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Editorial

A new year coming up, and a new campaign. Yes the ABD in London has launched a major new campaign against 20 mph average speed cameras – see the first article in this edition.

Other articles are on the latest way that the Mayor is trying to raise money – lane rental charges for utility companies that dig up our roads – and some more information about the profits that local councils and TfL make from parking charges.

There is a report of what it is like to take an appeal to PATAS on a “decriminalised motoring offence”. I think I would prefer a “criminal” hearing because it might be fairer!

You can see from the heading of this newsletter that we have come up with a slightly revised logo with the aim of modernising our image. I hope you like it, but comments are welcomed. It will be rolled out to other ABD materials and the web site in due course.

Best wishes for Xmas and the New Year.

*Roger Lawson,
Editor*

No 20 Cameras Campaign



What speed limit should apply to the above road? Perhaps 40, maybe 30, but surely not 20? The above road is Fitzjohns Avenue in Hampstead where the local council intends to impose a 20 mph speed limit, enforced by average speed cameras. Several other London boroughs are already testing out such cameras, actively supported by Transport for London (TfL). So the ABD has launched a campaign to halt the installation of such devices. This is what our press release said on this subject:

Press Release

If Transport for London (TfL) pursues its current policies, there may soon be massive numbers of speed cameras enforcing 20 mph zones. Indeed there may well be a speed camera on every street corner in a few years time. TfL are already testing average speed cameras to enforce 20 mph zones in two London boroughs, with more to follow. They may well be rolled out over the whole of London in due course. There could be a spy camera monitoring your every movement in a few years (and they won't be used solely for speed enforcement) which is a massive threat to civil liberty.

Not Opposed to 20 MPH Zones

Note that the ABD does not oppose 20 mph speed limits in residential zones, where the streets are narrow and traffic is likely to adhere to the speed limit. But we do oppose enforcement by speed cameras. There is little evidence that such measures improve road safety on top of the use of simple signage and minor traffic engineering works. Indeed, the use of average speed cameras is likely to be used as a simple revenue raising measure, supported by those who have a fixation on traffic speed rather than a real focus on road safety.

Opposition to the “Surveillance Society”

We are strongly opposed to the spread of surveillance of the public by cameras, and the invasion of privacy that this entails. The UK has more surveillance of the population by cameras than almost any other country, with 4.2m cameras in total (one for every 14 people).

London is an extreme example of this with 780 speed cameras, several hundred that monitor the Congestion Charge zone, and thousands of other cameras used for traffic management, bus lane enforcement, yellow box junction enforcement, parking bay enforcement, and security measures. According to a report published in 2010 by the Surveillance Studies Network, the UK is the most monitored industrial Western country because we have looser privacy and data protection laws. Even the Government’s Information Commissioner has warned that Britain is sleepwalking into a “surveillance society” and people need to be made more aware of the “creeping encroachment” on civil liberties created by CCTV monitoring.

Penalising Motorists by Excessive Fines

London motorists already face large fines from parking offences, bus lane and other moving traffic infringements (many generated by camera systems) to fund other expenditure including concessionary fares such as the “Freedom Pass”. In some London boroughs, they generate millions of pounds of profits from parking and traffic offences and rely on this revenue as a source of general funding, despite this being legally very questionable.

Many of the cameras mentioned above are used to issue fines automatically for minor and often accidental infringements of the regulations. For example, yellow box junction cameras have been shown not to improve the flow of traffic at such junctions but councils and Transport for London (TfL) persist in using them because they generate revenue that far exceeds the cost of operating them. These cameras are not just used for the purpose for which they were originally installed - they are used for other purposes. So for example, the Congestion Charge cameras have been used in general law enforcement - not just to enforce the congestion tax. Average speed cameras will be yet another step in the process of extracting money from motorists for accidental infringements of minor technical offences, and is based on the hatred of car drivers by some sections of the community.

What This Campaign Will Do

The ABD will be stimulating democratic opposition to the introduction of average speed cameras by ensuring that borough residents who live where these systems are planned are properly consulted, and that they are fully informed on the matter. We will also be launching petitions to put to local councilors, GLA members and the Mayor of London calling for a halt to the installation of these systems. Public meetings and demonstrations may be used supported by direct marketing techniques and we will be using the internet and the London media to raise awareness.

More Information

A dedicated web site for this campaign has been set up at www.no20cameras.org and contains a lot more information, the arguments that support our stance. News about our activities will appear on that web site as it arises.

If you wish to support this campaign, please go to that web site and register your interest by “joining” it. Financial donations would also be appreciated – all successful campaigns cost money, and a separate fund for this campaign has been established.

Do Average Speed Cameras Work?



When looking at the impact of average speed cameras, it can be difficult to determine their impact on road accidents because the speed limit is often

changed at the same time as they are introduced, or other road safety measures are undertaken. So it's difficult to separate out the impact of the different changes. However, Transport for London (TfL) recently produced some data for Upper Thames St (the stretch between Tower Bridge and Southwark Bridge). This was the result of FOI requests for information on average speed cameras. This was a road that was originally a 30-mph limit and was reduced to 20-mph with average speed cameras while construction work took place in 2004. After 3 years, when the work was completed, the 30 mph speed limit was restored but the average speed cameras retained. So since 2007, we have the same 30 mph speed limit, no significant changes to the road itself, but average speed cameras present. The impact on accident figures was as follows (36month periods)

Period	Fatal	Serious	Slight
2001-2004	0	2	14
2007-2010	0	3	13

In other words, basically no change (ignoring the likely statistically random extra serious accident with the average speed cameras in place). There were slightly fewer accidents during the period that 20mph was in force, although the narrowing of the road, limitations on pedestrian movements and road work disruptions might have had a major impact on the accident figures.

Lane Rental



Boris Johnson and London Councils have been promoting the merits of "lane rental" to tackle the problem of road works. But the ABD had this to say on the subject

in a recently issued press release:

"The Association of British Drivers (ABD) always welcomes measures to tackle the impact of road works, particularly in London where their impacts are severe. Traffic congestion in the City of London and West End is particularly bad because of the frequency with which roads are dug up, and it's not likely to get any better with new projects such as Crossrail under development.

But we think that Mayor Boris Johnson's call to introduce a lane rental scheme is misconceived and won't have the required influence on those to blame for this problem. Indeed we believe that there is a hidden agenda here in that the Mayor is looking for other sources of income to plug his yawning budget gap.

The utility companies that are the major culprits certainly have little financial incentive to speed up their work at present. But as these are mainly "regulated" businesses, any charges imposed on them are likely to be passed straight on to their own customers (i.e. to all of us), rather than reduce their profits. Indeed they have already said as much. So we will probably end up with no change in the congestion, but be paying twice over for it – firstly in our lost time and secondly through higher utility bills.

The permit scheme that is being tried out in some boroughs is one step forward. But we suggest that more work needs to be done to introduce "best practice" and to research new technology which would more likely solve the problem than charging utility companies for their use of road lanes.

Fortunately Mr Johnson needs the approval of central Government to introduce lane rental because he does not yet have the powers to do so. We urge the Government to reject this idea.

Regrettably London has major budget problems because of the massive subsidies to bus fares and the rest of the public transport system introduced by Mr Livingstone. Mr Johnson clearly finds it politically unpalatable to tackle the root cause of this problem, and hence is searching for other ways to plug his budget gap."

(Editor's Comments: Mr Livingstone introduced the London Congestion Tax because he wanted to raise revenue under the guise of reducing traffic congestion. This is the Boris Johnson equivalent. If he really wants to solve his budget problems he should look at the level of expenditure on subsidies for public transport, and particularly the Freedom Pass – the latter should be gradually phased out for anyone but the very elderly or incapacitated. At present it is a handout to everyone over 60, most of whom do not need it. The Mayor cannot expect to get subsidies from central Government to fund massive deficits like his predecessor when no other parts of the country do. This is not an impossible problem to solve. It just requires some sensible financial decisions. Moving the Freedom Pass entitlement age upwards in steps, as has happened to pension entitlement, so that no existing recipients lose it, but new users are deferred, would be one solution).

You can read what the Mayor had to say on the lane rental issue, put in your own comments, and vote on the idea of lane rental at: www.london.gov.uk/lane-rental . Please do take at least the few moments required to vote. The question posed is of course phrased in the most biased way to get the result that the Mayor and TfL want.

Note: Bromley Council is considering introducing an annual “administration fee” for the Freedom Pass – maybe £10 p.a. – as part of their economy measures. Whether they can do this, is not clear. There seemed to be support for the idea from those present at a public meeting that the council held.

Profiting from Parking



Some London councils have wasted no time in trying to fill their budget deficits from increased parking charges. This is what Croydon Councillor Phil Thomas had to say in the Croydon Advertiser “We can raise the income we need either by cutting back on services or by imposing charges. I have tried to be honest. I am looking for some extra income. Next year there will be above inflation rises”. He was clearly referring to the general financial position of the council, but specifically the intention to raise parking charges to meet any shortfall in budgets apparently.

Mr Thomas may not be aware that it is illegal to use parking charges as a general revenue raising measure. This was clearly confirmed in a legal judgment in the High Court in 1995 in a case involving a permit parking scheme in Primrose Hill involving the London Borough of Camden. That was based on interpretation of the Road Traffic Regulation Act 1984 that established that any surplus that may be generated by parking schemes can be used in a limited number of ways, but as the Act was not a “fiscal measure” it cannot be used to raise revenue for the general funds of local authorities. In other words the intention to create a surplus which is diverted to other purposes than traffic regulation is wrong. No subsequent legislation has changed this position – indeed when this issue arose in the London Borough of Richmond only a couple of years ago when they were introducing an Emission Related Permit Parking scheme, the same principle was upheld.

Kensington Also Ignoring

The London Borough of Kensington & Chelsea has also ignored this principle in a recent decision to increase Pay & Display charges – some by as much as 100%.

They are already making very substantial profits from on-street meters – over £15m from revenues of £18m in the last financial year, so how they can justify further increases is impossible to see.

A Wheeze by Westminster



You probably are aware that revenues from on-street parking should generally be applied to transport related budgets and programmes. Typically surpluses are used for small road safety and traffic engineering schemes, support of public transport schemes and to subsidise concessionary fares such as the Freedom Pass. In 2008/2009, Westminster Council generated a surplus of £34.4m from on-street parking. Some £14.2m of this was applied to various costs related to off-street parking. This resulted in a substantial surplus in the off-street parking account. But “Any surpluses balances for Off Street Parking goes into the general fund” to quote a council spokesperson.

So voila, on-street parking profits are now turned into a general fund surplus that can be applied to anything! Legally this is exceedingly questionable. This practice also seemed to be continued in 2009/2010 although the surplus is somewhat less.

It Pays to Appeal



Your editor recently received a fixed penalty charge notice (PCN) for entering a yellow box junction at Loampit Vale/Thurston Road in Lewisham – see photograph from the video supplied by TfL above. As I am not keen to pay a fine for what I consider a trivial offence, if there was any at all, I appealed to PATAS. I elected to attend the hearing in person. The grounds for appeal were several, including that the box junction was not compliant with the Regulations, it is not possible to see the exit from the T-junction if one is in the right hand side of the two entry lanes (particularly if the vehicle to the left advances), there was no obstruction, the offence involved was minimal in duration, and that the authority should therefore have used its discretion to cancel the PCN.

The Fairness of the Hearing

I expected the Adjudicator to hear all the evidence in an unbiased manner, but this was far from the case, which just demonstrates how this system has become distorted. I commenced by asking for the hearing to be adjourned because the signatory to the evidence statement was not present as I had requested (this was clearly indicated as an option on their documentation). The Adjudicator first attempted to claim that no notice of this had been given and that the letter I had sent was not on file.

However I pointed out that TfL had actually quoted from my letter in their rebuttal of my evidence. He then suggested that I was creating needless difficulty and effectively threatened me with a cost penalty. This was certainly not relevant – to quote from a PATAS leaflet: “An Adjudicator may make an award against a party only if satisfied that it has acted frivolously, vexatiously or wholly unreasonably”. Asking for someone who has given evidence against you to appear is hardly unreasonable, and the ability to question that person was important to me – particularly as there seemed to be multiple potential infringements by other vehicles on the video that was sent me.

In effect the Adjudicator tried to brow beat me to concede that there had been an offence. After considerable argument on the issues raised and whether he could adjudicate on the discretion applied, or otherwise, by TfL, he granted the appeal on the basis that “I had a legitimate expectation that the witness would be produced”, without ruling on the other points raised. It certainly pays to appeal these kinds of offences if you have the slightest grounds for doing so, and do some research on the issues to check that. But the judicial process of a PATAS hearing is not fair in essence, and those with less experience of these matters, or less willingness to challenge the Adjudicators, may find they are at a considerable disadvantage. It’s like attending a court where the judge presumes you are guilty until you prove otherwise, which seemed to be the attitude of the Adjudicator in this case.

It’s worth pointing out incidentally that when TfL studied the impact of yellow box junctions, they found they actually reduced traffic flows. So instead of reducing congestion, they increase it. But that hasn’t stopped them putting more in, and enforcing them via cameras, which generates enormous amounts of revenue in fines. So the motivation behind the use of cameras is clear. PATAS, and hence the Adjudicators, are also financed by the authorities who collect the money from fines, so you can see that they probably also know which side their bread is buttered.

TfL Traffic Offence Profits



On the subject of the profits made from “decriminalised traffic offences” such as box junctions, bus lanes, and other similar offences, we covered those of local

authorities in London in our last edition (see this article on the web for details:

www.freedomfordrivers.org/Profiting_from_Parking.pdf

The offence mentioned in this newsletter (see above) was of course a TfL enforced one. TfL actually managed to make a profit of £9.5 million pounds from enforcement of all traffic offences in 2009/10. Income was £22.1m and costs were £12.6m.

DfT Business Plan



The Department for Transport (DfT) recently issued their “Business Plan” for 2011/2015 (see www.dft.gov.uk/about/publications/business/plan2011-15/ for the full details). It

contains a summary of where they are planning to spend money in that period, what the priorities are, and their “information strategy”. It’s well worth a read as unlike many such documents, it’s quite short and to the point. Here’s a few key points from it:

- There is a strong commitment to spend money on high speed rail (see below for comments on that), and improve capacity on the rail network.
- They wish to “encourage sustainable local travel” by encouraging cycling and walking, and promoting lower carbon transport (electric and other low emission vehicles) and reduce local road congestion.

This includes removing the M4 bus lane, introduce “free flow charging at the Dartford Crossing”, reduce congestion caused by accidents, and introduce a “road user charging scheme” for HGVs by 2014.

- They aim to stop “micromanaging” local authorities and traffic management schemes plus train operating companies.

The latter will be enabled by a “structural reform programme” that “will turn government on its head”, by taking power away from Whitehall and giving it to the people.

High Speed Rail



An interesting letter in the Financial Times from William Grindley of California pointed out that with two exceptions (Paris-Lyon and Tokyo-Osaka), high speed rail systems have always required subsidies. In other words, the users will not pay an economic price for the service, even though the charges are often very high. The US Dept of Transportation has indicated that rail required subsidies of US\$100 per 1,000 passenger miles. The World Bank has cautioned about the debt created by high-speed rail systems, and Mr Grindley noted that at least Americans “understand these systems come with a lifetime mortgage on their fiscal future”.

(Editors Comments: It seems the Department for Transport and the Treasury possibly do not. Rail subsidies have grown by leaps and bounds in the UK since the network was “denationalised”. Politicians and civil servants like trains because they are some of the heaviest users of them. But the return on investment in them versus investing in a decent road system is very poor. Indeed road investment almost always gives a high positive return, however you calculate it, whereas high speed rail and trams almost always give a negative one).

Letters

A letter received recently on the subject of speed humps is as follows (and the writer lives in Bromley which is by no means the worst borough for them):

“How anyone can tell me that these damn humps are a safety item is beyond me. Yesterday one of my tyres went flat so this morning I took the car to PTA tyres to find out why. It turned out the damn speed cushions (those offset ones) have destroyed the inner wall of the tyre and luckily a small hole had appeared in one of them. I say luckily because if not for the hole the tyre could have shredded on a motorway at speed with serious consequences. I asked the people to look at the other tyres and sure enough the other front tyre was on the way out as well.

So 2 new tyres on a car that is 18 months old with 16,000 on the clock. The tread had about 8,000 miles to go. Thank you Bromley and all the NIMBYs that want speed humps. You have cost me £380 and nearly killed me.

To cap it all my wife has serious osteoporosis and is unable to go over these humps even at 10mph without experiencing considerable pain....R.F.”

(Editor: I have experienced tyre damage of this kind as well, and I have communicated with several people in the past who suffer from osteoporosis and hate humps as a result).

News Snapshots

Sundry news in the last few weeks that is worth a mention is as follows:

+ You can now register for the Congestion Charge Autopay system – in advance of when it commences on the 4th January. See www.tfl.gov.uk/roadusers/congestioncharging/17096.aspx. However if you register you waive your normal legal rights to have information you supply only used for the purpose for which it is supplied (read the registration terms carefully).

+ Want to stop paying the Congestion Tax altogether? From Jan 4th all you need is a vehicle that emits less than 100g/km of CO₂ and is compliant with the Euro V Emission Standard. There are quite a number of car models (or variants of them) that meet this requirement such as the Toyota Auris, Volkswagen Golf, For Focus and Fiesta and Audi A3. See www.carpages.co.uk/co2/co2-0-to-100-1.asp for a fairly comprehensive list of them. But you'll still need to pay a £10 registration fee.

+ As forecast in our last edition, the M4 bus lane has been scrapped, although it may return temporarily for the Olympics. Peter Hendy, head of TfL, responded with a letter in Private Eye to the suggestion that TfL scrapped it to avoid a legal confrontation with Addison Lee. He pointed out that the M4 bus lane was the responsibility of the Highways Agency, not TfL. He went on to say that “*Unlike the M4 bus lane, the bus lanes operated and enforced by TfL are here to stay....*”. (Editor: a typical attitude from staff of TfL. No hint that they are under any kind of democratic control or will bow to the wishes of the people. But they do report to Mayor Boris Johnson in essence).

+ Moscow's transport chief has ruled out charging motorists a congestion fee to drive in the city centre, saying other measures should be enough to ease some of the world's worst traffic jams. “No one is proposing to introduce a congestion charge in the city centre,” Vasily Kichedzhi said. Moscow drivers suffer the longest traffic jams of the world's 20 major cities, and the average motorist spent 2 1/2 hours stuck in traffic at least once in the last three years, International Business Machines Corp said in a study in July.

+ This month a photograph of London was issued which holds the record of the largest spherical panoramic photograph. Jeffrey Martin, a panoramic photographer, took more than 10,000 photos over 3 days in Summer 2010 from Centre Point. He stitched 8000 of these photos together into one seamless 360 degree spherical panoramic photo with a total resolution of 80 gigapixels. The photograph can be seen here: www.360cities.net/london-photo-en.html

+ When TfL promoted guided cycle rides to help Hammersmith commuters ride into central London, only one person turned up. Three such events were planned but one was cancelled. The total amount of money wasted on this was £15,663.

+ The Information Commissioner, Christopher Graham, has again warned that surveillance of the population continues to increase. For example the police were now using unmanned drones to monitor some locations. He said that regulators were struggling to keep up with the increase in snooping techniques.

About The Association of British Drivers (ABD)

The ABD is the leading independent organisation which represents the interests of private motorists in the United Kingdom. We campaign to protect the rights of individual road users and believe that road transport is a beneficial and essential element in the UK transport infrastructure. We oppose excessive taxation of motorists and are against tolls and road usage charging. We also campaign for more enlightened road safety policies. The Association is a "not for profit" voluntary organisation which is financially supported primarily by its individual members. More information on the ABD is available from our web site at www.abd.org.uk

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This newsletter is free of charge and is sent approximately bi-monthly to anyone who cares to request a copy. It is sent via email (as a link to a web page from which you can download it). To register for a free copy simply go to this web page www.freedomfordrivers.org/Newsletters.htm and fill out the box to be added to our mailing list.

Note that the ABD maintains a list of members who are familiar with individual London boroughs and may be able to help with information on local issues in those boroughs. The current list is below. If any other members would like to keep an eye on local news and advise on local transport issues then please let me know. Roger Lawson

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This Newsletter is published by the London Region of the Association of British Drivers (A.B.D.), PO Box 62, Chislehurst, Kent, BR7 5YB and is distributed free of charge to ABD Members in the London area and to those Members of BBRAG who formerly received the Bromley Borough Roads Action Group newsletter. All material contained herein is Copyright of the A.B.D. or of the authors and may only be reproduced with permission. Any opinions expressed herein are solely those of the author of the article or that of the Editor which do not necessarily represent the official policies of the A.B.D.

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