risks associated with having offences that require going to court**
- (b) to ensure that offences and penalties reflect the seriousness of the offence, particularly with regard to causing harm to vulnerable road users and to be consistent relative to each other.**

#### **Recommendation 13**

**ACT's measurements of dangerous driving, its consequences, and its safety should:**

- (a) include measuring subjective needs (eg where and how people feel unsafe or safe, conflicts and crashes not captured by current routine methods of collection)**
- (b) include targets as well as baseline indicators**
- (c) make use of modern and innovative technology can increase the frequency and ease of measuring needs and success while also reducing the burden on users and cost and effort to government**

## About Living Streets Canberra

Living Streets Canberra welcomes this opportunity to make a submission to the ACT Legislative Assembly Standing Committee on Justice and Community Safety's Inquiry into Dangerous Driving.

Living Streets Canberra works for everyone in Canberra to be able to enjoy public spaces and walk\* easily, safely and conveniently. We work for *everyone* – whether young or old; fast or slow; walking, sitting, commuting, shopping, between appointments, or out on the streets for exercise, for leisure or for pleasure.

We want to see:

1. walking as the natural choice for everyday local journeys
2. Canberra as an inviting, safe and comfortable place for people to be out and about, walking\* and being in public spaces, full of walking-friendly communities
3. people being supported and encouraged to choose to walk

- Walking is natural...so walking should be a natural right.
- Every journey involves some walking.\*
- Walking\* is a legitimate use of public space.
- Walking\* is an essential part of sustainable mobility.
- Walking\* improves health and liveability of communities.
- Walking\* is Australia's most common form of exercise, particularly for people over 35.
- Twice as many women walk\* for recreation as men.

\* We focus on people who get about without a vehicle. When we use the term 'walking' we include any form of human-powered mobility that is not a bicycle: walking; using a wheelchair or other personal mobility device, including those with motors that can travel up to 10 km/h); pushing a pram; wheeling luggage; riding a scooter, skateboard, tricycle or rollerblades. This is the definition used in the Australian Road Rules.

# 1. Context

The Australian Capital Territory:

- is committed to prioritising human life and health of residents of the Territory;
- is a human rights jurisdiction
- must comply with the ACT's Discrimination Act 1991 and Human Rights Act 2004 and Commonwealth's *Disability Discrimination Act 1992* (DDA) and *Age Discrimination Act 2004* (ADA)
- has adopted the Safe System approach and Vision Zero (zero road deaths) goal for transport policy-making road safety, and is working with other Australian jurisdictions to give effect to these and other elements of the National Road Safety Strategy 2021-30;
- has legislated target of zero net greenhouse gas emissions by 2045, and that reducing greenhouse gas emissions from transport is a key component of achieving this;
- has a policy of encouraging active travel and other initiatives to make the healthy decision-making the easy choice;
- has a reputation as a healthy, active and inclusive city;
- is aiming to make Canberra Australia's most walkable city and an age-friendly city;
- envisages a world class, integrated transport system that supports a compact, sustainable and vibrant city;
- has a rapidly growing and ageing population; and

In addition, *ACT's Transport Strategy*<sup>3</sup> says:

Our vision for transport is for a world class system that supports a compact, sustainable and vibrant city.

This means providing flexible, reliable and sustainable options for Canberrans to make their journeys. Convenient and connected public transport; high quality environments for walking and cycling; and a road network that allows us to move people and goods safely and reliably across the city. Canberra's future transport system will give people greater choice over how and when they travel and

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<sup>3</sup> ACT Government. 2020. ACT Transport Strategy 2020, <https://www.transport.act.gov.au/act-transport-strategy/home>

contribute to our city's status as one of the most liveable in the world. It will operate as one connected transport network, where people can move between transport modes seamlessly and access transport easily, regardless of where they live, disability or background.

One of the Principles it has under *Vision and Principles*<sup>4</sup> is:

Safe: Improves the safety performance of our network to enable safe and secure travel by all transport types.

Under *Walking and cycling for a liveable city*<sup>5</sup> it has a section on 'Walkable suburbs and school environments' that says:

...we will need to provide high-quality walking environments in Canberra's suburbs to improve access to local shops and public transport. Streets in school environments will put people first by prioritising pedestrian and cyclist safety and be designed with the specific needs of children and parents in mind. Local streets will be designed to be safe, intuitive environments for people walking and cycling...

The Safe Systems approach will be used to assess safe speeds to support vulnerable road users walking and cycling in Canberra's town, group and local centres and school environments.

The ACT's transport and police work must also be consistent with nationally agreed policies and actions, such as the *National Road Safety Strategy 2021-2030*.<sup>6</sup>

## 2. Human rights

ACT is a human rights jurisdiction.

Safety is fundamental to life and everyone has the right to be able to travel and enjoy public spaces safely.

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<sup>4</sup> ACT Government. 2020. ACT Transport Strategy 2020, Where we want to be, Vision and Principles, <https://www.transport.act.gov.au/act-transport-strategy/where-we-want-to-be/vision-and-principles>

<sup>5</sup> ACT Government. 2020. ACT Transport Strategy 2020, Where we want to be, Walking and cycling for a liveable city, <https://www.transport.act.gov.au/act-transport-strategy/where-we-want-to-be/walking-and-cycling-for-a-liveable-city>

<sup>6</sup> Commonwealth of Australia. 2021. *National Road Safety Strategy 2021-30*, ISBN 978-1-922521-09-1, December 2021, INFRASTRUCTURE 4358, <https://www.roadsafety.gov.au/sites/default/files/documents/National-Road-Safety-Strategy-2021-30.pdf>

The Universal Declaration on Human Rights<sup>7</sup> is particularly relevant to being safe, mobile and active, and therefore to the need to have a safe environment and to being active (and particularly to being able to walk and to travel and recreate actively)<sup>8</sup>. It says that, amongst other things:

- Everyone has the right to life, liberty and security of person. (Article 3)
- Everyone has the right to freedom of movement...(Article 13, paragraph 1)
- Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family...(Article 25, paragraph 1)
- Motherhood and childhood are entitled to special care and assistance.. (Article 25, paragraph 2)

The October 2021 resolution of the UN Human Rights Council also recognises ‘the right to a safe, clean, healthy, and sustainable environment as a human right that is important for the enjoyment of other human rights’.<sup>9</sup>

The ACT has a moral and legal duty to ensure that no one is discriminated against in ways that limit how they move around Canberra and our villages. The moral duty extends to providing equitable access, particularly to active travel. Not everyone can drive, afford to own, hire or drive cars, or use taxis or ride-shares.

ACT’s transport system (including active travel and law enforcement ) must comply with the ACT’s Discrimination Act 1991 and Human Rights Act 2004 and the Commonwealth’s *Disability Discrimination Act 1992* (DDA) and *Age Discrimination Act 2004* (ADA). ACT’s travel environs should allow everyone to be safe, regardless of ability, age, gender, culture or mode of transport.

Currently, the ACT has a lot of infrastructure for travel that lacks safety (including through protection from dangerous driving), equity, inclusion and accessibility.

In making ACT’s streets and roads safe from dangerous driving, care must be taken to ensure that people are not excluded from travelling without a car.

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<sup>7</sup> United Nations. 1948. ‘Universal Declaration of Human Rights’, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>8</sup> See, for example, Pedestrian Safety. ‘Walking safely is a basic human right’, [http://www.pedestriansafety.org.uk/human\\_rights.html](http://www.pedestriansafety.org.uk/human_rights.html); and Walljasper, J. 2015, ‘Walking is a Fundamental Human Right’, 23 October 2015, <https://www.onthecommons.org/magazine/walking-is-a-fundamental-human-right>

<sup>9</sup> United Nations. 2021. ‘The human right to a clean, healthy and sustainable environment : resolution / adopted by the Human Rights Council on 8 October 2021, UN Human Rights Council (48th sess. : 2021 : Geneva). <https://digitallibrary.un.org/record/3945636?ln=en>

### **Recommendation 1**

**Deterring and stopping dangerous driving should be promoted as essential for delivering key human rights of people in the ACT.**

### **Recommendation 2**

**Any changes to deter and stop dangerous driving should ensure the safety of all road users and equity, inclusion and full accessibility of active travel.**

## **3. Safety**

Safety is paramount for everyone to live and be active. It requires particular attention be given to vulnerable road users.

It is vital that ACT travel environs should **be safe** – not safer – and **feel safe** – for everyone to use, regardless of age, ability, gender, culture or mode of transport (including active travel).

Key points for achieving this are:

- The more vulnerable the road user, the more effort needs to be put into their safety.
- Avoiding crashes is critical, yet humans are fallible, so measures are needed to prevent death, serious injury and fright in the case of conflict and crashes (because mistakes and failures are still likely to happen).
- The Safe System Approach is the basis for, and at the heart of, all ACT Government transport policy-making and efforts to improve road safety and achieve Vision Zero for deaths and serious injuries on our roads. It includes the ‘Swiss cheese model’ for reducing risks.
- Safe speeds and safe infrastructure are key parts of the Safe System Approach to road safety.
  - Many streets in Canberra are not safe, because streets with speed limits above 30km/h but without footpaths on both sides and (prioritised) crossings are not considered safe under the Safe System Approach used in Australia and the ACT.

- If a robust adult is hit by a vehicle at 30km/h they have a 10% chance of death, at 40km/h it is 30% and at 50km/h it is 80%. These risks apply at lower speeds for children and less-than-robust adults.
- Increasing the simplicity and uniformity of speed limits according to street and road purpose (with supporting design and construction) could reduce dangerous driving that results from confusion and frustration among drivers. (It would also reduce requirements for speed signage and enforcement.) A simple way of approaching this is to adapt the [Safe Streets to School](#) 'asks' to provide simple rules for infrastructure provision and regulation:
  - first, make the default speed limit and design for streets 30km/h
  - second, decide which streets or roads \*need\* to have faster motorised traffic – then ensure that they are sign-posted accordingly and have convenient and fully accessible pedestrian-priority crossings joining separated footpaths on both sides of streets (preferably protected from motor vehicles eg by close-planted trees).

For the ACT Government (or any government) to continue to focus on making streets and roads *safer* rather than *safe* is not good enough. For example:

- there is a wealth of information showing that 40km/h is not safe for vulnerable road users when a vehicle crashes into them, so it should not be perpetuated as 'safe'
- installation of pedestrian refuges does not give priority or safety to people crossing the street, let alone from vehicles being driven dangerously - people often cannot begin to cross because vehicle traffic is too great and has priority and judging vehicle speeds can be difficult (especially for children), and refuges are too small to hold more than a couple of people without bicycles or strollers.<sup>10</sup>

The ACT needs instead to build on its leadership in other areas, give effect to its commitments, and join the world-wide move to making streets safe.

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<sup>10</sup> See, for example, National Association of City Transportation Officials. 2013. Urban Street Design Guide, Pedestrian Safety Islands, <https://nacto.org/publication/urban-street-design-guide/intersection-design-elements/crosswalks-and-crossings/pedestrian-safety-islands/>



## Whole system approach for safe streets

To achieve streets that are safe for everyone, a 'whole system' approach with multiple layers of protection is needed.

This means taking account of the whole operating environment, including all streets, all users and all systems - not just some of them, as has been ACT's practice and as is proposed in the current draft Active Travel Plan.

We want people to be safe and convenient at all stages of every trip. The area around where people live is where most people will use active transport, mainly for short trips and mostly on streets with driveways or doors - and it's also where dangerous driving can and does occur. That's why we want *every* street should be safe (and feel safe) for everyone, regardless of age, ability, gender, culture or mode of travel. This will require a mix of approaches, not a one-size-fits all.

Different layers of protection across the whole operating environment are needed to reduce the chance of collision - and the injuries and other damage - should any layer fail. This is the basis of the Safe Systems approach. It includes the 'Swiss cheese model' for reducing risks. This is summed up as follows:

**GHS**  
@GHSAHQ

The **#SafeSystem** approach to traffic safety is built on redundancy. If one layer of protection fails, others lessen the odds of a serious crash. You can't remove one layer and expect the same level of safety.

Learn more in our new report: [ghsa.org/resources/GHSA...@Camsys](https://ghsa.org/resources/GHSA...@Camsys)

The "Swiss Cheese Model" of redundancy creates layers of protection.



Death and serious injuries only happen when all layers fail.



**The Safe System Approach**

5:55 AM · Dec 16, 2021 · Hootsuite Inc.

The *National Road Safety Strategy 2021-30* indicates Australia's and the ACT's alignment with the UN Decade of Action on Road Safety and commitment to Vision Zero and the Safe Systems approach.

The ACT and Australia have adapted the Safe Systems approach by applying the Safe Speeds theme across each of the other key themes of Safe Road Use, Safe Roads and Safe Vehicles.<sup>11</sup>

The Safe System Approach is the basis for, and at the heart of, all ACT Government transport policy-making and efforts to improve road safety and achieve Vision Zero for deaths and serious injuries on our roads.



## Zero road deaths

### Safe Systems Approach



The Safe System Approach also means that investigations into every crash or dangerous driving incident should include investigating the factors of the street design that contributed to the crash. These incidents should not be written off as dangerous or poor driving or the fault of victim(s). Each contributing factor, including design, should be probed and documented. Non-technical people should be on the investigating team to

<sup>11</sup> Australian Capital Territory. 2020. ACT Road Safety Strategy 2020-2025, [https://www.cityservices.act.gov.au/data/assets/pdf\\_file/0004/1686307/ACT-Road-Safety-Strategy-2020-2025\\_New.pdf](https://www.cityservices.act.gov.au/data/assets/pdf_file/0004/1686307/ACT-Road-Safety-Strategy-2020-2025_New.pdf)

broaden perspectives and balance the narrow expertise of professionals. Lessons learned should be translated to other places with similar characteristics.<sup>12,13</sup>

### **Recommendation 3**

**Ensure that investigations into every crash or dangerous driving incident include:**

- (a) non-professionals on the investigating team**
- (b) investigating all the factors that contributed to the crash - including street design.**

Safe speeds and safe infrastructure (which is vital for safe speeds and personal safety of active travel users) are key parts of the Safe System Approach to road safety.

## **Speed**

Dangerous driving can result in crashes, sometimes with tragic consequences.

Reducing the speed of impact is key to avoiding serious injury and death as a result of a crash.

Almost all ACT streets and roads are designed and regulated to facilitate driving quickly and passively - not for safety.

However, streets with speed limits (and design) that are above 30km/h but without footpaths on both sides and (prioritised) crossings are not considered safe under the Safe System Approach used in Australia and the ACT. This means that many streets in Canberra are not safe and what is proposed in the consultation draft ACT Active Travel Plan for the default speed limit is not safe.

The evidence is clear that potential impact speeds must be no greater than 30 km/h for healthy robust adults to survive (lower speeds for survival children and other adults). If a robust adult is hit by a vehicle at 30km/h they have a 10% chance of death, at 40km/h it

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<sup>12</sup> Marohn, C. 2020. 'Now Is the Time to End Traffic Fatalities. Here's a Simple Plan to Do It.', *Strong Towns*, 24 August 2020, [https://www.strongtowns.org/journal/2020/8/21/time-to-end-traffic-fatalities?utm\\_campaign=meet Edgar&utm\\_medium=social&utm\\_source=meet Edgar.com&fbclid=IwAR1xQbt3E4w7dnFBJDfcWypXD8a-dbS0WZxW1\\_122Qim96sA2Xr20drL95w](https://www.strongtowns.org/journal/2020/8/21/time-to-end-traffic-fatalities?utm_campaign=meet Edgar&utm_medium=social&utm_source=meet Edgar.com&fbclid=IwAR1xQbt3E4w7dnFBJDfcWypXD8a-dbS0WZxW1_122Qim96sA2Xr20drL95w)

<sup>13</sup> Marohn, C. 2021. 'The Key to Slowing Traffic is Street Design, Not Speed Limits', *Strong Towns*, 5 August 2020, <https://www.strongtowns.org/journal/2021/8/6/the-key-to-slowng-traffic-is-street-design-not-speed-limits>

is 30% and at 50km/h it is 80%, as illustrated in the following graphics. These risks apply at lower speeds for children and less-than-robust adults.

### Chance of survival for a pedestrian being hit by a car

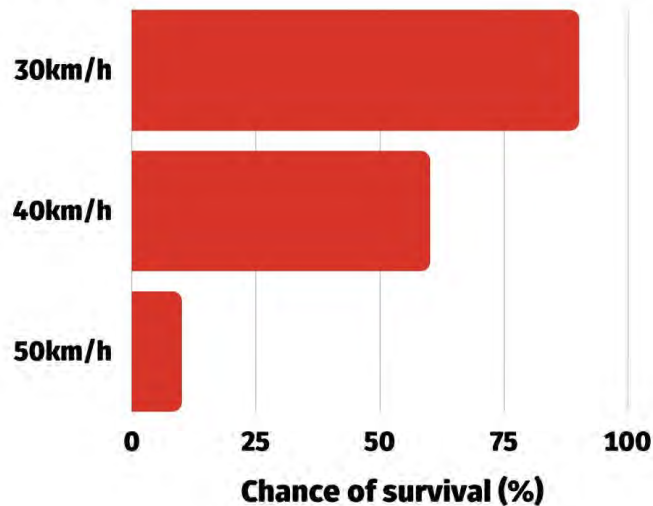


Image courtesy McLaughlin, M., Beck, B., Brown, J. and Sharkey, M. 2021. 'Busted: 5 myths about 30km/h speed limits in Australia', UNSW Newsroom, 24 May 2021, <https://newsroom.unsw.edu.au/news/general/busted-5-myths-about-30kmh-speed-limits-australia>

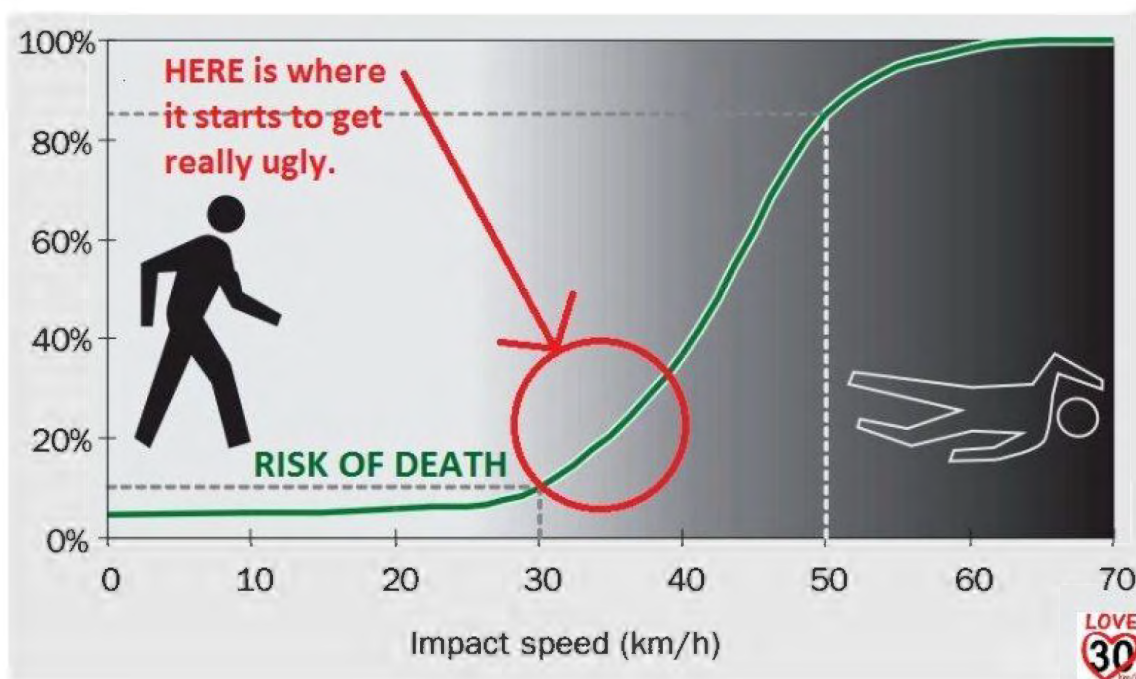
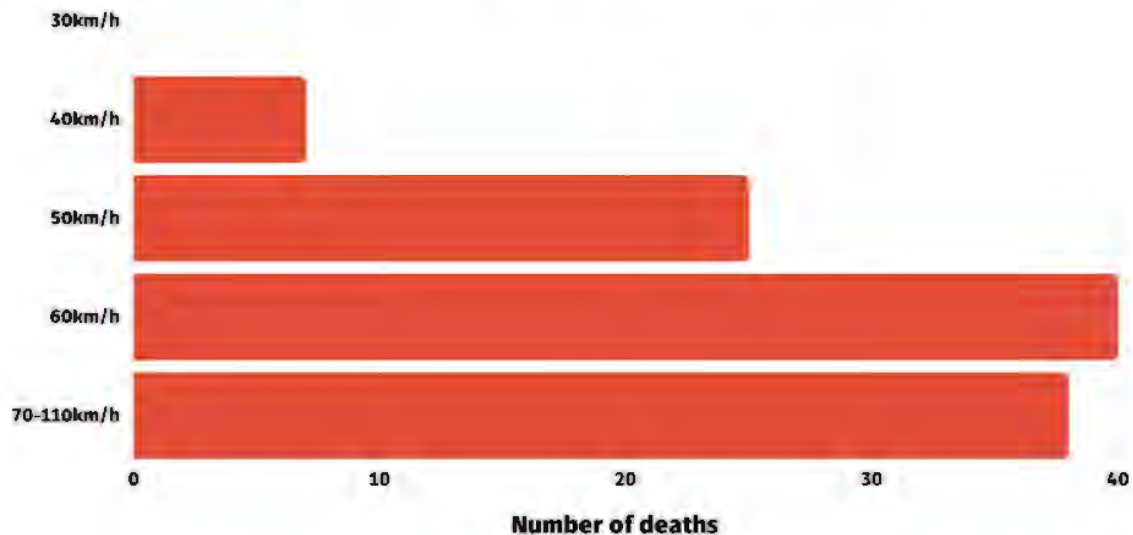


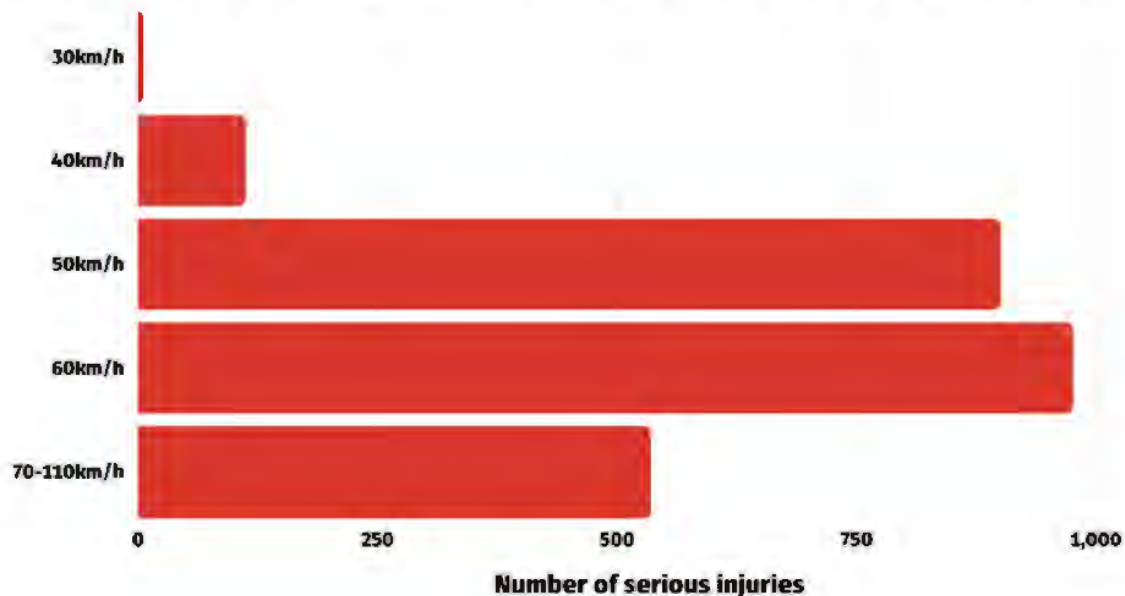
Illustration courtesy Love 30 Canada

Furthermore, evidence from NSW shows that most road deaths and serious injuries from crashes in built-up areas happen on streets with speed limits of 50-60 km/h.<sup>14</sup>

### **Most deaths occur on 50-60km/h roads\***



### **Most serious injuries occur on 50-60km/h roads\***



<sup>14</sup> Matthew Mclaughlin, Ben Beck, Julie Brown, Megan Sharkey. 'Busted: 5 myths about 30km/h speed limits in Australia', UNSW Newsroom, 24 May 2021, <https://newsroom.unsw.edu.au/news/general/busted-5-myths-about-30kmh-speed-limits-australia>



The trend towards larger, higher, heavier motor vehicles increases the danger - even more so with dangerous driving. Such vehicles both increase the risk of seriously injuring or killing anyone they hit and reduce the ability to see people who are shorter or in wheelchairs or reclining cycles...or traffic islands/pedestrian refuges and curbs (as has been demonstrated in videos recorded by local residents).



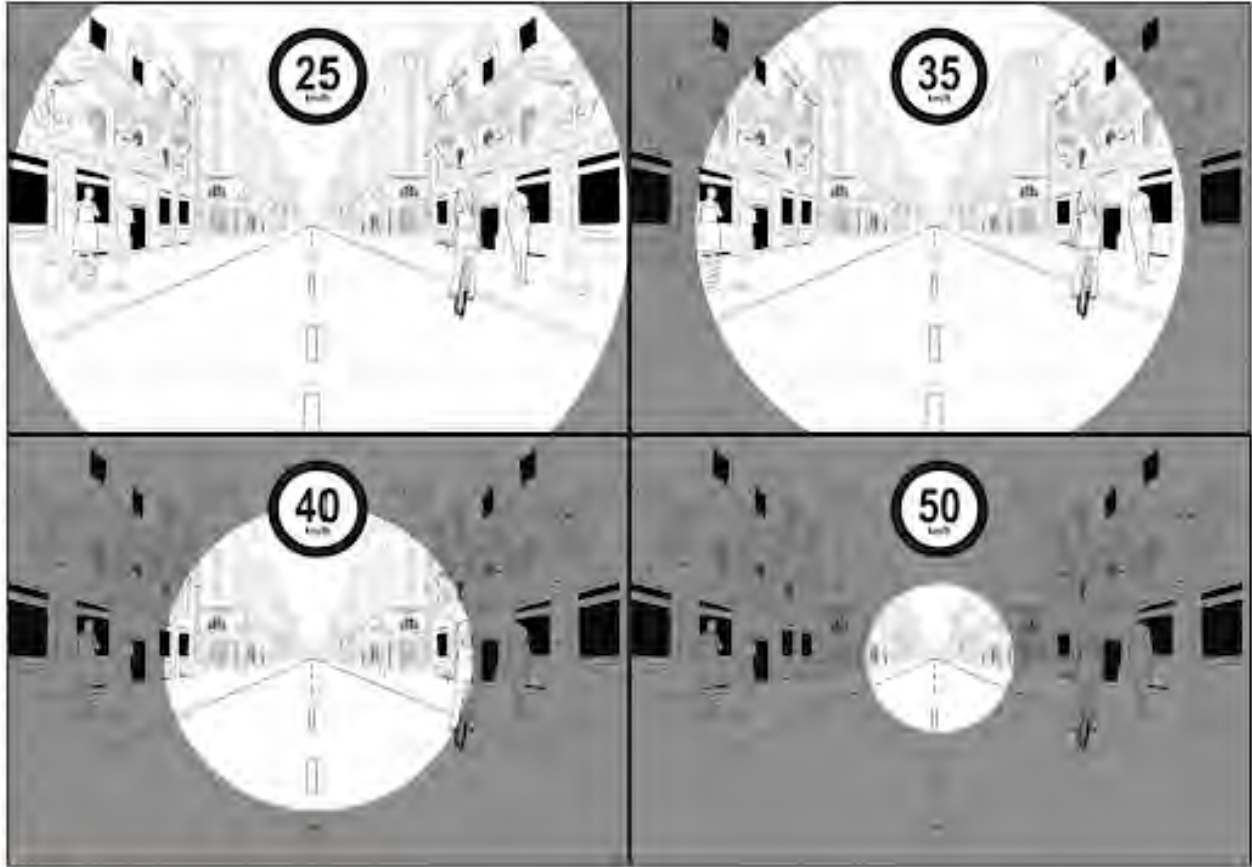
**Tom Flood** @tomflood1 · Dec 18, 2021

Sorry kids, didn't see you there without any hi-viz. Didn't your parents teach you road safety?

[Show this thread](#)



Slower speeds are safer in part because at slower speeds, drivers notice more and so they are less likely to hit or nearly hit vulnerable road users:



[Cone of Vision at different speeds](#). Credit: Claudio Olivares Medina

This is why countries and cities around the world are legislating 30 km/h as the default speed limit and the United Nations' World Health Organisation is leading a campaign to make 30 km/h streets the norm for cities worldwide. The campaign was [launched in March 2021](#), leading into the launch of the [Decade of Action on Road Safety 2021-2030](#) a few months later.

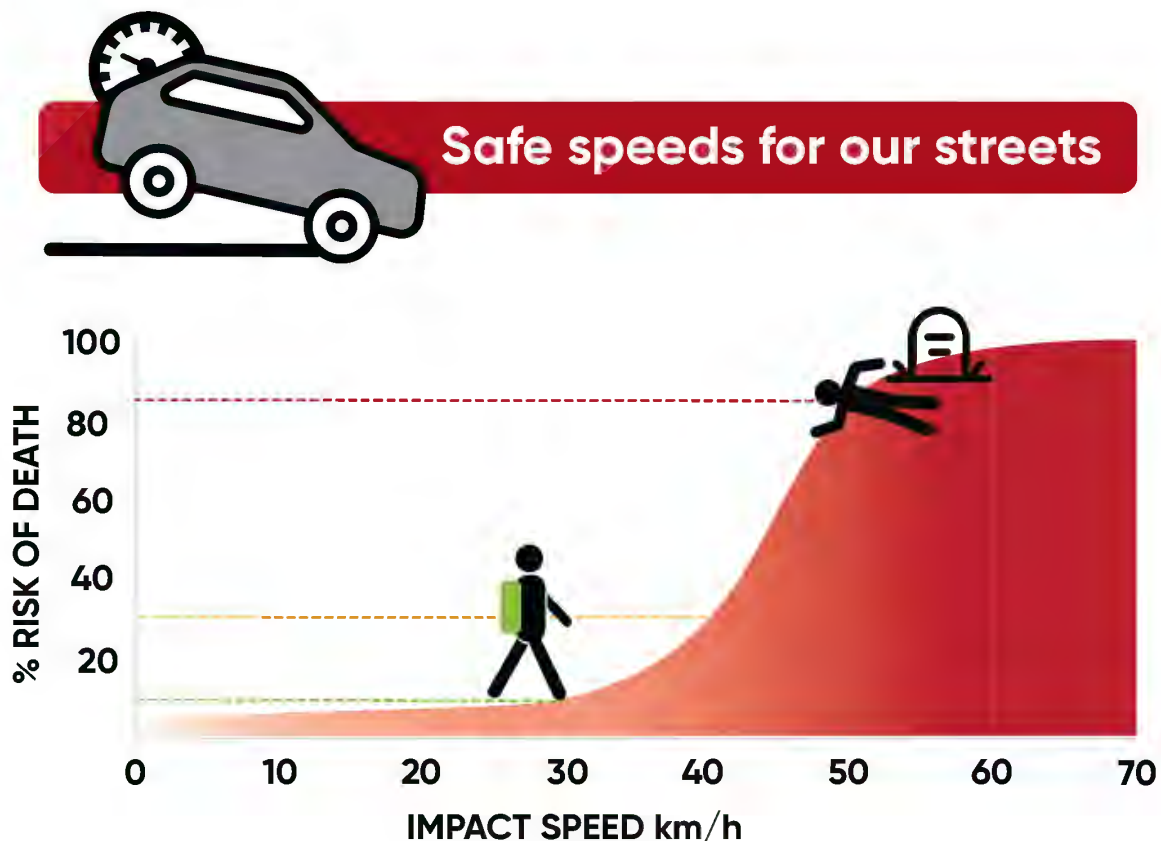
To support implementation of the Decade of Action 2021–2030 for Road Safety, the World Health Organization and the United Nations Regional Commissions, in cooperation with partners in the United Nations Road Safety Collaboration and other stakeholders, developed a [Global Plan](#). Amongst other things, it:

- calls on governments & partners to implement an integrated Safe System Approach (to which Australia and the ACT have already committed)
- includes the campaign for 30 km/h streets as the norm, saying (p20) that:

there is strong evidence that even the best road and vehicle design features are unable to adequately guarantee the safety of all road users when speeds are above the known safe level of 30 km/h. For this reason, in urban areas where there is a typical, predictable mix of road users (cars, cyclists, motorcyclists, and pedestrians), a maximum speed limit of 30 km/h (20 mph) should be established, unless strong evidence exists to support higher limits.

When motor vehicles travel above 30 km/h:

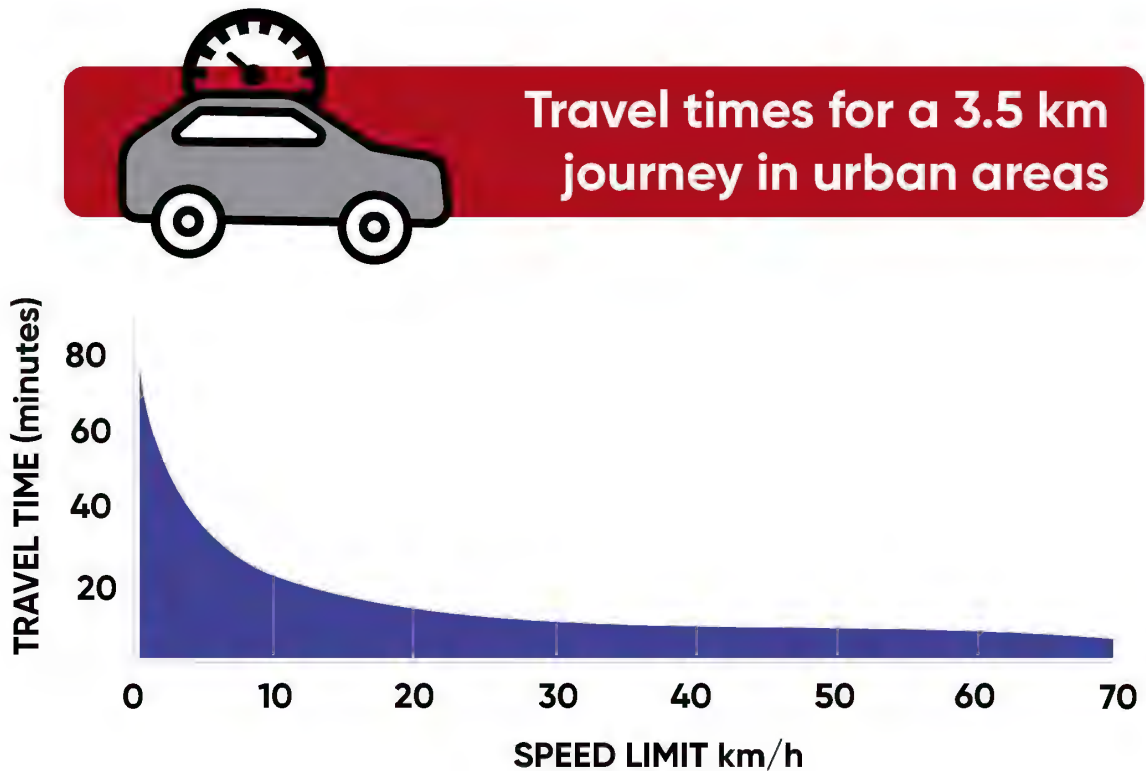
- the chance of an adult surviving being hit by a vehicle is dramatically reduced



Source – Cities Safer by Design (2015), [www.wri.org/publication/cities-safer-design](http://www.wri.org/publication/cities-safer-design)



- yet there is only very marginal increase in travel times for short urban journeys

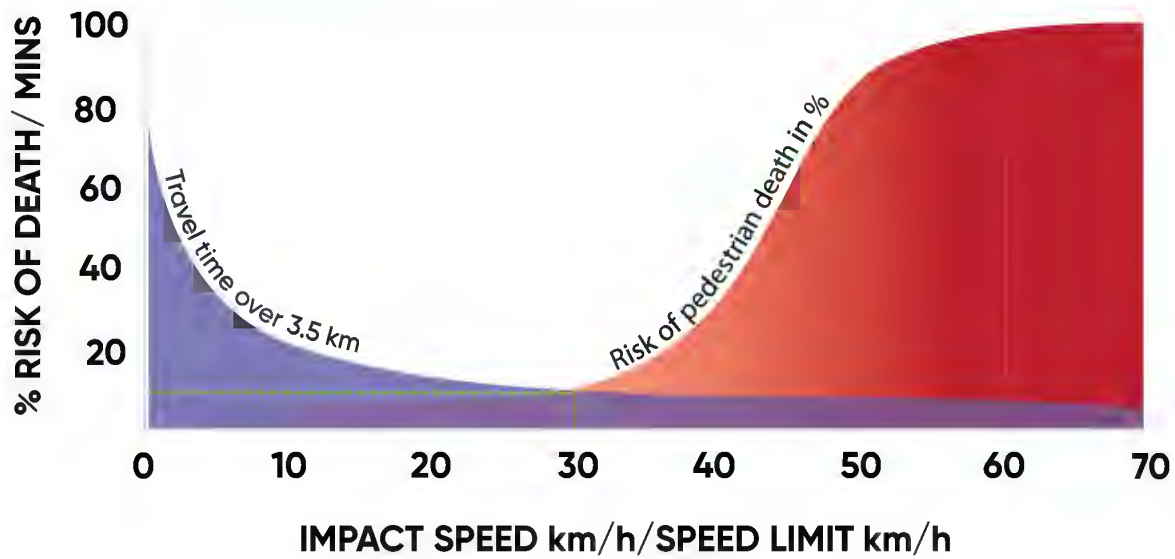


Source - ADAC Tempo 30 Pro-Contra (2015)

The ACT needs to join countries and cities around the world and the UN World Health Organisation in recognising that 30 km/h streets are a sweet spot for pedestrian safety and vehicle travel time...and low road noise from all motor vehicles (even electric vehicles).<sup>15</sup>

<sup>15</sup> <https://youtu.be/CTV-wwwGw8>

## Determining optimal speed limits in urban areas



Sources - Cities Safer by Design (2015), <https://www.wri.org/publication/cities-safer-design> / ADAC Tempo 30 Pro-Contra (2015)

### Recommendation 4

The Standing Committee on Justice and Community Safety:

- (a) propose 30 km/h as the evidence-based maximum default safe speed,
- (b) propose that a process be developed, in consultation with relevant community groups, to decide which ACT streets and roads *\*need\** to have faster motorised traffic and to ensure that those streets and roads are sign-posted accordingly and have convenient and fully accessible pedestrian-priority crossings joining footpaths on both sides of streets

### Recommendation 5

The Standing Committee on Justice and Community Safety write to the Minister for Transport and City Services requesting that all ACT streets and roads and street/road designs be quickly upgraded to focus on safety for all users and for

**everyone to feel safe to use - regardless of age, ability, gender, culture or mode of travel.**

## **4. Dangerous driving currently happens all the time**

Dangerous driving is any driving that is not fully focussed on operating a vehicle safely according to the driving environment - including being aware of other people and being able to stop in time to avoid a collision.

We all make mistakes.

Drivers, even conscientious drivers make mistakes - and those mistakes can mean they are driving dangerously.<sup>16</sup> As the *National Road Safety Strategy 2021-30* points out that:

Risky road use includes actions that are explicitly illegal, including speeding, drink or drug driving, illegal mobile phone use, not wearing a seatbelt or helmet, running a red light, unlicensed driving, and 'hoon' driving. Other high-risk behaviours include driving at inappropriate speeds for conditions, driving while fatigued, distracted or inattentive, overcrowding vehicles and walking near or on roads after drinking alcohol or taking illegal drugs.

At times these behaviours can be unintentional and unconscious actions that are normalised, and can apply to us all – the average driver and the person with a good driving record. The challenge is to shift the culture to re-evaluate what is felt to be acceptable.<sup>17</sup>

People walking, rolling or cycling are going to make mistakes - and those mistakes can be fatal if they coincide with someone driving dangerously (including through driving too fast for the environment or the neighbourhood's uses and/or through inattention).

The *National Road Safety Strategy 2021-30* already includes several suitable actions to '[i]ncrease community understanding of risky road use and address through education and enforcement' and to improve judicial understanding of some causal factors. The latter needs to be expanded to include how street design can influence driving behaviour. Community groups can help with this work.

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<sup>16</sup> See, for example, Marohn, C. 2022. 'The Reckless Driver Narrative Is Reckless. Stop Spreading It.', *Strong Towns*, 7 March 2022,

<https://www.strongtowns.org/journal/2022/3/7/the-reckless-driver-narrative-is-reckless-stop-spreading-it>

<sup>17</sup> Commonwealth of Australia. 2021. *National Road Safety Strategy 2021-30*, ISBN 978-1-922521-09-1, December 2021, INFRASTRUCTURE 4358, p. 19,

<https://www.roadsafety.gov.au/sites/default/files/documents/National-Road-Safety-Strategy-2021-30.pdf>

## **Recommendation 6**

**ACT Government, preferably assisted by community groups and other jurisdictions, expand educational campaigns to increase community understanding of what can be dangerous driving. Because speed of impact so greatly affects whether a person is killed or seriously injured and recognising the international shift to 30km/h default speed limits, making use of NSW's 'Casual Speeding. Every K Counts' campaign should be top priority and adapted to focus on 30km/h rather than 40km/h.<sup>18,19</sup>**

## **Recommendation 7**

**ACT Government develop and implement an education program for the judiciary to better understand all the factors that contribute to dangerous driving and crashes - including street design.**

## **5. Police and safety cameras cannot be everywhere and cannot stop all dangerous driving**

There are limited resources for policing and a huge amount of space on which driving can take place. Police and safety cameras also don't deter some people from driving dangerously. Furthermore, it is sometimes impossible or too dangerous to stop a dangerous driver.

## **6. Infrastructure that makes it difficult or impossible to drive dangerously (and that protects people from dangerous drivers) is vital**

Education, regulation and enforcement is not enough to stop dangerous driving.

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<sup>18</sup> NSW Centre for Road Safety. 2022. 'Casual Speeding. Every K Counts', Transport for NSW, <https://campaignbrief.com/nsw-government-challenges-casual-perceptions-of-low-level-speeding-in-new-campaign-via-bmf/>

<sup>19</sup> Green, R. 2021. 'NSW Government challenges casual perceptions of low-level speeding in new campaign via BMF', *Campaign Brief*, 17 November 2021, <https://campaignbrief.com/nsw-government-challenges-casual-perceptions-of-low-level-speeding-in-new-campaign-via-bmf/>

We need to have our streets and roads designed and constructed to take account of human psychology and physiology so as to minimise those mistakes and to make any residual mistakes very unlikely to be deadly.

Infrastructure (the physical design, construction and maintenance of streets and roads) is a vital component of giving people cues about how to drive safely rather than dangerously. This includes cues about whether or not to drive slowly, stop and give way appropriately and in time to avoid collisions, and priority of users.

In particular, our infrastructure needs to be designed and constructed so that it facilitates driving that is safe for everyone and makes dangerous driving difficult if not impossible. Such infrastructure makes driving a conscious and active activity, instead of a passive or 'performance'-oriented one such as we have with the current over-engineered streets and roads

The response to traffic deaths as an urgent threat tends to rely on [speed limits](#) and [aggressive enforcement](#). While speed limits and (aggressive) law enforcement have their place, they are no match for the subliminal inducement of the driver from an over-engineered street or road.<sup>20</sup>

The key to safer driving is street and road design and construction - not legislation such as speed limits, signage, presence of police or safety cameras for deterrence or law enforcement, penalties, or vehicle design.<sup>21</sup>

Design tells us how to think and behave.

Currently, almost all ACT streets are designed to facilitate dangerous driving.

Design and construction of streets must be upgraded to focus on safety not speeding and inattentive driving. We can change our streets' visual and physical cues so that they make people drive more carefully and slowly.

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<sup>20</sup> See, for example:

Marohn, C. 2020. 'Now Is the Time to End Traffic Fatalities. Here's a Simple Plan to Do It.', *Strong Towns*, 24 August 2020, <https://www.strongtowns.org/journal/2020/8/21/time-to-end-traffic-fatalities>;

Marohn, C. 2022. 'The Reckless Driver Narrative Is Reckless. Stop Spreading It.', *Strong Towns*, 7 March 2022,

<https://www.strongtowns.org/journal/2022/3/7/the-reckless-driver-narrative-is-reckless-stop-spreading-it>;

Strong Towns. 2022. 'One of the Most Dangerous Assumptions We Have Made', *The Strong Towns Podcast*, Episode 557, 1 August 2022,

<https://www.strongtowns.org/journal/2022/8/1/one-of-the-most-dangerous-assumptions-we-have-made>

<sup>21</sup> See, for example, Herriges, D. 2020. 'Want to #SlowTheCars? Don't Rely on Enforcement.', *Strong Towns*, 23 June 2020, <https://www.strongtowns.org/journal/2020/6/22/dont-rely-on-enforcement>

Most of our infrastructure for transport is already built, so it needs to be adapted and/or retrofitted in order to make every street safe (and feel safe) for all users and particularly for the most vulnerable: people using active travel.

Best practice design rules will help stop dangerous driving and make our streets safe (and feel safe) for all users, including those using active travel – but they must be implemented consistently on new and re-built streets and roads and adapted for quickly upgrading all existing streets and roads.

Streets that have sharp corners, are narrow, winding, have bumps or sharp corners, or include obstacles (including other vehicles) forces a driver to slow down - which makes it harder to drive dangerously. Drivers have to slow down because they need to be careful where they are driving and (in the case of sharing the road) have to be prepared to react to more things going on or because obstacles physically restrain them from full movement.<sup>22</sup>

Details can make the difference in deterring dangerous driving. For example, pedestrian crossings that are raised for continuity of levels with paths create an obstacle to slow drivers and also make users more visible to drivers (while also improving safety and convenience for users) - yet are much more effective if they are preceded by mechanisms to slow vehicles and provide enough stopping room to stop before hitting anyone crossing. An example is on the next page.<sup>23</sup>

Resources are available from numerous other jurisdictions and organisations to help with policy, regulation and infrastructure design and retrofit to deter dangerous driving and improve safety, particularly for vulnerable road users; see, for example:

- World Resources Institute and World Bank's [Sustainable & Safe: A Vision and Guidance for Zero Road Deaths](#)
- [Tactical Urbanism Guide](#)

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<sup>22</sup> See, for example:

Herriges, D. 2016. 'Narrow Streets Do More With Less', *Strong Towns*, 6 June 2016

<https://www.strongtowns.org/journal/2016/6/6/narrow-streets-do-more-with-less>;

Marohn, C. 2020. 'Now Is the Time to End Traffic Fatalities. Here's a Simple Plan to Do It.', *Strong Towns*, 24 August 2020,

[https://www.strongtowns.org/journal/2020/8/21/time-to-end-traffic-fatalities?utm\\_campaign=meet Edgar&utm\\_medium=social&utm\\_source=meet Edgar.com&fbclid=IwAR1xQbt3E4w7dnFBJDfcWypXD8a-dbS0WZxW1\\_122Qim96sA2Xr20drL95w](https://www.strongtowns.org/journal/2020/8/21/time-to-end-traffic-fatalities?utm_campaign=meet Edgar&utm_medium=social&utm_source=meet Edgar.com&fbclid=IwAR1xQbt3E4w7dnFBJDfcWypXD8a-dbS0WZxW1_122Qim96sA2Xr20drL95w)

<sup>23</sup> Anonymous. n.d. 'JC Walks Pedestrian Enhancement Plan | Jersey City, NJ', *Street Plans*, <https://street-plans.com/jc-walks-pedestrian-enhancement-plan-jersey-city-nj/>





Images courtesy of Street Plans, 'JC Walks Pedestrian Enhancement Plan | Jersey City, NJ',  
<https://street-plans.com/jc-walks-pedestrian-enhancement-plan-jersey-city-nj/>

- pinterest, such as [Slow Ottawa's Street's for Everyone board](#) and [Sustainable Jill's Active Travel and Road Safety boards](#)
- previous [submissions from Living Streets Canberra](#)

## **Recommendation 8**

**The Standing Committee on Justice and Community Safety write to the Minister for Transport and City Services requesting that ACT policy, legislation, designs, and practices for streets be changed so that ACT streets make it difficult or impossible to drive dangerously (and protect people from dangerous drivers).**

## **7. Clear hierarchy of travel modes and users**

Clear transport hierarchy, reflected in clear legislation, can help reduce dangerous driving.

Everyone in the ACT needs to have a very clear idea of priority of travel modes and users. We all need to know what and who has priority. We need to know this whether we are citizens or visitors; or travelling, governing, planning, designing, building or maintaining, educating or enforcing.

The basic and most vulnerable mode of travel, walking, must be the top priority.

Clear priorities help to make decision-making easier.

Transport hierarchies provide a useful introduction to the notion of relative importance and impacts of different modes of transport.

In the context of transport in the ACT, decision-making roles that would particularly benefit from clear priorities, as illustrated by a clear hierarchy of travel modes and users, including:

- users, particularly drivers: who needs most protection and how do I need to behave to look after them?
- regulators: how can legislation and guidance be clear about who has priority in places where people are travelling by more than one mode?



- spatial planners and designers: who must be prioritised when allocating and designing space?

The UK's recently updated Highway Code<sup>24</sup> (road rules) includes a clear and useful hierarchy of road users:



Image adapted from (UK) Department of Transport, 'Changes to the Highway Code', *Facebook*, 29 January 2022,

<https://www.facebook.com/transportgovuk/posts/pfbid0LsQeyCswfQxP7BevqMbtrnz2Dhfjguy9twW8fVeFe7VampPWwTryfz4FFvHt14Dhl>

<sup>24</sup> The new Highway Code came into effect 29 January 2022.

The changes might be small but they can influence behaviour, 'are a necessary step on any road to improve road safety for the most vulnerable'<sup>25</sup> and have been welcomed by major motoring organisations.<sup>26</sup>

## **Recommendation 9**

**ACT legislate a clear hierarchy of road users, based on the UK one that came into effect in January 2022.**

## **8. Urgency and universality**

Dangerous driving can and does occur on any street or road, including streets serving shopping, business and school precincts and 'quiet suburban streets'.

Modifying ACT streets to signal clearly to drivers that they can only drive slowly will go a long way to preventing dangerous driving in the vast majority of urban ACT.

For all our streets (including the existing ones, which are in the majority) to deter dangerous driving and be safe for everyone, universal transformation of existing infrastructure is needed quickly and can be much cheaper than slow and expensive changes in a few places or on new streets. Such change can have the added bonus of improving accessibility and attractiveness for people- and climate-friendly active travel.

Express roads focussed on high-speed motor vehicle travel on separated carriageways require different remedies to prevent dangerous driving and its consequences. Apart from separating and protecting vulnerable users from motor vehicles on these roads, we will leave prevention of dangerous driving to others with suitable expertise.

Piecemeal approaches offer very limited improvements, if they are successful. For example:

- Over June and July 2022 there were three e-petition to the ACT Legislative Assembly calling for safer streets immediately adjacent to a school. The last was

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<sup>25</sup> Davis, A. 2022. 'Highway Code changes: what they mean and why they probably aren't enough to change behaviour', *The Conversation*, 2 February 2022, <https://theconversation.com/highway-code-changes-what-they-mean-and-why-they-probably-arent-enough-to-change-behaviour-175600>

<sup>26</sup> Reid, C. 2022. 'Motoring Organizations Welcome U.K. Highway Code Changes That See Pedestrians Given Priority On Roads', *Forbes*, 26 January 2022, <https://www.forbes.com/sites/carltonreid/2022/01/26/motoring-organizations-welcome-uk-highway-code-changes-that-see-pedestrians-given-priority-on-roads/?sh=34238f3654bc>

the fifth in six months calling for urgent remedies to particularly dangerous locations for vulnerable road users in Canberra. These petitions are indicative of problems across the broader area and the whole of Canberra, for example:

- streets and intersections that prioritise driving over people walking, cycling, or using public transport
  - streets and intersections that are designed to be driven at speed
  - people, particularly drivers, who do not know or obey the road rules
- Piecemeal remedies:
    - do not achieve safety for all users everywhere
    - do not take account of the broader operating environment
    - are rarely consistent with broader legal and policy contexts

Furthermore, building separated infrastructure is:

- very expensive (as this [>\\$4.1m for 1.2km of shared path in Brisbane](#) illustrates)
- takes up a lot of land (not always available, particularly in older city and suburban areas)
- is not always possible (because verges are too steep)
- is not feasible on both sides of every street (because of the amount of money and other resources required to build and maintain the paths)
- adds damage to the climate (because of the amount of concrete and asphalt used)
- can be less convenient, making people using active travel go out of their way and up and down steep slopes (whereas motor vehicles typically have direct routes with low gradients)

ACT should learn from what other jurisdictions around the world are doing to make both quick and universal changes to deter dangerous driving and make streets safe for everyone.

Instead of pursuing expensive, time-consuming, permanent, piecemeal remedies that does not create safety (and could make things worse), we suggest that more effective ways would be to:

- have consistent city-wide approaches to making our streets safe, with users focussed on community and care for others (especially for the most vulnerable)
- focus early efforts and resources on experimenting to quickly and cheaply put in place remedies to deter dangerous driving and create safety for all users - and quickly and cheaply find out what works well, what does not and what needs adjusting<sup>27</sup>
- value and harness tacit (local) knowledge, people power and community enthusiasm to undertake some experimentation to quickly and cheaply find remedies for creating safety for all users.

## Value and harness community

Local residents and community groups have tacit knowledge (particularly through lived experience and observations over time) that cannot be obtained through isolated engineering or traffic studies or much policing.

It is important to value and make use of this knowledge, to understand both the extent and detail of the issues as well as what might be suitable remedies.

Local tacit knowledge can inform experiments to create quick remedies and determine what interventions work to achieve safety for all users - to quickly and cheaply find remedies for creating safety for all users.

Harnessing the tacit local knowledge and experimenting with quick, cheap, temporary remedies is proven as an excellent way to deter dangerous driving and create a safe environment for everyone to use the streets.<sup>28</sup>

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<sup>27</sup> See, for example:





Daniel, L. 2014. '3 Steps to better bike lanes right now', *Rethink Urban*, 30 December 2014, <http://rethinkurban.com/2014/creative-change/3-steps-to-better-bike-lanes-right-now/>; Hawkes, A. 'Pop-Up Planning: New Methods for Transforming the Public Process', *This Big City*, 5 November, 2013, <http://thisbigcity.net/pop-up-planning-new-methods-for-transforming-the-public-process/>; National Association of City Transport Officials. 2013. Urban Street Design Guide, Phases of Transformation, <https://nacto.org/publication/urban-street-design-guide/streets/street-design-principles/phases-of-transformation/> and Interim Design Guide, <https://nacto.org/publication/urban-street-design-guide/interim-design-strategies/>

<sup>28</sup> For example see: Daily Mail Reporter. 2010. 'Stop speeding... the DIY way: Plant pots, welcome mats and drawings slow cars', *Daily Mail*, 4 November 2010, <https://www.dailymail.co.uk/news/article-1326361/Stop-cars-speeding-DIY-way-using-plant-pots-drawings-road.html>; Anonymous. 2013. 'Portland's painted streets', *The Guardian*, 7 June 2013,



# ITERATIVE PROJECT DELIVERY

This chart illustrates the progression of an iterative approach to project delivery. Though not all projects need to follow this exact model, it can be helpful to see how each project phase builds towards the next, using incremental steps to deliver a capital project intended to create lasting change.

				
<b>Project Type</b> (time interval · relative cost)	<b>DEMONSTRATION</b> (1 day - 1 month · \$)	<b>PILOT</b> (1 month - 1 year · \$\$)	<b>INTERIM DESIGN</b> (1 year - 5 years · \$\$\$)	<b>LONG-TERM/CAPITAL</b> (5 years - 50 years · \$\$\$\$)
<b>Project Leaders</b>	Can be led by anyone (city, citizen group, or both!)	Government / organizational leadership + involvement required	Government / organizational leadership + involvement required	Government / organizational leadership + involvement required
<b>Permission Status</b>	Sanctioned or unsanctioned	Always sanctioned	Always sanctioned	Always sanctioned
<b>Materials</b>	Low-cost, typically low-durability. Can be borrowed or easily made	Relatively low-cost, but semi-durable materials	Low-moderate cost materials, designed to balance flexibility with maintenance needs	High-cost permanent materials that cannot easily be adjusted
<b>Public Involvement</b>	Public input + public action	Public input, champion engagement, government / organizational stewardship	Public input, government / organizational stewardship	Public input, government / organizational stewardship
<b>Flexibility of Design</b>	High: organizers expect project to be adjusted and removed.	High: organizers expect project to be adjusted; it may be removed if it does not meet goals	Moderate: organizers expect project to be adjusted, but it is intended to remain in place until capital upgrades are possible	Low: project is considered a permanent capital upgrade that is unlikely to be adjusted significantly once installed
<b>Collect data to refine approach for current or future projects?</b>	Recommended	Always	Always	Always - project performance can inform future investments

Terms and diagram format based on PeopleForBike's "Quick Builds for Better Streets," which defines the pilot / interim time intervals above as "quick build" projects. To access Quick Builds for Better Streets, visit: [bit.ly/QuickBuildsReport](http://bit.ly/QuickBuildsReport) (Images: Street Plans).

Different levels of experimentation, community involvement, timeliness, cost of projects to improve active travel infrastructure and safety. Concept adapted by The Street Plans Collaborative. 2016. *Tactical Urbanists' Guide to Getting It Done*, December 2016, <http://tacticalurbanismguide.com/>

<https://www.theguardian.com/travel/gallery/2013/may/28/portland-usa-street-art>; Texas A&M College of Architecture. 2013. 'Tactical urbanism talk outlines urban intervention strategies', *ArchOne*, 4 February 2013, <https://newsarchive.arch.tamu.edu/news/2013/2/4/tactical-urbanism-lecture/>; Brown, M. 2017. 'These resources will help you host a pop-up traffic calming demonstration in your town', *Strong Towns*, 11 April 2017, <https://www.strongtowns.org/journal/2017/4/10/use-these-resources-to-host-a-pop-up-traffic-calming-demonstration>

These experiments and temporary remedies could include bollards, planters, paint as well as signs. Living Streets Canberra would welcome the opportunity to promote and be part of this work.



Image: Pop-Up MANGo temporary installations of possible improvements for traffic calming devices, chicanes, curb extensions, enhanced landscaping, etc | Hawkes, A. 'Pop-Up Planning: New Methods for Transforming the Public Process', *This Big City*, 5 November, 2013, <http://thisbigcity.net/pop-up-planning-new-methods-for-transforming-the-public-process/>

This is what other jurisdictions around the world are doing.

### **Recommendation 10**

**ACT deter dangerous driving by:**

- (a) focusing on urgent and universal transformations that apply throughout ACT and/or can be implemented quickly, rather than just slow and expensive changes in a few places**
- (b) focusing early efforts and resources on experimenting to quickly and cheaply put in place remedies to deter dangerous driving and create safety for all users - and quickly and cheaply find out what works well, what does not and what needs adjusting**

- (c) **include changes to foster and support people focussing on community and care for others (especially for the most vulnerable) rather than on individuals and their personal needs and behaviours**
- (d) **harness tacit (local) knowledge and people power and community enthusiasm to undertake experimentation to quickly and cheaply find remedies for creating safety for all users**

## 9. Behaviour and attitudes

Article 1 of the Universal Declaration on Human Rights<sup>29</sup> says that:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

This is the basis for shifting to a more caring culture, that helps deter people from driving dangerously and does not focus on blaming the victims of dangerous driving.

We need a change of culture to shift from one that is car-oriented and focussed on personal responsibility and behaviour of the most vulnerable to one that is focussed on protecting everyone and particularly the most vulnerable. This is well summed up in the World Resources Institute and World Bank's *Sustainable & Safe: A Vision and Guidance for Zero Road Deaths*:

### CONCLUSION

The key to real change in road safety is shifting responsibility from people who use the road to people who design, set policy, execute operations, and otherwise contribute to the mobility system. An overemphasis on victim behavior and personal responsibility has long relieved pressure on governments to take responsibility and act to protect their citizens. This mindset needs to change, in terms of both public expectation and political and professional perceptions of responsibility.

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<sup>29</sup> United Nations. 1948. 'Universal Declaration of Human Rights', <https://www.un.org/en/about-us/universal-declaration-of-human-rights>



Changing behaviour and attitudes to focus on community and care for others (particularly the most vulnerable) will go a long way to reducing most dangerous driving (though not that by people affected by hallucinations or substances like 'ice').

Not blaming victims is also important: media, officials and the public need to avoid victim-shaming. Too often we see commentary focused on the victim's behaviour rather than the design and construction of the infrastructure and the behaviour of the driver. In a car- and individual-oriented culture and environment, these changes will require considerable effort.

In a car- and individual-oriented culture and environment, considerable change will be needed to change behaviour and attitudes to be focussed on community and care for others (particularly the most vulnerable).

In this regard, we like the framing of 'whoever can do the most damage has to be the most careful'. The report of the Inquiry into Vulnerable Road Users provides further guidance on education needed.<sup>30</sup> (We note that there are still many recommendations from that Inquiry yet to be implemented.)

Community involvement, both directly and through community groups, will be vital for this. It need not – and must not – be completely left to government effort and expenditure. Living Streets Canberra would welcome the opportunity to promote and be part of this work.

### **Recommendation 11**

**ACT Government involve and foster the broader community in the changes required to reduce dangerous driving.**

## **10. Penalties for dangerous driving need revision**

Penalties can be a deterrent to undesirable behaviour such as dangerous driving.

To be effective, they need to be sufficiently harsh, clear, consistent and well known. Inconsistency, gaps and overlaps can lead to confusion and so to dangerous driving.

Currently, the ACT legislation and penalties for offences are inconsistent in how they recognise the special status of vulnerable road users; the serious harm that other, more

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<sup>30</sup> ACT Legislative Assembly. Standing Committee on Planning, Environment and Territory and Municipal Services. 2014. 'Inquiry into Vulnerable Road Users', Report Number 5, June 2014, [https://www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0010/602200/Vulnerable-Road-Users\\_FINAL.pdf](https://www.parliament.act.gov.au/_data/assets/pdf_file/0010/602200/Vulnerable-Road-Users_FINAL.pdf)



powerful road users can cause them; the need for potential harm-causers to be especially careful of vulnerable road users.

Legislation needs revising to remove gaps and overlaps, as well as expenses, time delays and risks associated with having offences that require going to court.

Offences and penalties need to reflect the seriousness of the offence, particularly with regard to causing harm to vulnerable road users and to be consistent relative to each other.

For offences and penalties to be effective in changing behaviour, they must be deterrents to both the unwanted behaviour and avoiding the penalty.

We have made more detailed comments and recommendations in our [submission on the Road Transport \(Safety & Traffic Management\) Amendment Bill 2021](#).

### **Recommendation 12**

**ACT revise road safety and traffic management legislation (including the Road Rules):**

- (c) to remove gaps and overlaps, as well as expenses, time delays and risks associated with having offences that require going to court**
- (d) to ensure that offences and penalties reflect the seriousness of the offence, particularly with regard to causing harm to vulnerable road users and to be consistent relative to each other.**

## **11. Leadership**

The ACT is proud of taking a leadership role in Australia, leading important matters such as human rights and climate action. It wants to increase tourism. The ACT Government has previously said it wants Canberra to be 'Australia's most walkable city and cycling capital' and 'an age-friendly city'.

Furthermore, the National Capital has adopted: the [Urban Design Protocol for Australian Cities](#), and the Territory Plan must not be inconsistent with the National Capital Plan.

Now the ACT Legislative Assembly's Standing Committee on Justice and Community Safety is looking at how to respond to dangerous driving, with the Inquiry's implied goal of reducing dangerous driving and its consequences.

Will the ACT be a leader on road safety, including safe active travel (vital for leading on human rights, climate and urban design, and being tourist- and age-friendly) and

detering dangerous driving - or a laggard (continuing car-centric culture, design and planning)?

## 12. Implementation

Implementation is the key to achieving change. It requires clear, specific and practical actions, and methods for resourcing implementation beyond simply making statements and allocating budget. There are plenty of examples for how to do this - from other jurisdictions and in ACT Budget submissions.

Using actions and guides developed or proven elsewhere<sup>31</sup> can shorten implementation times.

Human resourcing is vital for implementation – and the community can be a valuable and productive partner for this.

Implementation need not be limited to or fully controlled by government; in fact, community-initiated and ‘-owned’ changes can be more successful, as well as cheaper and quicker.



*An intersection repair project in Los Angeles, CA.  
Credit: Los Angeles Eco-Village Blog*

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<sup>31</sup>For example: The Street Plans Collaborative. 2016. *Tactical Urbanists' Guide to Getting It Done*, December 2016, <http://tacticalurbanismguide.com/>; The Street Plans Collaborative. n.d. *Tactical Urbanism 2: Short term action, Long term change*, [https://issuu.com/streetplanscollaborative/docs/tactical\\_urbanism\\_vol\\_2\\_final](https://issuu.com/streetplanscollaborative/docs/tactical_urbanism_vol_2_final)

### **13. Measuring needs and success**

If you don't know where you're going, any path will take you there. If you don't know where you've been, you don't know how far you've come and how far you have to go.

Measurement of needs and success must be fit-for-purpose for both:

- determining users' needs and measuring progress in ways that are timely and frequent enough to show progress (or lack of it) to help build momentum for behavioural change
- changing policies, plans and practices quickly enough to make a difference to active travel commensurate with the urgency of our climate, health and other needs.

Measuring needs must include subjective needs (e.g. where and how people feel unsafe or safe, conflicts and crashes not captured by current routine methods of collection).

Using modern and innovative technology can increase the frequency and ease of measuring needs and success while also reducing the burden on users and cost and effort to government.

We are now well into the 21<sup>st</sup> century. Technologies, methodologies and our physical and social operating environments have changed, so methods of measuring needs and success should include up-to-date methods – technological and social, for objective and subjective measures.

#### **Recommendation 13**

**ACT's measurements of dangerous driving, its consequences, and its safety should:**

- (a) include measuring subjective needs (eg where and how people feel unsafe or safe, conflicts and crashes not captured by current routine methods of collection)**
- (b) include targets as well as baseline indicators**
- (c) make use of modern and innovative technology can increase the frequency and ease of measuring needs and success while also reducing the burden on users and cost and effort to government**