



# The Association of British Drivers

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The Company Secretary  
Transport for London  
Windsor House  
42-50 Victoria Street  
London  
SW1H 0TL

5 November 2007

cc. London Councils

## Submission re the London Local Authorities and Transport for London Bill 2007

Dear Sir,

We wish to make representations on the above mentioned Bill, and in particular regarding Clauses 25 to 27 concerning Advanced Stop Areas. If I understand the proposals correctly (and the wording of the Bill is opaque in the extreme), the proposal is to make the infringement of Advanced Stop Areas by motor vehicles, or driving into or obstructing the associated cycle lanes, a decriminalized offence that would be subject to the issue of penalty charges.

Such infringements would include crossing the first Advanced Stop Line, when the lights were at red, or infringing a cycle feeder lane where it is bounded by a solid white line - at least that seems to be the implication of the proposal.

Such infringements are currently an offence, but very few prosecutions take place or fixed penalty notices are issued at present (possibly only one or two a year in London I understand). This is no doubt because the existing law is complex and few people probably understand it and hence this is undoubtedly why the police use their discretion not to prosecute in most cases.

Note that being stationary within an Advanced Stop Area is not currently an offence and therefore I presume there is no intention to change that.

### **The Highway Code**

To clarify the current legal position, the current Highway Code says the following (Clause 178):

*Advanced stop lines. Some signal-controlled junctions have advanced stop lines to allow cycles to be positioned ahead of other traffic. Motorists, including motorcyclists, MUST stop at the first white line reached if the lights are amber or red and should avoid blocking the way or encroaching on the marked area at other times, e.g. if the junction ahead is blocked. If your vehicle has proceeded over the first white line at the time that the signal goes red, you MUST stop at the second white line, even if your vehicle is in the marked area. Allow cyclists time and space to move off when the green signal shows.*

*[Laws RTA 1988 sect 36 & TSRGD regs 10, 36(1) & 43(2)]*

Clearly any motorists who have crossed the first stop line at green, and then face an amber or red traffic light before they have crossed the second stop line are required to stop in the Advanced Stop Area, and therefore they may end up stopped within that area and hence might be seen as "infringing" on the space reserved for cyclists. But that is not illegal.

In summary therefore, there are many circumstances where avoiding infringing the space reserved for cyclists is very difficult which is no doubt one reason why the police usually prefer not to prosecute such offences unless there is very clear evidence that people have driven deliberately over the first Advance Stop Line when the lights were at red – for which evidence would rarely be available. The other reason is that such infringements are often accidental and rarely cause any road safety risks.

### **No Evidence of a Road Safety Issue**

The use of Advanced Stop Lines (ASLs) was studied in a recent report published by TRL. This is report PPR240 commissioned for Transport for London on the behaviour of cyclists and motorists at junctions where there is a reserved space for cyclists.

The report shows that although there appeared to be some encroachment by motorists in 36% of events studied by the authors of the report, there were no obvious safety problems as a result. In fact the report says that most such encroachments were only partial and "*this indicates a degree of restraint in encroaching upon the cyclist's space*".

There is no evidence so far as we know that shows that there is frequent or deliberate infringement of the law in terms of people actually driving past the first Advanced Stop Line when the lights are at red.

### **Decriminalisation will mean Automated Enforcement**

Bearing the above in mind, we are opposed to the proposal to decriminalise these offences. The result potentially will be the introduction of camera based enforcement of ASLs which will result in a massive rise in the issue of penalty notices simply as a result of apparent technical infringements. There will of course no doubt be a failure to use reasonable discretion by local boroughs to ignore minor infringements, as happens with other similar parking offences, and many grounds for appeal if people go to the Parking and Traffic Appeals Service.

In addition, if there is any infringement it is more likely to be accidental, or from a lack of knowledge of the law, than any deliberate or motivated breach of the law.

We also feel that the issue of decriminalised penalty notices to road users who may not be familiar with the law in this area will cause many to pay them, when in reality those notices are not justified by the law as it stands.

We are therefore likely to see an enormous extra cost burden on motorists, for no benefit whatsoever in terms of road safety. What is the motivation for this change? We can only deduce that it is to enable London local authorities to raise more revenue from motorists, not to improve road safety.

We therefore suggest that these clauses be removed from the Bill in their entirety.

Yours sincerely

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### **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](http://www.abd.org.uk)

ASL\_Consultation.doc (Revised 5-Nov-07)