

Submission

No 9

INQUIRY INTO SCHOOL ZONE SAFETY

Organisation: Pedestrian Council of Australia Limited
Name: Mr Harold Scruby
Position: Chairman/CEO
Date Received: 29/09/2011

Dear Sir

Inquiry into School Zone Safety

Thank you for inviting us to comment

Terms of Reference

That the Committee inquire into NSW school zones to determine whether current measures are effective and/or what else can be done to optimise safety for students and simplify school zones for motorists, with particular reference to:

- a) The effectiveness of school zones in reducing pedestrian casualties during school zone times;
- b) The major contributing factors to pedestrian casualties in school zones;
- c) Age as a factor in pedestrian crash risk and the major contributing factors for casualties by age cohort around school zones;
- d) The deployment of alternative facilities to reduce reliance on school zones, such as grade separation, traffic lights and fencing;
- e) The appropriateness of a single approach school zone regime as opposed to modifying zones based on existing infrastructure and other current safety measures employed around schools;
- f) The availability and effectiveness of current road safety education programs in NSW schools; and
- g) Any other related matters.

First, we wish to formally note that the word "enforcement" does not appear anywhere in your Terms of Reference.

It would therefore appear that the 2010 extensive report into Schoolzones by the NSW Auditor-General has been ignored.

As you would know, some politicians tend to love the word "education". However there are 3E's in road safety: Education, Engineering and Enforcement.

Unfortunately, in some cases, the word "enforcement" rarely passes their lips.

But with a new Coalition Government, we are hopeful that finally, Enforcement will take its equal place within the 3Es.

So our submission will be based upon the A-G's findings, especially regarding Enforcement, or more correctly, the lack of enforcement.

And our own experiences following our FoI requests.

SPEEDING IN SCHOOLZONES

(QUOTE): NSW A-G, Mr Achterstraat summarised the report by stating:

"The future of our country and our society lies with our children. NSW motorists must understand the risk they pose to our children if they speed around schools. We need to ensure that motorists know when and where they should slow for school zones, but if that doesn't work there is no alternative but to get tougher. Ninety-nine per cent of school zones don't have speed cameras, and that's why I have asked the RTA to tell the public what has happened to the mobile speed cameras that the Minister promised in 2006 would be rotated between school zones."

The Auditor-General, Mr Peter Achterstraat, today revealed that NSW motorists were still ignoring speed limits in school zones.

“Only two out of 12 school zones surveyed saw motorists slow down to the speed limit,” Mr Achterstraat explained.

“There has been a marked reduction in casualties around schools over the past ten years for school aged pedestrians. It is estimated that there are only 60 school age casualties each year in school zones. But while this represents a reduction, it is still 60 casualties too many. When it comes to children, safety has to be put first,” Mr Achterstraat stated.

“Motorists either don’t know that they are in a school zone or worse still they don’t care and they think it is okay to speed. Less than one per cent of school zones have speed cameras, so some motorists think they can thumb their noses at the speed limits.”

(QUOTE) Adequacy of enforcement

It is clear that enforcement of the 40 km/h school zone speed limit in school zone times is almost entirely dependent on fixed speed cameras. The 44 school zones fitted with speed cameras represent one per cent of school zones, yet account for 93 per cent of school zone speeding infringements.

Only seven per cent of speeding infringements in school zones are recorded in the remaining school zones without speed cameras.

Our Fol in 2007 revealed similar results:

<http://www.walk.com.au/pedestriancouncil/page.asp?PageID=2284&SiteID=1>

Conclusion: The vast majority of schoolzones are unenforced and unenforceable, because the previous government dictated that Mobile Speed Cameras could not be used in schoolzones.

Questions for STAYSAFE:

1 What data has been collected by the Government since the A-G’s report regarding speeding in schoolzones and why has the Government not commissioned the remaining 18 Mobile Speed Cameras so that some at least can be deployed in schoolzones.

2 When will the remaining 18 MSCs be commissioned and will they now be permitted to be used in Schoolzones as per the A-G’s recommendations?

3 Why is the Committee which decides upon the location of the Mobile Speed Cameras (especially in Schoolzones) only comprised of the RTA, Police and NRMA. If a private organisation is permitted to be on this so called Steering Committee, then all key stakeholders should be on this committee. Speeding affects all road users, not just motorists, especially children in schoolzones on their way to school (particularly if they are walking or riding a bicycle). It is utterly unacceptable that an organisation which has so strongly campaigned against speed cameras, claiming ad nauseam that they were revenue-raising, has an influencing position on this or any other committee reviewing speed and speed cameras. It must be noted, that in spite of their campaign about revenue-raising, the NSW Auditor-General (and Victorian Auditor-General) found NO EVIDENCE that speed cameras were used for revenue raising. In fact both A-Gs found that speed cameras were Life Saving NOT revenue raising. To date, the NRMA has not explained its contrary position. (see Media Watch report)

<http://www.abc.net.au/mediawatch/transcripts/s3326211.htm>

PARKING IN SCHOOLZONES

Anomalies.

There are 3 parking anomalies in schoolzones. While we have asked 4 Roads Ministers to correct these anomalies, nothing has been done.

While all other parking offences in schoolzones have their own special category, higher penalties and attract 2 Demerit Points, there are 3 dangerous offences which were inadvertently omitted.

- 1 Stop/Park facing the wrong direction
- 2 Stop/Park within 3 metres of double lines
- 3 Stop/park within 10 metres of un-signposted intersection

We ask that these anomalies be fixed without any further delay.

Additionally, in his 1999 Street Parking Enforcement Review, the Auditor-General also found that double jeopardy provisions apply to many parking offences. In simple terms, if a motorist is booked for an offence and does not move the vehicle, the vehicle cannot be booked again. He recommended that multiple infringements be able to be applied (excerpt attached)

Executive Summary

The Law

In order to improve the deterrent factor it is recommended that consideration be given to:

- the issue of multiple infringements for the same offence on the same day
- differentiation in penalties for potentially dangerous parking offences (that may include financial and non-financial penalties)

For example a higher penalty for the offence "not park close and parallel" (that is parking on the footpath which has the potential to affect the safety of pedestrians) in comparison to offences of exceeding the permissible parking time.

In his letter to the CE of the RTA in 2008, Assistant Commissioner (Traffic) John Hartley backed this view and called for tougher penalties for illegal footpath on footpaths, nature strips and driveways (copy attached)

(QUOTE): ***The Commissioner and I are of the view that these lower penalties provide encouragement rather than deterrent for drivers to park in these areas where the penalty is greatly reduced.***

Could I ask that the penalties in these circumstances be reviewed to better reflect the danger this type of offence creates for the most vulnerable in our community.

Transport Minister Gladys Berejiklian recently launched a campaign to make motorists aware of the dangers of parking in driveways and across footpaths. In this case it was for the Guide Dogs, but the same problems face children who are walking to and from school (see attached Parking on Footpaths for photos and examples of dangerous parking)

ENFORCEMENT

In his 2010 Schoolzone report, the A-G found (QUOTE):

Unsafe Parking

Unsafe parking may also contribute to the hazards around schools, and illegal and unsafe parking can be routinely observed in many school zones. Most councils do little or no enforcement of parking restrictions in NSW school zones.

To our knowledge, the Government has done nothing to follow up on this finding or to ensure that Councils do enforce parking in schoolzones.

Our article in the Sunday Telegraph of 20 March 2011 entitled "A Meter-Maid Mentality" explains the issues problems:

<http://www.walk.com.au/pedestriancouncil/page.asp?PageID=4979&SiteID=1>

On the same day, in the same publication, the former Shadow Minister for Roads, the Hon Andrew Stoner threw his support behind an inquiry into Parking Enforcement

<http://www.walk.com.au/pedestriancouncil/page.asp?PageID=4968&SiteID=1>

Mr Stoner said (Quote): If roads minister in a future Government, I will look into ways to fix anomalies in the current parking system”

In 2007, the PCA conducted an FoI into parking enforcement in schoolzones:

<http://www.walk.com.au/pedestriancouncil/page.asp?PageID=3240&SiteID=1>

It found:

Out of over 180 Councils in NSW, in the year ended 30 June 2008, the Fols revealed:

- 1 There are over 10,000 schoolzones
- 2 90 Councils did not issue one ticket for illegal parking in schoolzones
- 3 An average of 1.84 tickets were issued per schoolzone for illegal parking
- 4 The number of [P] Public Safety infringements issued was 27% while the number of [T] Traffic Flow (parking meters and time zones) was 83% of total infringements issued

5 Councils like Maitland with 106 schoolzones issued 9 tickets and Cessnock with 111 schoolzones issued 1 ticket

In 2010, the NSW A-G found that nothing had changed except the date.

Parking enforcement in schoolzones is far too important to be left to Local Councils. STAYSAFE and the Government must find ways to make Councils effectively and efficiently enforce all schoolzones.

In 1999, the A-G issued a series of findings and recommendations (see attached included in Parking on Footpaths document).

(QUOTE): **Recommendations**

The following recommendations are designed to improve the efficiency and effectiveness of enforcement, fine collection and the public understanding of the law applicable to parking.

It is recommended that:

The Government

The Government initiate a review of the current enforcement arrangements with a view to:

- ***clarifying the objectives (and their relative priority) to be achieved from enforcement***
- ***the allocation of responsibilities for the enforcement of street parking between the Police Service, councils and/or other organisations***

The Police Service

The Police Service (and the councils to the extent applicable) undertake a review of the enforcement arrangements to improve the economy, efficiency and effectiveness of operations. The review to address issues such as:

- ***establishing effective accountability arrangements for enforcement services and the outcomes to be achieved***
- ***the introduction of technology and other aids to assist the enforcement role including the retrieval of relevant information for management/strategic purposes***
- ***compiling an appropriate set of indicators to measure performance***
- ***providing clear and comprehensive guidance to staff on the law and the exercise of discretion to ensure consistency in the application of the law***
- ***the optimum level of human resources required to provide an efficient and effective service (END QUOTE)***

No review was ever conducted. Few of the recommendations have been effected.

We call upon the new Coalition Government to address all the issues and recommendations in the A-G's 1999

Street Parking Enforcement Review.

Other Anomalies and Potential for Harm Within Schoolzones.

Many Councils have signposted parking times and conditions within schoolzones utterly contradictory and confusing to the standard schoolzone times.

Schoolzones work best when they are consistent throughout the state and nation.

Here a classic example at Balmain Public School:

Note that the standard state-wide (almost nationwide) schoolzone 40 kmh speed limit times of 8AM to 9:30 AM and 2:30PM to 4:00PM prevail for the schoolzone,

The parking times are completely contrary: 8AM to 9AM and 2:45PM to 3:30PM

This means that motorists can then park across the pelican crossing during standard schoolzone times.

Children are used to crossing at these locations, yet if they are walking outside these times or going to sport, to a library or home sick, they will be walking between parked cars.

The NSW Court of Appeal (Campbelltown Council vs. Bussell 2002) found unanimously:

46 It is increasingly common to find pedestrian facilities similar to those constructed in this case. It is obviously intended that pedestrians use them in the expectation that a safe road crossing will be available. However, adequate safety levels can only exist if acceptable sight distance is provided - a matter over which the relevant constructing body has control. In most cases, this must mean excluding all vehicles from parking for a minimum distance adjoining the facility. Although not everyone will obey a parking sign it can be expected that most will. Others, who might otherwise breach the regulation, would be unlikely to disregard it when the obvious purpose is to provide for pedestrian safety.





It should be noted that outside this school, Leichhardt Council has also allowed residents with Parking Permits to park in the 5 minute Kiss and Drop zone. This means that these spaces are usually occupied during schoolzone times, resulting in many parents and carers double and triple parking to allow their children to alight from their vehicles. Even though this was the subject of a national TV piece on Channel 9's A Current Affair about 5 years ago depicting this behaviour, the Council has done nothing to address the problem or their Duty of Care or recue the Potential for Harm.

Flashing Orange Lights Around All Schoolzones

In 1995, following a long campaign, we were responsible for the first 40 kmh schoolzone on a multi-lane arterial road in Australia. It set the standard for all other schools situated on main roads throughout NSW. All schools in NSW are now surrounded by 40 kmh schoolzones. Most states and territories have followed suit. See history here:

We implore ALL members of STAYSAFE to view this A Current Affair video featuring Tara Brown (at the bottom of this page)

<http://www.walk.com.au/pedestriancouncil/page.asp?PageID=189&SiteID=1>

For the record, it was the Hon Peter Collins and the Hon Bruce Baird, who actively assisted over-ride the bureaucratic intransigence of the RTA at the time.

We implore the STAYSAFE Committee to not tamper with what is now a great system and one which saves the lives and limbs of our greatest asset: Our children.

What we would like to see and what we have been campaigning for, for over a decade is Flashing Orange Strobing Lights around ALL schoolzones situated on Main and Arterial Roads.

We would also like to embrace technology as recommended by the A-G with the use of GPS navigators and also explore the possible use of the RTA e-tags which could be programmed to emit a special beep when drivers were entering schoolzones.

We look forward to an opportunity to present these issues, ideas and serious concerns to the STAYSAFE Committee.

Regards

Harold

Harold Scruby
Chairman/CEO