

STATES OF JERSEY



IMPROVEMENTS TO ROAD SAFETY

Lodged au Greffe on 26th January 2021
by the Connétable of St. Martin

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to request the Minister for Infrastructure to bring forward legislation and appropriate changes to the Island's Highway Code to introduce a hierarchy of responsibility for road users, based on the level of risk presented to road users in the event of a collision.
- (b) to establish a body to review legislation, infrastructure and good practice guidance in Jersey in order to identify ways of improving road safety, especially for vulnerable road users, and to report its findings and recommendations to the Minister by the end of 2021.

CONNÉTABLE OF ST. MARTIN

REPORT

The aim of this Proposition is to provide constructive and lasting improvements to road safety in Jersey.

On 26 March 2020, [14-year-old cyclist Freddie Dentskevich](#) was hit by a van whilst cycling in St Martin. He had stopped at the yellow line and was inching out to check for traffic when he was struck. His injuries consisted of two fractures to his arm, stitches around his eye, an operation on his knee, and the loss of two teeth, as well as a wait of almost seven months before he could complete a full day of school due to concussion.

Witnesses reported that, over 20 minutes after the accident had occurred, the driver of the van in question returned to the scene but did not “make themselves known or offer assistance”.

The family have been unable to press charges due to insufficient evidence to secure a conviction. A review was conducted by the Law Officers’ Department, who found insufficient evidence to secure a realistic chance of a successful prosecution.

A petition was subsequently launched by Freddie’s mother, Joanna Dentskevich, calling on “a review of the Laws governing the rights and protections of all vulnerable road users with a view to making it safer to cycle, walk and horse ride on Jersey’s roads”. As of writing, this petition has so far amassed around 3,600 signatures and has attracted prominent coverage from all media outlets in Jersey.

This Proposition attempts to help further the cause taken up by the Dentskevich family, and seeks to improve road safety and efforts to develop a culture of safe and effective road use across the Island.

Part A

Between 28 July to 27 October 2020, the United Kingdom’s Department for Transport undertook a [public consultation](#) that proposed changes to its Highway Code to improve safety for vulnerable road users, with a particular focus on the following groups:

- cyclists;
- pedestrians; and
- horse riders

At the top of the Department’s proposals was to introduce “a hierarchy of road users” that would ensure that “those road users who can do the greatest harm have the greatest responsibility to reduce the danger or threat they may pose to others”. The outcome of the consultation is currently awaiting publication.

This proposed hierarchy would place those road users most at risk in the event of a collision at the very top. The consultation identified children, older adults and disabled people as the most at-risk, followed by cyclists, horse riders and motorcyclists.

Those driving the largest vehicle, which would carry the potential to cause the most harm in a collision, would therefore carry the greatest responsibility to take care and reduce the damage they could inflict on others. A lorry driver would have greater responsibility than someone in a car, as would a cyclist over a pedestrian.

The implementation of such a hierarchy in Jersey would be of considerable benefit to Jersey for a number of reasons:

1. Firstly, it would ensure that the responsibility of those involved in incidents such as the one experienced by Freddie Dentskevich and his family accurately reflect the risks that their chosen forms of transport carry to other road users;
2. Secondly, it would ensure that more Islanders felt safe to use other forms of transportation on the road, due to the need for drivers of heavier vehicles to take greater responsibility; and
3. Thirdly, through the States Assembly's adoption of Deputy Ward's Proposition P.79/2020, we have agreed to give priority in law to pedestrians, cyclists and horse riders in designated Green Lanes and designated 'quiet lanes' in our Parishes. By adopting a hierarchy of road users, we provide further incentive for priority to be given to these listed groups, and for drivers to take particular caution when travelling along these routes.

Finally, the introduction of a hierarchy of road users would not remove the need for everyone to behave responsibly. On the contrary, it would require all road users to possess a clear understanding of the vulnerability of those around them, and what risks they pose to them. Poor behaviour by more vulnerable road users would by no means be forgiven within this hierarchy. Instead, it would guarantee a more mutually respectful culture of safe and effective road use for all.

Part B

The second half of this Proposition seeks to establish a body to review how our current road safety arrangements in Jersey can be further improved, particularly for vulnerable road users, and propose solutions.

I have left the exact nature of this body to the digression of the Minister for Infrastructure, so that he may form it in the way he deems to be most appropriate for the task I have proposed. It could take the form of a Policy Development Board, a Citizen's Panel, or a working group. Regardless, by presenting its findings and recommendations to the Minister by the end of 2021, it would mean that we as an Assembly can begin implementing any suggested legislative changes before the 2022 General Election.

A public review of these arrangements would also guarantee that Islanders can actively engage with reviewing and suggesting proposed improvements to road safety, and be kept at the heart of the work to make road use in Jersey safe and sustainable.

Conclusion

It is clear that there are gaps in our current legislation that prevents some vulnerable road users from being adequately protected. By adopting a hierarchy of responsibility and launching a review into road safety arrangements, we can make progress on this issue and guarantee that all road users are made aware of what risks they carry when using our roads, and further promote a sustainable culture of safety.

With a continuing need to encourage Islanders to adopt more sustainable forms of transport, it is vital that Jersey is able to provide the necessary protections to keep them safe, and a thorough, open review with active public engagement and well-researched findings and recommendations will make significant strides in helping us become a safer, greener and healthier society.

Financial and manpower implications

The direct financial and manpower implications of adopting Part A relates to the establishment of a hierarchy of responsibility for road users within legislation and the Jersey Highway Code, which can be absorbed from departmental budgets. However, the creation of affiliated initiatives such as a public awareness campaign would require resources implications that cannot be predicted. Law drafting time would also be required as a result of this Proposition.

Adopting Part B would require the establishment of a body to conduct the proposed review, whose funding can likely be absorbed from departmental budgets. Modest Officer time would be required to facilitate this review.