

STRENGTHENING ROAD SAFETY LEGISLATION:

A summary for government decision-makers



World Health
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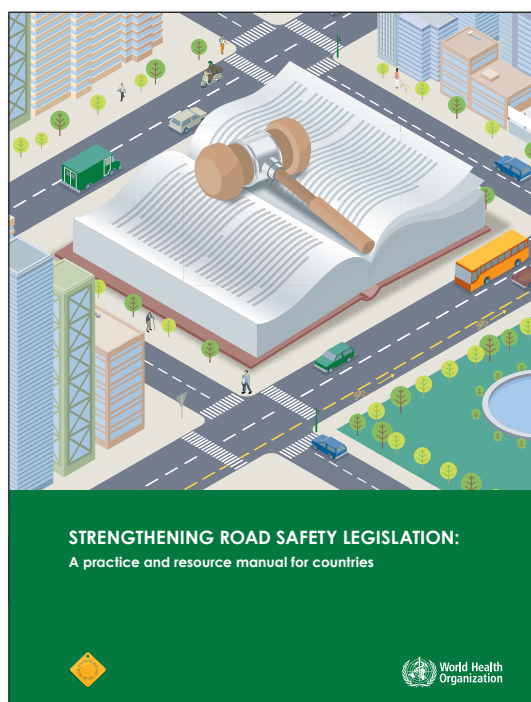
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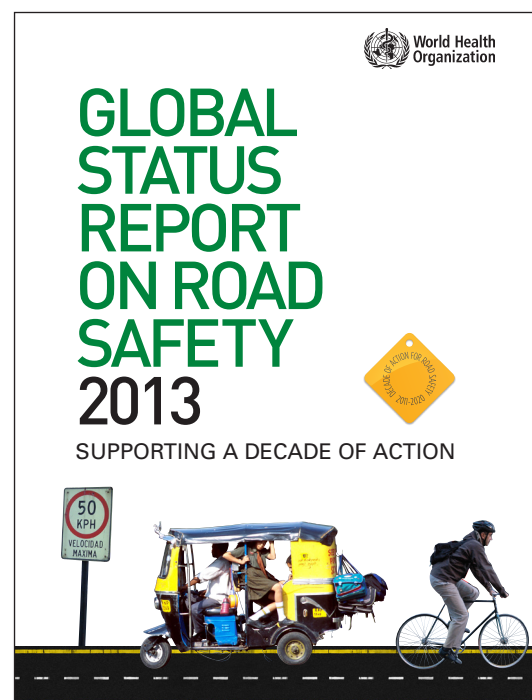
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On World Health Day 2004, which was dedicated to road traffic safety, WHO and the World Bank launched the *World report on road traffic injury prevention* (1). The aim of the report was to encourage governments and partners to address the issue of road traffic crashes and their consequences using a comprehensive approach to reducing injury and death resulting from crashes. Governments were urged to take action to prevent traffic crashes, minimize injuries and their consequences, including setting and enforcing:

- speed limits appropriate to the function of the road;
- laws requiring seat-belts or child restraints for all motor vehicle occupants;
- laws requiring riders of bicycles and motorized two-wheelers to wear helmets; and
- blood alcohol limits for drivers, with random breath-testing at check-points (1).



To download the report, visit http://www.who.int/violence_injury_prevention/road_traffic/countrywork/legislation_manual/en/



To download the report, visit http://www.who.int/violence_injury_prevention/road_safety_status/2013/en/

The first WHO *Global status report on road safety* (2), published in 2009, consisted of a summary of data from 178 countries on efforts to improve road safety, a set of benchmarks against which countries could compare their road safety measures, and recommended regulatory and other activities. Comprehensive legislation is a strong catalyst for changing behaviour, norms and public perceptions about road safety if it incorporates strict, appropriate penalties, backed by consistent, sustained enforcement and public education (2,3). The report showed, however, that legislation on the known risk factors for road traffic injuries was incomplete in 85% of the countries and that existing laws were often inadequately enforced, particularly in low- and middle-income countries. The second *Global status report on road safety* (4), published in March 2013, showed little progress.

In May 2010, the United Nations General Assembly approved resolution 64/255 (5), proclaiming a 'Decade of Action for Road Safety 2010–2020', which calls for multisectoral action to increase the proportion of countries with comprehensive legislation on risk factors for road traffic injuries to 50% by the end of the

decade. In April 2012, the General Assembly approved resolution 66/260 (6), which encourages Member States to adopt and implement national road safety legislation and regulations on the major risk factors and improve implementation through social marketing campaigns and consistent and sustained enforcement activities.

The manual *Strengthening road safety legislation* describes methods and resources for enacting new laws or regulations or amending existing ones as part of a comprehensive road safety strategy. It recommends a stepwise approach to assessing and improving legislation on risk factors for road traffic injuries and on post-crash care. It could be used by countries to:

- improve understanding of applicable frameworks of legislation;
- review current national legislation and regulations and identify barriers to their implementation and enforcement;
- identify resources, such as international agreements, evidence-based guidance and recommendations on effective measures, to improve legislation; and
- prepare action plans to strengthen national legislation and regulations for the main risk factors and for post-crash care, including advocacy.

A legal framework for road safety laws and regulations

Comprehensive national road safety laws and regulations are effective in reducing injuries and fatalities (2). The enacting of such laws is influenced by various factors, not least of which are political will and resources. The manual outlines the forms of road safety laws and regulations and the context in which legislative changes can be made.

Laws and regulations relevant to road safety

The terminology used in the manual to distinguish among the various regulatory

instruments is clearly defined. The type of road safety law depends on whether a country has a federal or a national system; states may have different degrees of flexibility to enact laws that are different from federal or national laws, which can give rise to different road safety standards in the same country. In some countries, local governments and municipalities can also enact their own laws. The laws relevant to road safety vary from country to country, sometimes depending on the type of behaviour or action they are intended to address:

- Transport or motor vehicle laws address topics such as driving privileges, licensing and vehicle registration, road signs and signalling, driving conduct, motor vehicle manufacturing standards and commercial driver working hours. Such laws can include transport infrastructure.
- Criminal laws criminalize certain behaviour, such as careless or reckless driving and driving under the influence of alcohol or drugs.
- Insurance laws address drivers' liability and the compensation of road crash victims.
- Constitutional laws in some jurisdictions address the rights of people to health care, including emergency treatment.
- Public health laws can include issues such as post-crash interventions, ranging from access to and provision of care in hospitals to protection of first responders.
- Tort laws, within civil law, determine liability by assigning fault based on driving behaviour. Tort laws and litigation history can define or guide how fault is assigned and who is responsible for compensating victims (7).

Factors that influence legislative action on road safety

Traffic statistics often spur legislation; other factors include political will and high-level commitment, public pressure and changes in social norms and values. Global commitment



and recommendations on best practice from international policy-making and technical institutions such as the United Nations can also prompt the reform.

International regulations serve as benchmarks and can provide a legal framework on which regions and countries can base their own laws. For example, the United Nations conventions on road traffic of 1949 and 1968 (8) and the Convention on Road Signs and Signals of 1968 (9) recommend best practices; the Consolidated Resolution on Road Traffic (10), which supplements the Convention on Road Traffic 1968, and the European Agreement of 1971 (11) provide guidance on improving road safety and a framework for voluntary harmonization of regulations at international level.

A heavy toll on human lives, such as increasing trends in fatalities and injuries tends to draw attention to road safety. Global attention has been drawn to the need to reduce injuries and fatalities by publications on the annual numbers of road injuries and deaths and in particular by WHO's forecasted increase in the ranking of road injuries as a leading cause of death, if no action is taken (2). Countries must therefore maintain an efficient, comprehensive

system for managing information on road traffic injuries and fatalities. Policy-makers require data disaggregated by, for example, type of road user, risk behaviour and geographical region, so that they are relevant to the locale and to the legislative issues being considered.

Laws and regulations can change the social meaning attributed to certain behaviour and can change individual behaviour (12). Social meaning can be changed by categorizing and regulating behaviour by what is and is not acceptable. Behaviour can be changed by requiring e.g. wearing a seat-belt or refraining from activities such as drink-driving. For such laws or regulations to be passed, law-makers and regulatory bodies must be motivated and there must be public support, especially when the legislation impinges on personal liberty, beliefs and social norms. Thus, the extent to which law-makers in a country are willing and able to regulate personal activities such as driving may depend on personal values and how citizens, the law-makers themselves and the government balance personal liberties against public good (13–15).

Both financial and human resources play significant roles in legislation. Although legislation is often the basis for budget

Road traffic injuries projected to rise in rank

Leading causes of death, 2012 and 2030 compared

Total 2012	Total 2030
1 Ischaemic heart disease	1 Ischaemic heart disease
2 Stroke	2 Stroke
3 Chronic obstructive pulmonary disease	3 Chronic obstructive pulmonary disease
4 Lower respiratory infections	4 Lower respiratory infections
5 Trachea, bronchus, lung cancers	5 Diabetes mellitus
6 HIV/AIDS	6 Trachea, bronchus, lung cancer
7 Diarrhoeal diseases	7 Road traffic injuries
8 Diabetes mellitus	8 HIV/AIDS
9 Road traffic injuries	9 Diarrhoeal diseases
10 Hypertensive heart disease	10 Hypertensive heart disease

Source: WHO Global Health Estimates, 2014. http://www.who.int/healthinfo/global_burden_disease/projections/en/.

allocations, the allocations may not match the mandates, making implementation virtually impossible. In some countries, an economic impact assessment is required before new legislation is enacted (16). With respect to motorcycle helmets, for example, a new law or regulation should take into account the cost of designing and testing helmets and the consequent price range, which will affect compliance and ultimately the effectiveness of this intervention (17). Other interventions require government investment, such as police training, enforcement activities and improving infrastructure. A government must weigh the cost of not implementing an intervention, including medical costs related to injuries and lost productivity, against the costs of implementation, such as increasing police capacity to enforce the law or the purchase and installation of instruments like speed cameras.

Whatever the rationale for initiating legislation, multiple sectors should be involved. Legislation is not just the work of parliamentarians or

lawmakers: getting laws passed requires collaboration among government agencies, nongovernmental organizations, civil society, the media, advocacy groups and private organizations.

Despite the evidence of research and forecasted increases in road traffic injuries and fatalities, appropriate legal measures are not always adopted immediately, partly because other factors influence national road safety legislation. The road safety community must therefore be ready to push for change at national level when the opportunity presents itself. In the 'multiple streams' framework, a scenario is created in which action is taken when three streams converge:

- the problem stream: the extent to which an issue is viewed as a problem;
- the policy stream: the effectiveness of countermeasures; and
- the politics stream: community



2013 Road safety legislation workshop, Geneva Switzerland © WHO

demand for action and acceptance of countermeasures (18).

Understanding these streams might lead to a strategy for bringing about change when the time is ripe.

Resources for bringing about change

Many guidelines and recommendations provide information for designing national road safety laws and regulations. A number of international legal instruments, agreements and normative guides give models of comprehensive legislation and regulation to improve road safety and to promote action. Regional and global reports also reflect evolving practices and evidence on the most effective ways of reducing injuries and fatalities. Countries can use such information to assess their road safety legislation and to determine how it can be strengthened, by comparing their own laws with others. The documents can also provide the political and societal impetus for action on road safety legislation.

The United Nations Economic Commission

for Europe (UNECE) Working Party on Road Traffic published a Consolidated Resolution on Road Traffic in 2010 (10), with measures and practices that states can implement voluntarily as well as specific recommendations on safe speed thresholds by road type, drink-driving (including for novice drivers), driving under the influence of other (non-alcoholic) substances that affect driving capacity, use of seat-belts and child restraint systems, use of mobile phones and other risk factors.

WHO's *World report on road traffic injury prevention* (1) recommends that governments enact and enforce legislation to require the use of seat-belts and child restraints and the wearing of motorcycle and bicycle helmets, and to prevent alcohol-impaired driving. Another WHO publication, *Youth and road safety* (19), includes evidence-based strategies to reduce some of the risk factors for road traffic-related injuries and fatalities among young people, such as lowering the blood alcohol limit for novice drivers and the use of child restraints.

The 2013 *Global status report on road safety*



(20) recommends that governments pass comprehensive laws to protect all road users, by setting speed limits appropriate to the type and function of each road, stipulating blood alcohol limits that help reduce drink-driving, and requiring the use of appropriate protective measures. It further recommends that existing legislation be reviewed and amended to conform to good practice based on sound evidence of effectiveness. It provides evidence for the effectiveness of speed thresholds, blood alcohol limits, wearing of seat-belts and use of appropriate child restraints and helmets.

WHO and some members of the United Nations Road Safety Collaboration, an informal consultative mechanism whose members are committed to road safety and in particular to implementation of the recommendations of the *World report on road traffic injury prevention* (1), have published a series of manuals for decision-makers and practitioners that provide practical advice for reducing the incidence of road traffic crashes:

- *Helmets: a road safety manual for decision-makers and practitioners* (21);
- *Drinking and driving: a road safety manual for decision-makers and practitioners* (22);
- *Speed management: a road safety manual*

for decision-makers and practitioners (23); and

- *Seat-belts and child restraints: a road safety manual for decision-makers and practitioners* (24).

These manuals describe the steps relevant to each country to bring about policy change and include technical measures and the institutional structures required for interventions against risks associated with speeding, drinking and driving, not wearing seat-belts or helmets, and not transporting children in child restraints. Resources and guidance have also been published on other areas of road safety policy and legislation, including distractions while driving, such as mobile phone use (25), and driving under the influence of drugs. While it is known that substances other than alcohol reduce driving capacity, there is no authoritative, complete list of such substances and no evidence-based recommendation. The International Council on Alcohol, Drugs and Traffic Safety lists psychoactive drugs according to whether their use can safely be combined with driving a car (26). The recommendation of the UNECE Working Party on Road Safety (10) is that governments should encourage research and exchange of best practices to arrive at a common classification of substances that affect driving capacity and enact legislation to prevent driving under the influence of such substances.

Large reductions in the number of deaths and cases of serious injury can be achieved by adopting a holistic 'Safe system' approach to road traffic safety (4) based on evidence and supported by appropriate organizational management. Also, 'Towards Zero' is an aspirational model, with the long-term objective of eliminating deaths and serious injuries due to traffic crashes. Areas of legislation that must be addressed to move 'towards zero' include: regulation of road-user behaviour, with clear, mandatory rules and sanctions for noncompliance; regulation of infrastructure, covering road systems design and construction that conform to best safety practice; and vehicle standards (27).

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