

**Proposal for a
DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on road infrastructure safety management
(COM(2006) 569 final)**

**Background Note in anticipation of the
European Parliament Plenary Session
of 9-12 July 2007**

Part 1 - Myths & facts: content of the Proposal

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Part 1 - Myths & facts: Content of the current Commission Proposal

Responding to progress made in the scientific understanding of the role played by infrastructure in the cause and consequences of road accidents, **upon a specific request by the European Parliament following a review of the Commission's 2003 Road Safety Action Programme (RSAP)** and with the support of representative organisations of the European road community, **the European Commission published on 5 October 2006 a proposal for a Directive on road infrastructure safety management.**

Scope of application

The legal scope of the Directive is **restricted to the Trans-European Road Network (TERN), comprising 89,000 km of motorways and main roads** (Articles 71 and 154 of the Treaty) whether they are at the design stage, under construction or in operation. Member States may freely decide to extend the Directive to other portions of their road network.

Overall objectives of the Directive

- Increase the safety of new roads through continuous adaptation to the latest safety requirements;
- Bring about a common high level of safety of roads in all EU Member States;
- Create an awareness for safety in order to achieve informed decisions on planning and design;
- Make safety implications of decisions more transparent;
- Allow the collection and the distribution of the available expertise in order to better exploit research results;
- Make better use of limited funds for more efficient and safer construction and maintenance of roads;
- Allow for a better collection, treatment and dissemination of safety-related information.

Main instruments

The Directive proposes a comprehensive system of road infrastructure safety management centred on four procedures already implemented in many EU Member States:

(1) **Road safety impact assessments** will *help strategic decision-making* about the safety implications of new roads or major changes of operation of existing roads, especially on the adjacent network.

(2) **Road safety audits** shall provide for an *independent control and recommendations* for technical verification of the design of either a new road or a rehabilitation of an existing road.

(3) **Network safety management** is to target remedial measures to parts of the network with high concentrations of accidents (*"high risk road sections" or "black spots"*) and/or a high potential to avoid them in the future.

(4) **Safety inspections** as part of regular road maintenance will allow detecting and reducing, in a preventive way, risks of accidents *through the most cost-efficient measures.*

Part 1 - Myths & facts: content of the Proposal

Obligations of Member States

Member States shall ensure that a road safety impact assessment and road safety audits are carried out **by trained personnel** for all infrastructure projects at the feasibility, planning, design, pre-opening and early operation phases.

Member States shall further ensure that the auditors set out safety critical design elements in an **audit report** for each stage of the infrastructure project, as well as proposals to remedy any unsafe features identified. The auditor shall not have been involved in the conception or operation of the relevant infrastructure project.

Member States shall ensure that **management of high-risk road sections (exact appreciation left to Member States)** and inspections of the existing road network are carried out on a regular basis. Member States shall further rank every road section on the trans-European road network within their territory according to accident cost reduction potential and **ensure that road users are warned of the existence of a high risk road section by all appropriate measures.**

Supporting measures

- For each accident involving one or more fatalities or severe injuries occurring on the TERN, a **complete accident report** must be drawn up by the competent entity.
- **Road safety auditors** must undergo or have undergone an initial training resulting in the award of a **certificate of competence**, and follow **periodic re-training** at least every seven years.
- The **average social cost** of a fatal accident and the average social cost of a severe accident occurring will be determined by each Member State.
- The Commission shall be **assisted by a Committee** (according to the recently updated Decision 1999/468/EC) to **ensure a consistently high level of road safety** throughout the Trans-European Road Network, which should be reflected in the national guidelines.

Entry into force

In order to assist the competent entities in the application of the Directive, **Member States shall ensure that national guidelines are adopted within three years from its entry into force.** These national road safety guidelines shall be made available to all interested parties.

Member States shall report to the Commission on the implementation of the Directive every four years. This report shall include among others contact details of the entities responsible for the implementation of the guidelines and an assessment of the need to amend guidelines on road design, signing and signalling including a list and a description of road designs that have shown to be very high risk or that have a high potential to reduce risk.

⇒ **The proposed Directive does not impose harmonised technical standards or requirements, but leaves the Member States a wide degree of autonomy in the implementation of these measures.**

Part 2 - Safer roads save lives

30% of accidents on the entire EU road network are caused by inadequate infrastructure

- ❑ Despite the relentless drive towards harmonisation of speed limits, blood alcohol levels and enforcement policies, the fact remains that some EU countries – and some roads – are up to six times safer to drive in than others. Even in Member States where identical speed limits and blood alcohol levels are applied, the road death ratio stands at 1:3.
- ❑ *27% of accidents in the EU are the result of an impact against unfenced roadside objects* (source: RISER project). In Belgium, single-vehicle accidents represented 31% of 11,317 fatalities and serious injuries recorded in 2002 (source: FEBIAC). For motorcyclists, 15% of fatal accidents are attributable to crash barriers alone (source: FEMA). Configuration of the infrastructure was a factor in 46% of accidents in France (source: Réagir Campaign - 20,000 accidents analysed between 1983 and 1996).

The content of the Directive reflects the state of the art

The content of the Directive is based on extensive consultations, which have taken place since 2003 (publication of a first European report on good practices in road infrastructure safety) and is aligned with the findings of European and international research programmes. The impact assessment which accompanies the Directive is far more thorough than in other areas of transport legislation (e.g. revised Eurovignette Directive).

The Directive does not go beyond subsidiarity principles

- ❑ **Article 155 of the Treaty** allows the Community to implement any measures that may prove necessary to ensure the interoperability of the networks, in particular in the field of technical standardisation.
- ❑ **The proposal does not impose harmonised technical requirements**, but provides a broad canvas leaving Member States with a wide degree of autonomy in the implementation of these measures.
- ❑ **The SEA Directive (2001/42/EC)** already constitutes a legal precedent by requiring Member States to produce **environmental impact assessments** before undertaking major infrastructure works (*Is Road Safety less important than the environment?*).
- ❑ There is strong anecdotal evidence that the introduction of the far more stringent **EU Tunnel Safety Directive (2004/54/EC)** has already contributed to avoiding potentially very serious accidents in several locations.
- ❑ **Non-binding recommendations would not be sufficient.** Exchanges of best practices have been taking place for years through research projects, working groups, conferences and workshops without achieving the desired level of convergence in road infrastructure safety management. *Without a binding methodology and legal commitment throughout the European Union, Member States alone are not in a position to safeguard this common high level of safety, as the very disparate safety records of the single Member States show.*

Part 2 - Safer roads save lives

The Directive introduces cost-effective measures

Although, it is not always easy to quantify precisely the *economic benefits of Road Safety Audits*, there is strong empirical evidence that **preventive audits are highly cost-effective**.

There are two costs that can be attributed to a audits:

- Firstly there is the cost of undertaking the audit itself, which is almost **systematically less than 1 % of the road design costs**.
- The second cost relates to implementation of the recommendations contained within the audit report. In many cases, **these costs are not significantly high and items identified during the design stages may have no cost implications at all** (although they may require some re-design time).

In terms of accident avoidance benefits:

- Experience from auditing specialists suggests that **a third of hazards identified during an audit will translate into an accident within 5 years unless a remedial measure is applied**
- In the United Kingdom, the Surrey County Council found average savings of 1 casualty per year on audited schemes versus non-audited roads
- In Denmark, the Road Directorate initiated a pilot study in 1994 relating to the performance of road safety audits when traffic safety measures were carried out. A panel of experts evaluated 13 projects in detail and determined a "first-year yield" of 146%.

The measures prescribed by the Directive are already widely in application

In 2006, the Austrian Presidency polled the Member States on the level of application of infrastructure safety measures:

- Impact assessments applied or under preparation: 43 %
- Safety audits applied or under preparation: 92 % (on a voluntary basis in 57% of cases)
- Safety inspections applied or under preparation: 80% (no standards in 61% of cases)
- Black spot management programmes: 81% (on a voluntary basis in 59% of cases)

⇒ **The proposed Directive does not introduce any fundamentally new measures but systematises a process, above all in the 12 Member States that have joined since 2004, and where the greatest gains can be achieved.**

Part 3 – A Directive supported by all stakeholders

The European Parliament has called for this Directive:

- ❑ In its June 2005 resolution on the European Road Safety Action Programme, the European Parliament:

“Regards a framework directive on safe infrastructure management as a useful tool for implementing the systems approach to road safety; considers that such a directive should establish which operational procedures are required at the design, construction and operational stages of new and existing roads to ensure that they meet all safety standards, encourage national programmes to remedy high accident risk road sections [...] and contribute to setting up expert networks enabling "best in Europe" approaches to safe road design and management; stresses that the Member States should systematically take account of the safety of all drivers (of motorcycles, bicycles, heavy vehicles , etc.) and of accident prevention when designing and building roads;”

- ❑ The European Parliament’s Transport Committee vote on 5 June 2007 was not the result of a serious examination of the Directive. Only one amendment (in favour of rejecting the Directive) was examined and carried by the slimmest possible majority (19 votes to 18).

The European Commission has undertaken adequate consultation steps:

- ❑ In April and May 2006, **the European Commission launched a public consultation** on their approach to road infrastructure safety management. Comments were received from national governments, research institutes and safety experts, health, transport and road safety organisations, users associations and road operator associations (http://ec.europa.eu/transport/roadsafety/infrastructure/safety_mngt_en.htm).
- ❑ **The overwhelming majority of the comments welcome the approach** envisaged by the Commission, to leave Member States free to adopt own legislation on a set of mandatory procedures. Furthermore, the stakeholder consultation did not generate any compelling argument to change the overall approach.

Member States have endorsed infrastructure safety measures:

- ❑ Highlights of the 2nd Verona declaration (26 Oct. 2004): “The Ministers of the EU member states, candidate countries and the EEA and EFTA countries highlight the need to develop a widespread improvement of the safety of the European road network. The following measures appear to be promising [...] identify roads with the highest number of victims of road accidents, [...] Include road safety audit and impact assessment as well as road safety criteria in any investment”.
- ❑ Highlights of the Austrian Presidency Transport Council conclusions on road safety (8-9 June 2006): “The Council of the European Union agrees on the need to strengthen road safety measures, in particular [...] measures concerning road infrastructure safety should be further improved taking into account best practices and the need to meet the specificities of each situation”.

Part 3 – A Directive supported by all stakeholders

Stakeholders have unanimously called for the Directive

On 22 May 2006, a platform of road users, network managers and other safety specialists explicitly called for a Directive (<http://www.erf.be/content/general/detail/2828>):

“Numerous deaths and serious injuries on our roads will be prevented if the European Union lives up to its political, moral and legal obligation of providing guidance to ensure safety is integrated in all phases of road planning, design, construction, operation & maintenance through cost-effective road management practices

Europe has reached a crossroads as it considers new ways of tackling its unacceptably high levels of road deaths. Key decisions on how to build a new road and where to affect maintenance funds are all too often made without a clear understanding of their safety implications. All categories of road users – motorists, professional drivers, two-wheelers and pedestrians – stand to gain from safer road infrastructure. Above all, Europe’s millions of road users have a right to know to what safety standards their road networks are operated and what action plans are being implemented to eradicate dangerous roads”.

This statement was jointly issued by the Federation Internationale de l'Automobile (FIA), the Federation of European Motorcyclists' Association (FEMA), the International Road Transport Union (IRU), the European Asphalt Pavement Association (EAPA), the European Union Road Federation (ERF), the International Road Federation (IRF), the European Motorcycle Manufacturers' Association (ACEM), the European Bitumen Association (Eurobitume), the European Association of Tolled Motorways (ASECAP) and the Confederation of Organisations in Road Transport Enforcement (CORTE).

A crucial component of the EU's safety targets

- ❑ The Proposal for a Directive on Road Infrastructure Safety Management is a crucial component of the *integrated approach to road safety* and has been on the agenda of the Community's Road Safety Action Plan since 2003. The effectiveness of other Community measures in road safety will be greatly diminished without an infrastructure component.
- ❑ The Proposal comes at a time when *many of Europe's new Member States* (whose road safety records are still below the EU average) *are looking to the Union for guidance* as they are upgrading or constructing their part of the TERN and this partly with EU money.

⇒ **The proposed Directive is the result of an inter-institutional, inter-stakeholder consensus without which the EU will not reach its stated policy target of halving the number of road-related fatalities by 2010. It is a first step in the right direction, and with continuing involvement of all stakeholders (as propagated in the “Better Regulation” agenda), the road ahead looks promising!**