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Coroners' reports and preventing further deaths

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Summary

We know from our bereaved members that the only 'good' that can come from a road death is for lessons to be learned and risks reduced to others. Too often bereaved families are denied this comfort by coroners' complacency with road deaths, as seen by the lack of reports issued for preventive measures.

This is especially true in the case of cyclists being killed in collisions with Heavy Goods Vehicles (HGV), as highlighted in this briefing. The killing of cyclists in collisions with lorries is a recurring and long-standing problem. Much is being done to reduce the risk and some coroners have made reports in the past, but not often enough. Low cost counter-measures, e.g. sensors and cameras, that can help compensate for a blind spot, are available and being promoted by government. Part of the problem is coroners' perceived complacency with road deaths as these are still seen and described as 'accidents'.

This briefing looks at the opportunity to reduce deaths from lorries and highlights how

- It is a recurring problem
- It is not a new problem
- Much effort is being made to reduce the risk
- Some coroners have made reports
- Low cost countermeasures are available
- It is costly not to take action
- Risks to others will also be reduced

It should be noted that whilst this briefing focuses on cyclists deaths in collisions with HGVs, other examples could be made. For instance, excessive and inappropriate speed is reported as a contributory factor in hundreds of fatal crashes each year but speed reduction measures are rarely mentioned by coroners.

Introduction

We know from our bereaved members that the only 'good' that can come from a road death is for lessons to be learned and risks reduced to others. Too often bereaved families are denied this comfort by coroners' complacency with road deaths as seen by the lack of reports issued for preventive measures.

We are not the only ones concerned about the missed opportunities to prevent further deaths. This was the reason the government amended Rule 43 in 2008 and has since collated and disseminated information on coroner reports on bi-annual basis. But as can be seen by the death of Eilidh Cairns, more could and should be done.

Eilidh Cairns was a cyclist killed in a collision with a lorry on her morning commute to work on 5 February 2009. At the inquest into her death on January 2010, the coroner stated that *"There is nothing here today that in any way leads me to believe that this was anything other than a tragic accident"*.

She also commented that the death was *"Not an uncommon occurrence in London where a cyclist and a large vehicle come into contact with each other and invariably the cyclist will suffer very serious or fatal injuries"* and that *"It's a huge problem that I think the government and cyclists and safer cycling groups are going to be grappling with for quite a considerable time"*.

Incensed at the coroner's tacit acceptance of the risk posed by HGVs and her lack of action to reduce the threat, the Cairns family sought leave for a judicial review into the coroner's conduct of the inquiry. This was granted and a judicial review was held on 18 October 2011 with the decision from the judge expected within the next few weeks.

Key points to note:

1. It is not a unique problem.

Eilidh's death was not a one-off. Since her death, another 18 cyclists have been killed in collisions with lorries in London alone. On average, lorries are involved in about half of cyclists deaths in London but in 2009, they accounted for 9 of the 13 cyclist deaths.

Whilst London accounts for the majority of cyclist deaths by lorries, cyclists are being killed by lorries outside of the capital. In 2009, this included Kate Furneaux, who was a passionate environmental campaigner who had just completed her PhD http://www.roadpeace.org/resources/Six_a_day.pdf and also Harry Wilmers, a mental health worker who was killed cycling by a lorry in Manchester in August 2009.

Some of these deaths, as in the case of Kate Furneaux, will involve a criminal prosecution of the driver, but many will have been dealt with at the coroner's court. Unfortunately, as there is no specific 'road death' verdict, it is not possible to know how many road death related inquests are held each year.

2. It is not a new problem.

The threat from HGVs to vulnerable road users has been well known for years. See the report in the British Medical Journal in 1994 which highlighted the danger posed by lorries in deaths to cyclists from 1985-1992. A follow up report researched the deaths of cyclists from 1992-2006 and concluded the risk to cyclists was reducing, except for that posed by lorries.

Lorry danger has been a key issue for RoadPeace for many years. Cyclists being killed by lorries was an early concern for RoadPeace and led to the formation of our group in Bristol in 1995. Our "Lost Children" leaflet was also sponsored by a bereaved mother whose daughter was killed by a lorry whilst cycling in London. RoadPeace Chair, Cynthia Barlow's daughter Alex Jane McVitty was killed cycling to work by a lorry in London in June 2000. Before even joining RoadPeace, Cynthia had bought shares in the company that owned the lorry, went to their AGM and challenged them to do more to avoid killing cyclists. Cynthia has continued to work to raise awareness of the need and opportunities to reduce this threat to cyclists. But since Alex's death, over 50 more cyclists have been killed in collisions with lorries.

3. Much is underway to reduce the risk.

The European Commission, British Parliament, Department for Transport (DfT), Transport for London (TfL), local authorities, Metropolitan Police Service (MPS), contractors, fleet operators and their trade association, in addition to those representing cyclists, pedestrians and victims, all have programmes underway to raise awareness of this problem and reduce the risk of such collisions. Measures have included DfT giving out mirrors to lorry drivers, TfL installing mirrors on the junctions of cycle superhighways, local authorities, first introduced by Lambeth, requiring their HGV contractors to have cycle awareness training, and MPS organising "Exchanging Places" where cyclists are invited to sit in a lorry cab to appreciate how difficult it can be to see a cyclist.

TfL's Cycle safety Action Plan included 47 interventions related to reducing the risk of cyclists being killed or seriously injured by HGVs, more than any other collision type identified (<http://www.tfl.gov.uk/assets/downloads/corporate/Cycling/Cycle-Safety-Action-Plan.pdf>).

4. Some coroners have taken action.

A few coroners have made reports, as we noted in our response to the consultation on proposed changes to Rule 43 in March 2008.

Excerpt from RoadPeace response to Ministry of Justice's Coroner Rule 43 Discussion Paper

This response is dedicated to Emma Foa, not the last female killed by a left turning lorry in London.

Emma Foa was killed by a left-turning concrete mixer lorry while she was cycling to work in 2006. The Coroner at the Inquest in October 2007 said that he would write to the relevant authorities requesting a review of cycling safety in London.

Alex Jane McVitty was killed by a left-turning concrete mixer lorry while she was cycling to work in 2000. At the inquest in 2001, the Coroner said that he would write to the Department of Transport to request a review of cycling safety as he had dealt with five other similar cases.

Technology is now available to make left-turning construction vehicles safer on the road, with cameras, mirrors and proximity sensors. The changes which RMC (now Cemex) implemented in the lorries and in driver training after Alex McVitty's death would have saved Emma Foa's life, if the company involved in her case had adopted the same measures.

Whose job is it to ensure effective preventive measures are taken? How many more people need to die in identical, preventable, incidents before road deaths are taken seriously?

http://www.roadpeace.org/resources/RP_response_Coroner_Rule_43.pdf

The first summary of coroner reports, published in July 2009, included one report which they said had wider implications. It related to the death of an elderly pedestrian by an HGV with the coroner writing to the DfT about the need for legislation making front windscreen mirrors compulsory.

The most recent summary report, published in September 2011, also included mention of a South London coroner, following an inquest into the death of David Vilaseca, a professor at Royal Holloway, University of London. The coroner made a report to the DfT *“to consider a review of the risks to cyclists from heavy goods vehicles which are not fitted with proximity sensors and what action can be taken to encourage fitting of such sensors”*. At that inquest, the coroner asked about the costs of such equipment.

5. Low cost counter measures are available.

It can cost as little as a few hundred pounds to design out a blind spot through the use of sensors and cameras. RoadPeace has produced an information sheet to help keep coroners updated and TfL have recently produced a procurement guide to HGV cycle safety technology <http://www.tfl.gov.uk/microsites/freight/documents/publications/hgv-cycle-safety-procurement-guide.pdf>.

6. It is costly not to take action

The total cost to the country from road crashes is estimated to be at £30 billion, with the average value of prevention of a fatal crash at almost £1.8 million (DfT, 2011).

Fear of traffic, especially lorries, is a key reason that people do not cycle. Reducing this fear and helping get more people on our bikes is key to tackling our obesity crisis.

7. Risk to others will be reduced

The number of pedestrians killed by lorries in London often exceeds that of cyclists. Whilst the pedestrian tends to be hit by the front of the lorry, the same countermeasure of sensors and cameras would help drivers detect their presence and avoid crushing them.

Conclusion

In summary, these deaths do not involve soldiers in combat, nor prisoners in custody, nor victims of terrorist attacks. They do not receive the same high profile media attention, except for that generated by the bereaved families or the outraged cycling community. These deaths involve people doing a daily activity that is being promoted by government for many reasons.

We allow HGVs to travel on our urban streets with blindspots that could be eliminated by cheap and simple technology. Vulnerable road users are crushed and killed as a result. What is our excuse?