

# Vision Zero, the Law & You

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**By Bob Anderton**

Vision Zero is an international strategy to eliminate traffic fatalities and severe injuries while increasing safe, healthy, and equitable mobility for everyone. We need Vision Zero.

Vision Zero was first approved by the Swedish Parliament in 1997.<sup>1</sup> Seattle produced its first Vision Zero plan in 2015.<sup>2</sup> Washington has been producing its Target Zero Highway Safety Plans since 2000.

Washington and Seattle's plans both call for zero deaths or serious injuries on our roads by 2030. Actually achieving this shared vision, however, requires more than rhetoric; it requires action.

While U.S. traffic fatalities decreased overall in 2018, compared to the prior year, more pedestrians and bicyclists were killed, accounting for nearly 20 percent of all traffic deaths. These increases were concentrated in urban areas.<sup>3</sup>

In 2018, in Washington alone, 520 people walking or biking suffered serious injuries and 124 people were killed in crashes with drivers. The five-year rolling averages for both these metrics continue upward.<sup>4</sup> Moreover, many crashes involving pedestrians and bicyclists are not reported, so the real numbers are likely even worse.<sup>5</sup>

Vision Zero isn't just about statistics; it's about real people. As a daily bike commuter myself, and after representing victims of traffic violence and their families for more than a quarter century, I am all too familiar with the harms caused on and by our dangerous streets. It's not just broken bones, but traumatic brain injuries, and even death. We cannot simply sigh and say, "accidents happen."

Vision Zero is an ethical framework stemming from the premise that it is unacceptable for people to suffer serious injuries or death as a result of traffic violence. Before Vision Zero, serious injuries and loss of life were

merely factors to be considered in the cost-benefit analysis of transportation engineers.

Even if you haven't heard of Vision Zero, you may have seen signs saying "20 is Plenty" that are evidence of Vision Zero action.<sup>6</sup>

In 2016, Seattle lowered the default speed for non-arterial streets to 20 mph and the default for arterials to 25 mph.<sup>7</sup> While the new speed limits don't make driving around town take much longer, speed makes a huge difference when a car collides with a person.

Forty mph may not seem fast when you're ensconced inside a modern motor vehicle, but 90 percent of pedestrians struck at that speed die. At 30 mph, half of pedestrians struck can survive, and at 20 mph, 90 percent will survive.<sup>8</sup>

Actually achieving the goal of Vision Zero means driving slower in town — but who wants to do that? It's easier to recognize the danger caused by others (for instance, bicyclists not stopping at stop signs).

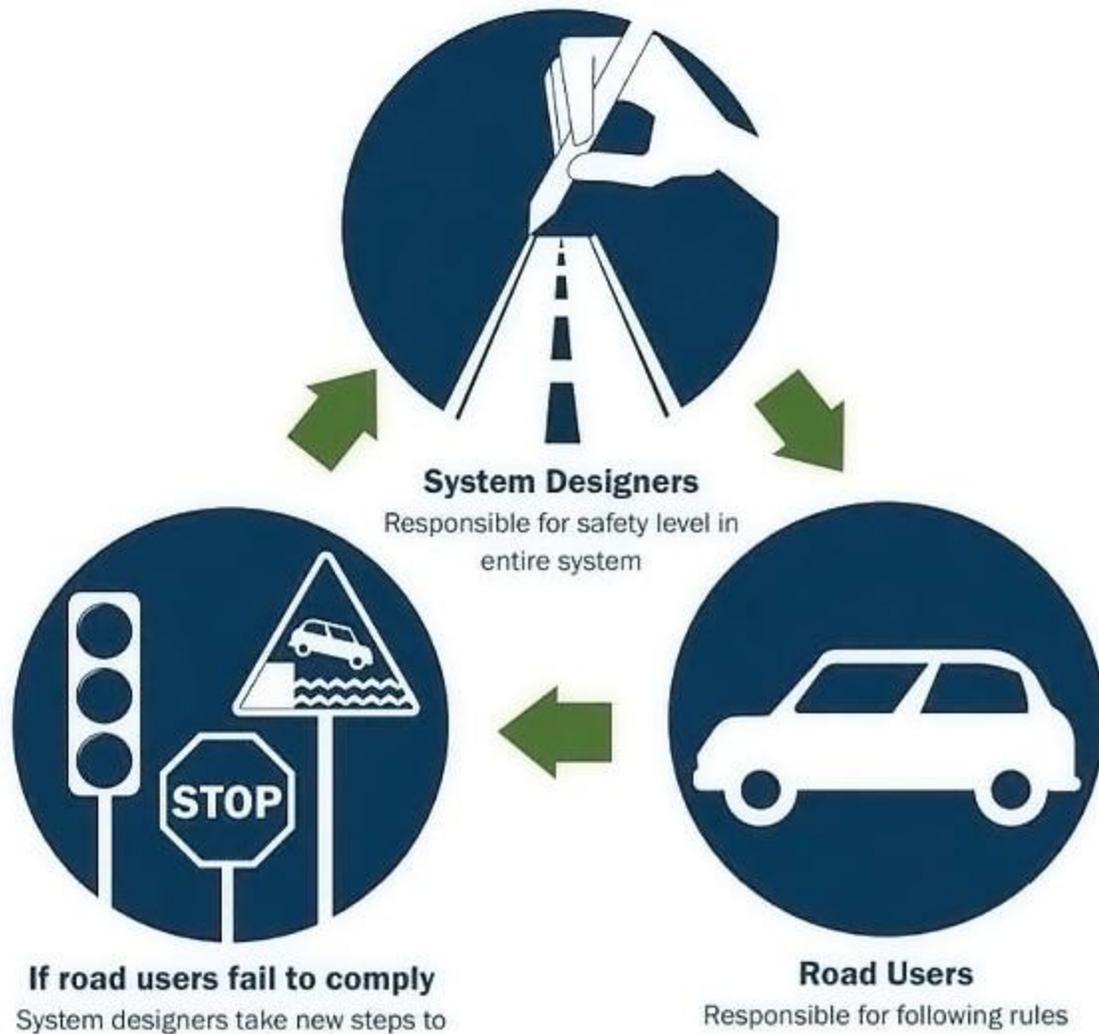
At the same time, most people don't consider how much more dangerous our own acts are, particularly when we are moving along with an extra 4,000 pounds of vehicle. We should all consider the literal weight of this responsibility next time we are driving somewhere and are about to look at our cell phones. But will we?

According to the Vision Zero Network, the "Vision Zero approach recognizes that people will sometimes make mistakes, so the road system and related policies should be designed to ensure those inevitable mistakes do not result in severe injuries or fatalities."<sup>10</sup>

This means that streets need to be designed to be safe even without perfect human behavior. While road users are required to follow the rules of the road, if users regularly fail to comply (for instance, not stopping for people in crosswalks), then system designers — traffic engineers and lawmakers — need to change the system to make it safer.

This ethical platform loop is illustrated below:

# Vision Zero Ethical Platform



The ethics of Vision Zero are consistent with our common law. Washington's Pattern Jury Instructions note that governments have a duty to exercise ordinary care in the design, construction, maintenance and repair of public streets to keep them in a reasonably safe condition for ordinary travel.<sup>11</sup>

But what constitutes ordinary care? The Pattern Jury Instructions say that ordinary care includes a duty to take reasonable steps to correct hazardous conditions that make streets unsafe for ordinary travel, including hazardous conditions that may exist along them.<sup>12</sup>

Vision Zero means that governments must take into account not just what they think users should do on their streets, but also what they actually do, like speeding or not stopping for people in crosswalks.

Vision Zero policies will make our streets safer and better, but there is a learning curve. Road designers, politicians, and the public all need to understand that crashes resulting in serious injuries and deaths on our roads are not accidents. They are preventable, but we all need to be part of their prevention.

Someone in our community recently wrote in The Seattle Times:

The nonprofit Transportation Alternatives disagrees:

**RANT to traffic reporters who use the word “crash” to report accidents nowadays. Are they so pressed for time that they need to cut out two syllables? An accident is an accident; report it that way.**

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Planes don't have accidents. They crash. Cranes don't have accidents. They collapse. And as a society, we expect answers and solutions.

Traffic crashes are fixable problems, caused by dangerous streets and unsafe drivers. They are not accidents. Let's stop using the word “accident” today.<sup>14</sup>

Let's start doing our parts to achieve Vision Zero. There's even a hashtag, #CrashNotAccident, but please don't use it while driving. v

*Bob Anderton is the founder Washington Bike Law, a firm that represents injured bicyclists statewide and helps to make our streets safer for everyone. Anderton also serves on the boards of Seattle Neighborhood Greenways and Bike Works, and was the Bar Bulletin editor from 2001 to 2005.*

1 <https://visionzeronetwork.org/about/what-is-vision-zero/>

2

<https://www.seattle.gov/Documents/Departments/beSuperSafe/VisionZeroPlan.pdf>

3 <https://www.washingtonpost.com/transportation/2019/10/22/traffic-fatalities-are-down-us-more-pedestrians-bicyclists-are-being-killed-officials-say/>

4 <https://wsdot.wa.gov/publications/fulltext/graynotebook/gray-notebook-Sep19.pdf> at 10.

5 [http://www.pedbikeinfo.org/factsfigures/facts\\_safety.cfm](http://www.pedbikeinfo.org/factsfigures/facts_safety.cfm)

6 You can get your own sign free here:  
<https://www.seattle.gov/visionzero/resources/yard-signs>

7  
[https://library.municode.com/wa/seattle/ordinances/municipal\\_code?nodeId=795353](https://library.municode.com/wa/seattle/ordinances/municipal_code?nodeId=795353)

8  
[https://nacto.org/docs/usdg/relationship\\_between\\_speed\\_risk\\_fatal\\_injury\\_pedestrians\\_and\\_car\\_occupants\\_richards.pdf](https://nacto.org/docs/usdg/relationship_between_speed_risk_fatal_injury_pedestrians_and_car_occupants_richards.pdf)

9 <https://www.seattle.gov/transportation/projects-and-programs/safety-first/vision-zero/speedlimits>

10 [https://visionzeronetwork.org/wp-content/uploads/2018/05/What-is-VZ\\_FINAL.pdf](https://visionzeronetwork.org/wp-content/uploads/2018/05/What-is-VZ_FINAL.pdf)

11 WPI 140.01.

12 WPI 140.01.01.

13 The Seattle Times, December 1, 2019. This should really be a rave. The Associated Press Stylebook issued guidance to reporters to avoid using the word accident because it “can be read as exonerating the person responsible.” <https://visionzeronetwork.org/about/pledge/>

14 <https://crashnotaccident.com/>