

Perspective on Road Safety

Blaming the Driver is Still a Favourite

Rob Morgan¹

¹*Robert Morgan Traffic Engineering and Road Safety, Melbourne, Australia*

Corresponding Author: Rob Morgan, 4 Kent Court, Bulleen, Vic., 3105, Australia, rob@robmorgan.com.au, +61 3 9850 3439.

Key Findings

- There is still a strong prevalence of blaming the driver in serious crashes
- This lets road authorities evade responsibility for their contribution
- Signing errors, though typically seen as unimportant, can have fatal consequences

Abstract

Blaming drivers for crashes remains popular. However it can let road authorities evade responsibility for their contribution. A recent fatal crash is reviewed. While media reports focused on the supposed failures of one of the drivers, an assessment of the on-site conditions points to the contribution of erroneous signing and a misleading road layout. These are matters wholly within the road authority's responsibility and could easily have been rectified years before the fatal crash. Yet they are aspects that receive little public scrutiny. Examination of the principles behind the Safe System shows that one principle – that road safety is 'a shared responsibility' – contributes to the problem. The final act before a crash may well be road user error, but the critical causal factor is often associated with physical features of the road that led to the error.

Keywords

traffic sign, driver error, shared responsibility

Introduction

Howard & Sweatman (2007, p. 314) reflect that "So often the public response to crashes . . . is to blame the victim." In a similar vein, Williams & Haworth (2007, p. 79) comment that "We are quick to put the blame on other drivers, who make the highways more dangerous for drivers like us" and "We blame people for driving poorly and getting into crashes". The media are well attuned to this. A two-year study of newspaper coverage of fatal crashes in four Midwestern US cities (Connor & Wesolowski, 2004) found that papers assigned blame in 90% of the crashes covered.

This bias was again evident with a recent courtroom finale to a tragic 2019 fatal truck and car crash in rural Victoria. Media headlines included "Truckie's driving killed Vic mum, son" and "Truck driver who killed two will likely walk in just three months" – inferring his sentence was far too light.

This community eagerness to blame the driver actually increases the likelihood these severe crashes will continue. Firstly, it allows public funds to be squandered on "ineffective 'feel-good' programs" (Williams & Haworth, 2007, p. 80), aimed at changing 'bad behaviour'. More critically, it lets those with the power to fix the problem evade responsibility for their contribution. There is no single cause of any crash, but it is not uncommon to see across the road network deceptive, misleading or complex road layouts that are effectively traps, lying in wait to catch an unfamiliar driver. Road authorities (both local and state) are the only ones in a position to identify and remove these traps. Yet strangely, the vast majority of road authorities have no effective action plan to remove deadly traps and are rarely held accountable for their contribution to crashes.

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(a) Warning sign seen by the truck driver



(b) Warning sign on the opposite leg (approaching Give Way)



(c) Warning sign at the previous intersection

Figure 1. Intersection warning signs in the area

Case study of a 2019 fatal crash

The 2019 fatal crash illustrates the problem. It was a tragedy for all concerned; primarily for the family of the deceased, but also for the truck driver who, until then, had an unblemished driving record for 40 years. The truck driver passed a warning sign advising there was an intersection. Unfamiliar with the area, he looked down at the GPS on his phone – which was sitting on a ledge on his dashboard – to see which way to go, and by the time he looked up and saw the Give Way sign it was too late. Two people in an SUV on the crossroad died. The judge stated to the truck driver “The fact remains that you were aware there was an intersection ahead”.

The tone of all the reviewed media reports was that this was an obvious case of dangerous driving causing death. But was it? The truck driver had no alcohol or drugs in him; his approach speed was less than 70 km/h in an 80 km/h zone. He admitted seeing an intersection warning sign, but here is the crucial point that evidently evaded the police, the prosecution and the judge: there is nothing about that sign that implies a driver will need to give way. The actual sign is in Figure 1(a). It looks very similar to an old-style crossroad warning sign, an example of which can be seen on the opposite Give Way approach to the same intersection (see Figure 1(b)). Driving along any rural highway a motorist may see scores of this sign, but will never need to give way. In fact, had the unfortunate SUV driver reached the next intersection 1.2 km further on, he would have seen a sign identical to Figure 1(b) and had priority.

Twenty-five years before this crash, the national traffic signing standard (Standards Australia, 1994) banned the

use of the sign in Figure 1(b) on any minor (Give Way or Stop) approach to an intersection (at Clause 2.9.2.2(a)) because it suggests the driver has priority. In 1993 the present author proposed this ban be included in the standard and all state road authorities agreed with it. Quotes in the judge’s Reasons for Sentence suggest to this author that the truck driver interpreted the warning sign in Figure 1(a) exactly as the standard’s writers would have expected him to: that he would not need to give way. Misled in this way, the truck driver’s decision to look down at his GPS hardly fits the judge’s view that it was “the single most important factor” in the fatal collision.

A check of the manufacture date of the sign in Figure 1(a) shows that some 15 years after the ban, the council installed it as the only warning sign on the approach the truck driver would take. The council also received Commonwealth ‘Roads to Recovery’ funding to upgrade the road a decade before the crash, but did not include even a minimal realignment at the intersection. Thus, the truck driver was able to ‘see straight through’ the intersection and drive straight through. It has taken this double fatality for the council to seek and obtain blackspot funding to realign the minor approaches. In addition, the single Give Way sign was (and still is) the minimum size, although since 2001 VicRoads has not permitted this size of sign to be used where expected approach speeds are more than 70 km/h (VicRoads, 2001, Table 8.1; VicRoads 2021, Table 18). Figure 2 shows the view to the intersection and beyond, from a truck driver’s eye height, 80 m before the intersection.

These might sound like unimportant details and the truck driver should have been looking where he was going. But they are vital details and where councils do attend to



Figure 2. A Truck Driver's View 80 m from the Intersection

Note. The crash memorial, a distant sign (installed after the crash) and a refuse bin have been removed by the author from this 2021 image

them, crashes like this are avoided altogether. These are the traffic and road design details that stand between a safe family outing and a sudden deadly tragedy. They help determine whether road deaths will go down or continue going up.

The family of the crash victims in this case understandably placed their anger and grief on the truck driver, suggesting his jail sentence was too lenient. Their anger might be better placed elsewhere. Consider the approach route taken by the unfamiliar truck driver. Approaching the previous intersection, 1 km away, the warning sign is shown in Figure 1(c). This is the approach that has priority. Next, the truck driver saw the sign in Figure 1(a). The obvious message from this sequence of signs is that the priority continues at the fatal intersection, except perhaps on the left turn slip lane. So whatever else he may have done, the truck driver was drawn into a trap by a misleading warning sign (the use of which was banned), a misleading road alignment (with its uninterrupted view straight through) and a sub-standard Give Way sign (too small for the speed of the road).

The judge stated that, given the truck driver's good character, age and lack of prior convictions his "prospects of rehabilitation are very good", as if to say he and all of us must attain constant perfection as we drive, even in the face of physical deceptions. Apparently this excellence in driving ability is not required of the investigating police or the prosecution (or even the judge), who imagined a new, non-existent meaning for a common warning sign. Of relevance here is that case law has established that drivers do not need to slow down every time they approach a side street (Jones & Casperson, 2009).

What about the road authority's prospects of rehabilitation? Two weeks after the fatal crash, the council's most senior engineer met with local residents and is reported to have said no fault could be found with the intersection. "That's not to say it's ideal, not to say the signage is adequate," he said. In this view, signing is of no critical consequence for the safety of an intersection. The misleading, banned warning sign was later repositioned, not removed. The Give Way sign remains inadequate. Alas, this council is not alone; similar signing issues across the state attract little interest. In early 2021 the Institute of Public Works Engineering Australasia in Victoria, which has widespread local government engineering membership, offered two hours of budget-priced webinars (by the present author) on 'simple signing errors' and how to correct them. Only one registration was received – from a consultant.

Blaming the driver: road authorities evading responsibility

Blaming the driver is not only a widespread community view, expressed via the media; it is inherent in all Australian road safety strategies. These strategies are based on the Safe System, which aims to eliminate fatalities and serious injuries. But one of the four principles underpinning the Safe System is that road safety is a "shared responsibility" (ITF, 2016, p. 26). Job et al (2022, p. 7 of 12) comment that "The inclusion of (even shared) road user responsibility for safety allows the accountability of the system for safety to be avoided in favour of victim blaming". In other words, it lets state and local government road authorities avoid their responsibility. It is one reason why road deaths are increasing.

This approach is not accepted with air or rail travel. Why are infrastructure designers and managers for road travel able to avoid taking a ‘whole system’ approach to road safety and risk identification? Nationally, there are several major skill sets missing from most councils and many state regional road offices, ranging from the basics of traffic signing, through to human factors, crash investigation and road safety engineering skills. Nor are these skills common in large engineering consultancies, despite their self-belief. In this skill-deficient environment the Safe System, with its ‘shared responsibility’, is a convenient distraction from fundamentals. The final act before a crash may well be road user error, but to call that the ‘cause’ is “obfuscation” (Hauer, 1999, p. xii). The critical causal factor is often associated with physical features of the road that led to the error. As this example shows, these problems cannot be solved simply by trying to slow everyone down.

In Victoria, motorists pay a compulsory insurance levy. Some part of this is offered to councils for community road safety initiatives. One council recently received money for illegible signs urging drivers to ‘drive safely’ (Taylor, 2021). The underlying message was obvious: ‘If you do not, we will blame you when things go wrong’. Meanwhile, countless intersections across the state lie in wait to catch unsuspecting drivers, simply for want of a program dedicated to identifying all the sites that have basic traffic signing and road design traps, and applying low-cost engineering remedies.

Conclusion

The problem is significant and change is needed at several levels. Safe System principles need to be updated, with specific accountabilities replacing ‘a shared responsibility’, and crash prevention being made as important as reducing crash severities. Safety-related engineering skills need to be commonplace instead of limited. And targeted programs are needed to remove traps for road users before they become crash sites.

Acknowledgement

This article is written from a Victorian perspective, though many of the issues are relevant across Australia. While the site is not identified in the paper, all details have been verified and the author takes responsibility for their accuracy. All quotes are in the public realm. The author had no involvement with the 2019 fatal crash. Images © Robert Morgan.

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Conflicts of Interest

The author declares that there is no conflict of interest.

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