

SPEED MANAGEMENT: WHY, HOW. AND WHAT ROLE FOR SPEED LIMITS AND THEIR ENFORCEMENT?

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1 Why speed management and why this usually means moderating speed

Speed brings great benefits in the form of shorter travel times for people and goods (and sometimes enhancement of the experience of travel) at substantial cost, especially in terms of accidental death, injury and damage.

We all share in the benefits from speed (even those who rarely or never use a private vehicle) and we all bear some share of the costs. The benefits from speed are probably neither more nor less fairly shared across society than many other kinds of welfare - but the sharing of the costs in terms of accidents is unfair in two distinctive ways:

- many of the costs are borne by those who do not benefit most directly from speed, notably those who walk and cycle most; and
- massively disproportionate costs are borne by the minority who are killed or seriously injured in accidents and by their close associates.

Prevailing speeds are determined by the choices made by drivers and riders on each stretch of road as they find it. They get much of the benefit of higher speed immediately for themselves and their associates in terms of earlier arrival, and possibly the pleasure of going faster. They do bear some of the cost themselves (mainly increased running costs and risk to themselves and their associates) but they are known to underperceive these costs. They do not themselves bear any of the human costs of accidents to others, or much of the resulting damage to the environment. For these reasons, there is a tendency inherent in the road traffic system for all of us to go faster than is good for ourselves or society.

All this means that responsible government of any party must seek to influence speed, and in many respects to moderate it, and this means influencing the choices not just of a less responsible minority, but of all of us as users of motor vehicles, even those of us who may be tempted to think of ourselves as the most responsible, even altruistic, of citizens. We are all liable to drive or ride at speeds inappropriate to the circumstances, and the ultimate aim of speed management is to achieve appropriate speeds by all drivers and riders in all circumstances.

2 How speed can be managed

Technology is already beginning to offer the long term prospect of achieving this ultimate aim of speed management, without unnecessary restriction upon the more capable drivers or riders of the best equipped vehicles, by means of an intelligent on-board speed regulator. This would limit the driver's or rider's choice of speed at any instant by imposing an appropriate maximum in accordance with the prevailing local road environment, the capability and condition of the vehicle, and the current level of performance of the driver or rider. But this is looking ahead many years, and even all but the first steps towards it are some years away.

In the meantime, the main ways of managing speed are to influence drivers' and riders' individual choices by:

- *education, training and public information* – education about the factors that determine what speed is appropriate, training in judging appropriate speed while driving or riding and controlling the vehicle to achieve that speed, and public information to inform education and maintain awareness in the educated;
- *adapting the layout and appearance of the roads* – so that on each length of road the speed that looks and feels appropriate to most drivers and riders is indeed appropriate in the circumstances;
- *adapting the capability of vehicles* – so that speeds beyond the range that is acceptable on public roads are no longer available to people driving or riding there; and
- *using traffic law to regulate drivers' and riders' choice of speed* – for the time being mainly by posted speed limits that apply at all times to the relevant stretches of road (though limits that differ according to time of day or traffic conditions are beginning to be used).

Other speakers are likely to cover some or all of the first three of these ways; the rest of this contribution is concerned with the fourth – the role of speed limits and their enforcement in speed management.

3 The role of speed limits and their enforcement

Imposing a speed limit on a stretch of road does not address the aim of achieving appropriate speeds directly. It does so indirectly by setting a maximum permitted speed, in the reasonable expectation that speeds chosen having regard to the imposed limit are more likely to be appropriate than would be the case if the limit were higher (or if there were no limit at all, as was the case on many roads in Britain until 1965). Where there is a speed limit, speed higher than the limit is described as *excess speed*, and it is driving with excess speed that constitutes an offence. Driving with inappropriate speed within the limit constitutes an offence only if the speed is so inappropriate as to amount to careless, inconsiderate or dangerous driving within the meaning of the Road Traffic Act 1991.

The relationship between excess speed, as defined and addressed by imposing a speed limit, and inappropriate speed, which speed management ultimately seeks to address, may be illustrated by the following table, which shows the resulting four possibilities in respect of the speed chosen by a driver or rider in given circumstances.

	Appropriate speed	Inappropriate speed
Speed within the limit	No problem	Not addressed by the limit
Speed above the limit (excess speed)	Law requires speed to be reduced for the common good	Addressed by the limit to the extent that bringing speed below limit makes it less inappropriate

A speed limit could be a completely effective means of speed management without requiring anyone to travel more slowly than is appropriate in the circumstances only if all speeds fell in the upper left or lower right hand cells of the table and all drivers and riders complied with the limit. This will clearly never be the case, but extent of approximation to it may be a useful criterion in judging how reasonable an existing or proposed limit is for a given stretch of road and its traffic. In other words, a reasonable limit is one such that speeds below it are appropriate and speeds much above it are inappropriate for most drivers and riders in most circumstances, so that not too many are denied the right to travel at higher but nevertheless appropriate speeds, and not too many speeds within the limit are nevertheless inappropriate – though there will always be some of these, notably when weather or other conditions call for greater caution than is usual for that stretch of road.

Clearly then, speed limits cannot address all kinds of inappropriate speed, but this fact is no reason for failing to use them to full effect to deal with the kinds of inappropriate speed that they do address – namely speeds that are usually inappropriately high for the stretch of road concerned.

If speed limits are to be effective and respect for them as traffic law is to be maintained (or, where it has been lost, regained), they need either to be largely self-enforcing (like 20 miles/h limits made so by road layout), or perceived to be enforced.

According to the principles set out in the North Report (Department of Transport and The Home Office 1988), enforcement should be proportionate: it should bear hard upon the blatantly irresponsible offender, whilst responding to occasional infringements by basically law-abiding drivers with penalties that they are able to see as sharp but justified reminders keep their driving up to the mark. This makes the use of speed cameras, which were recommended in the same report in line with its conclusion that the objective of reducing death and injury

“amply justifies the police making use of the best available means within the law to deter and detect offenders ... [including] ... using the latest technology ... [targetted] ... as precisely as possible on those most likely to be in breach of the law”,

a matter of degree.

Few people have reservations about the use of cameras to bear hard upon blatant speeders, and indeed under the current road safety strategy a review of road traffic penalties, which included extensive consultation, recommended (Home Office, Department for Transport and Lord Chancellor's Office 2002) that higher penalties than the current 3 points and £60 fine should apply to those found to exceed the speed limit substantially. Regrettably, this still awaits an opportunity for legislation.

But there is concern among basically law-abiding drivers and riders that genuinely unintentional infringements on their part may be detected frequently enough to lead to their being disqualified. Of course, finding oneself with 3 penalty points as a result of such detection is intended to be a sharp reminder to take care to comply with speed limits, and the more conscientious the detected offender is, the more sharply they are likely to feel the reminder. The current 3 penalty points counting for three years towards the 12 that lead to disqualification amounts to being allowed one infringement per year without losing the right to drive. As the number of cameras increases, so does the probability of detection of infringements, including the unintentional ones by basically law-abiding people, so the concern among these people has a genuine basis. Yet reduction of death, injury and disablement clearly argues strongly for increasing the number of cameras at least until all sites meeting the criterion of a record of speed-related fatal or serious accidents are covered. One way of meeting this concern of law-abiding drivers and riders might be to introduce a reduced penalty of 2 points only for exceeding the limit by less than, say, the lower of 25 per cent or 10 miles/h (still leaving it open to the discretion of police forces just how much margin to allow before imposing any penalty at all). This would almost double the rate at which these lesser infringements could be detected without leading to disqualification.

Whether by this or some other means, the concern needs to be addressed, and seen to be addressed, in order to retain (or regain) for camera enforcement, which is clearly preventing many deaths and much injury and disablement, that degree of public acceptance which is so necessary to maintain good relations between the police and road users.

4 References

Department of Transport and The Home Office (1988) *Road Traffic Law Review Report*. London: HMSO

Home Office, Department for Transport and Lord Chancellor's Office (2002) *Report on the Review of Road Traffic Penalties*. London