SECTION «B»

VII - THE NEED TO HAVE A NEW TRAFFIC LAW IN LEBANON
When will safety be a priority?

MEMORIAL
Tribute to Zeina
Zeina Hayash
In memory of all those who lost their lives due to unintentional injuries, whether it was domestic, road, school or otherwise, YASA presents you a new public safety newspaper. We dedicate this edition to the memory of Zeina Hayash who passed away on July 21, 2004, in a tragic car crash. YASA extends its gratitude to Zeina’s family and friends who joined YASA since her death and helped us promote safety and injury prevention.

By Ziad M. Ask

EDITORIAL
Public safety should be everyone’s priority
Safety Promotion and Injury Prevention is a wide field that needs a lot of highlight on all levels. YASA works hard and collaborates with other active organizations to help spread safety awareness and types of unintentional injuries.
Over the past years, we have noticed an increase in the injuries and deaths related to school transportation as now with “Back to School Season” YASA in collaboration with LACSA wishes all parents, students and school staff a safe year that is free of avoidable injuries especially those associated with the school transportation.

By Mona Khawal Ask

YASA AGENDA
Every Thursday on Rifi Lumineux & Noujoum, at 6:00 p.m. (Beirut Time).
Every Friday on MBS radio at 9:00 a.m. (Beirut Time).
Every first Sunday of the month-KL radio at 9:00 p.m. (Beirut Time).
Every Wednesday on ASB TV station, at 9:30 a.m. and the rerun at 4:30 p.m.

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VII - THE NEED TO HAVE A NEW TRAFFIC LAW IN LEBANON

Prepared by Ziad Akl, Mona Akl and Joseph Daccache
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Introduction:

In Lebanon, according to YASA, more than eight hundred forty persons are killed in road accidents every year and more than ten thousand are injured. In other words, almost 2 or 3 persons are killed and around 25 persons are seriously injured every day on Lebanese roads. Some of the most seriously injured endure lifetime disability. Many of the victims are young, which means that the major parts of their lives are totally or partially destroyed. In addition, more than 180,000 accidents causing property damage only occur annually.

In addition to human grief, pain and suffering, road accidents cause huge economic losses to the Lebanese society and its citizens. It has been estimated that the socio-economic costs of road crashes in 2009 amount to USD 1.3 billion.

It is not reasonable to accept that the road transport system creates such human disaster and economic losses every year. If another “technical system”, for example, air transport, suddenly starts to show similar numbers, politicians and individuals would be extremely worried and firm action would be taken. It seems, somehow, as if the heavy toll on the roads is accepted as an unavoidable price for mobility especially since the numbers are not seen in bulks but rather in an everlasting drainage that is on daily basis.

Can the Lebanese people really accept that so many persons are killed and injured on the roads every year? The answer must be NO. Firm action has to be taken immediately aimed at eliminating the principle causes of this disaster.

Traffic rules and regulations

At an early stage motorized traffic started to cross borders. This made it necessary to try to harmonize the rules for traffic. It started by the development of the 1924 Paris Convention on international
traffic. The 1949 Geneva Convention succeeded this. Presently, the two Vienna Conventions dated 1968 and revised 1993 – as most countries are concerned – govern international traffic.

The present Traffic Law is dated in 1967, which is before the Vienna Conventions that were opened for signature in 1968. Although some amendments have been made over the years, it goes without saying that it is in a need of a thorough revision. It should though be noted that only parts of the law have been available in English.

Above all, it must be compared with the international instruments that exist in order to ascertain that it is in accordance with these. Among other things it has been noted that the Lebanese driver license system not is in agreement with the Vienna Convention on Road Traffic.

Safety is a most important responsibility of anyone involved in road transport. Everyone has a stake, the Parliament, the Council of Ministers, many ministries and government authorities, provincial authorities (muhafazah), casas, municipalities, car importers, fuel/tire importers, insurance companies, transport providers, universities and schools, emergency services and health care organizations, media, planning and design organizations, and NGOs (YASA) – all have a role in creating the conditions for safer road traffic. Last but not least, the individual road user – drivers, riders and walkers – has an important role.

In reality, a balance has to be struck between improving road safety and many other legitimate community objectives. Outside the transport system, there are needs concerning education, social welfare and health care. Within the transport system there are needs for improved port and airway facilities, reconstruction of railway facilities as well as for improved roads. Nowadays, the need for improved Internet and e-mail communications is strong. Within the road transport system there are needs for improved mobility (accessibility and speed), reduced transport costs and lowered environmental impact, in addition to improved safety.

It is often considered that better roads and increased traffic will yield economic and employment benefits, and that improved mobility can result in better life quality, especially for young and older people. On the other hand, increased traffic will result in more accidents and environmental problems. So even within the road sector, there are
many considerations to be made in order to strike the most beneficial balance between all legitimate objectives. This is naturally a very difficult problem with many facets. The priority given to safety should reflect the value that the community places on the preservation of human life and the prevention of personal injury.

A safety vision is the ultimate and ideal, long-term image for road safety. The vision forms an important basis for goals, strategies and actions. A vision is also necessary in order to try to increase politicians’ media’s and the general public’s interest in road safety.

In several countries, safety visions have been formulated. The idea is that such a vision sets out the strategic direction towards a safe road transport system and that this direction should be followed in the safety work. In Denmark, the Netherlands and Sweden the safety visions are called respectively: “Every accident is one too many”, “Sustainable safety” and “Vision Zero”.

The following safety vision is proposed for Lebanon:

• Nobody should be killed or seriously injured (as a result of a road accident) on Lebanese roads.

The vision allows property damage only accidents and slight injury accidents to occur. However, even such accidents should be reduced as much as possible.

**Current Traffic Law:**

The present Traffic Law is dated in 1967 that is almost one year before the Vienna Conventions were opened for signature in 1968. Although around twelve amendments have been made over the years, there is an immediate need of a wide revision.

The Lebanese driver license system, seat belts, driving under the influence, public transport and the sanction system are not in agreement with the Vienna Convention on Road Traffic.

The structure of the current law could be improved and that there are improvements to be made for an adaptation to modern traffic conditions.
The growth of the transport sector and the development of road network in Lebanon, where the number of vehicles increased from an estimate of 55,000 in 1960 to 1.2 Million in 2010 and the non-application of legal rules that put people’s lives in danger daily on the roads, increasing the number of deaths and injuries each year and the big financial losses due to the rehabilitation and management, were the major causes to propose a new traffic law.

Observation of Current Traffic Situation in Lebanon

According to many observations, we found these remarks regarding the Lebanese road user behavior in comparison with Western-European countries with good safety records.

Drivers:

- Drivers (especially of passenger cars and minibuses) very often exceed the speed limits.
- The use of seat belts is very low, around 12–18 %.
- Drivers very often ignore red light and one-way regulations, including buses and service (shared taxis).
- Drivers sometimes overtake at dangerous locations (crests and curves) and frequently overtake on both sides on dual carriageways.
- Drivers seldom stick to marked driving lanes and frequently change lanes. Nor do they bother to take the left lane when intending to turn left and vice versa.
- At signalised junctions, many drivers drive too close to the junction area during the red phase in order to gain some space and time (if they stop at all!). Traffic lights are often treated as if they were on green all the time.
- On road sections and at junctions, car drivers drive too close to each other.
- Drivers often ignore pedestrians and almost never stop “voluntarily” at pedestrian crossings. Drivers seem to pay very little consideration to pedestrians.
- Drivers often park and double park both on road sections and in junctions. They also drive and park on pavements and sometimes stop and park on motorways.
- Many drivers drive in an aggressive style and appear to have very little tolerance to delays. They seem to lack risk awareness and consideration. Many drivers often use the horn if someone in front
is driving with reasonable caution. Some young motorcycle riders drive in a careless style (on one wheel, to show off).

- “Public” drivers (even police officers and bus drivers) sometimes ignore basic traffic rules (e.g., red light and one-way regulations).
- There is very low use of safety helmets for motorcycle and moped riders.
- Drivers of service/shared taxis/ change lanes almost continuously and stop abruptly for customer to enter or exit the cars.
- Drivers seldom use the directional signals when they intend to change lanes or turn.
- Drivers of motorcycles can hold a child (children) in front of him with one arm and drive the cycle with the other.
- Many drivers are drowsy or intoxicated by alcohol or other drugs.

Passengers:

The use of seat belts for adult passengers is very low, both in the front seat and in the rear seats.

- The use of suitable child restraint systems is almost non-existent. There are very few rearward facing seats for small children and booster cushions for older children.
- Children are frequently permitted to stand in the car or sit in the front seat, or on the lap of an adult, without any protection.
- People sometimes travel standing or sitting on open platforms of trucks or pick-ups.
- There are often too many persons in the vehicles jeopardizing stability as well as braking and steering characteristics.

Vulnerable road users:

- Pedestrians frequently cross roads everywhere, even wide major arterials.
- Pedestrians walk along and across motorways.
- Pedestrians do not use retro-reflective devices in darkness.
- Pedestrians often have to walk on the carriageway, sometimes because there are no pavements and sometimes because the pavements are very uneven or blocked by parked cars.
- At present the number of bicyclists is limited. An increase will require improved infrastructure; with separate lanes and paths. Cyclists seldom use safety helmets.
Traffic Legislation and Road Safety:

The road traffic legislation – as all legislation – is primarily meant to solve conflicts. It should answer the questions of who has the right of way etc. With time it has however been realized that it can also in other ways contribute to an improved road safety.

It can well be said that legislation in its beginning – as noted above – was meant to minimize conflicts that is to prevent accidents. This development has continued over the years with – among other things – improved signs and signals, improved driver education, etc. It was though realized a few decades ago that legislation could also be used to reduce the consequences of accidents. To a great extent it has been directed to the automobile industry in the form of safety standards for vehicles. However, there are also examples of important injury-reducing legislation directed towards the road users, such as on the use of seat belts and safety helmets.

The Lebanese driver license system is not in agreement with the Vienna Convention on Road Traffic, which is desirable.

The present legislation prescribes the installation and use of seat belts in the front seats of private cars but not in the rear seats. This is unfortunate since the use of seat belts in the rear is important not only for those occupying the rear seats but also for the persons in the front seats, because the dynamic force of a person thrown forward is very strong.

It is penalized to drive a motor vehicle while drunk. However, there is not given any specified alcohol concentration for the penalization (at least no limit seems to be implemented). Such a limit is needed. Otherwise it is up to the discretion of a police officer to judge whether the driver is intoxicated or not. The only technique used in Lebanon to verify that a person is drunk is so called “balloons”. This is an old technique that has the definite drawback that it does not give any idea of the degree of intoxication. For this, it has to be completed by analysis of a blood sample. As it is understood, this is not done in Lebanon.

The sanctions are prescribed in the Traffic Law. For each offence a fine is practiced. The fines are grouped in three categories. For each category an interval for the fine is prescribed. In practice, however, a fixed fine is used for each offence. It is astonishing that in all cases
the practiced fines are lower than the minimum according to the Law. It is further to be noted that no differentiation between offences of the same kind is made. This means that an offence will carry the same fine irrespective of how serious the offence is. A speeding of 10 km/h gives the same fine as one of 50 km/h. For drunk driving, the fine is the same irrespective of the degree of intoxication. This is unsuitable, since the reaction should reflect the seriousness of the offence from a safety point of view. In many countries, minor transgressions will lead to low fines, more serious ones to higher fines, and still more serious transgressions to suspension or revocation of the driver’s license, and – in the most serious cases – to imprisonment, perhaps in combination with revocation.

Another problem with the present fines is that the amount is not dependent on the offender’s economic situation, that is, for a wealthy person the fine could be insignificant, while for a poor person the same amount could be insurmountable.

A problematic issue is the fact that very few driver licenses are suspended or revoked. There are some rules, but it seems as if these rules are not applied to any extent. It should be observed, that revocation is not only a penal action but also a preventive one in the interest of safety by removing unfit drivers from the roads.

A general problem with the present traffic legislation and enforcement is that the road users (mainly drivers), do not follow even the most obvious and simple rules, for example, not to drive against red light.

**Draft of New Traffic Legislation:**
To face all of the aforementioned challenges, The Lebanese Parliamentarian Committee for Public Works and Transport and YASA introduced a joint proposal for a new traffic legislation that was registered in the parliament by MP Mohammad Kabbani on June 2, 2005.

An enlarged committee was formed on August 22, 2005 to study the draft legislation that was submitted and registered. The committee was constituted of the following members: members of the Parliament; representatives of the Ministries of the Interior and Public Works; the Order of Engineers; the Council for Development and Reconstruction and other directors. This Enlarged Committee has MP Kabbani as president and Mr. Ziad Akl, the founder of YASA, as the General Secretary.
A smaller committee was later formed of 6 members. It included representatives from the Ministry of Interior and Municipalities, Ministry of Public Works and Transport, other agencies and Mr. Ziad Akl. This smaller committee began its regular weekly meetings on 19 September, 2005. Its president is a judge from the Ministry of Justice and the General Secretary is Mr. Ziad Akl who is representing YASA. The role of this small committee was to prepare the final draft of the new traffic legislation before it is passed to the joint Parliamentarian committees to be adopted as a new law.

The final draft is finalized, it will be returned to the General Assembly for revision and approval. It is expected that in 2011 it will be approved.

The committee that reviewed the draft during the period between 2006 – 2010 was headed by Judge Fawzi Khamis. These meetings were a serious response to the increase of traffic crashes in Lebanon and aims to improve driving conditions on Lebanese roads and highways.

The draft proposal was based on modern, internationally accepted standards of driving. All sanctions must be applied, starting with the withdrawal of points from the driving license for a temporary period or permanently in case of repetition.

Under the proposal, drivers who violated the rules of the road would be punished under a point system. First a database concerning each driver should be established for all cases and traffic violations and an appliance of the point system: a specific mechanism requires a list of black points of traffic violations, and calculated for each person holds a driving license, a number of points up to a maximum of 20 points.

In a statement, YASA said that the proposed new traffic law could decrease deaths resulting from traffic crashes by 40 percent and the number of traffic injuries by 30 percent over the course of the next four years.

The new law is based on appliance of a strict punishment, because it is generally agreed among most researchers in the field of traffic safety, the seriousness of sanctions may have successfully contributed to the effective enforcement of traffic safety rules because the sanction is a simple lead to a disregard for the driver.
Urgently Needed Actions

The following are among the most urgently needed actions:

- Develop the Road Safety Master Plan.
- Establish a high-level National Road Safety Council with a supporting Road Safety Secretariat.
- Develop a reliable and comprehensive accident information system.
- Enhance safety competence by improved university education and special courses (e.g. for traffic engineers and police officers).
- Develop road guidelines (especially for road-sides, junctions, guardrails, road markings and access control).
- Develop safety audits and improve black spot management.
- Review the safety of urban roads and streets.
- Review the system for setting speed limits.
- Review the system for driver training and licensing.
- Improve safety education in schools.
- Develop a long-term plan for safety information and campaigns.
- Improve traffic legislation (e.g. concerning licence revocation, sanctions and the use of seat belts).
- Strengthen police surveillance and law enforcement. Focus on speeding and non-use of seat belts.
- Increase funding for safety activities.

Conclusions

An analysis of the road crash situation in Lebanon diverges depending on if underreporting is considered or not. The official statistics does indicate a serious road crash problem. If, on the other hand, underreporting is taken into consideration, it seems that Lebanon has a rather very serious traffic crash problem. The real number of fatalities can be conservatively estimated at around 900 per year, compared with the reported value of around 549 in 2010. RTI cause invaluable human tragedy, grief and suffering. They also cause huge losses of economic resources. Some of the losses are easily visible, for example, the costs for property damage. Others are more difficult to observe, for example, the costs for medical treatment and rehabilitation. The lost production of the victims is another “invisible” cost.
In view of assessment and database of crashes, deaths and injuries, it is recommended to have a national injury surveillance system that covers not only road traffic crashes but also other types of injuries. This is a system that usually uses international coding for diseases and injuries so the recording is unified and allows data analysis.

Most Ministers, most members of parliament and other high-level politicians have not shown continuous serious interest in safety. High-level civil servants admit that they seldom use seat belts, for instance. In the programs of the different political parties there appears to be little – if anything at all – concerning safety. The attitudes towards injuries and safety are doubtful even within the governmental organizations responsible for safety.

Public and private organization - the Parliament, the Council of Ministers, many ministries (MoPWT, MoIM, MoEHE and MoPH) and government authorities (DGoRB/DoR, DGoLMT, the Traffic Police/TEC, TMO), provincial authorities (muhafazah), casas, municipalities, car importers, fuel/tire importers, insurance companies, transport providers, universities and schools, emergency services and health care organizations, media and planning organizations, and NGOs (YASA and SRF) – should establish a sustainable cooperation on the national and regional scenes to reduce the burden of road traffic injuries in Lebanon.

Road safety promotion is based on learning by sharing from other successful and failed interventions, either in the developed countries or in the developing countries. It is crucial to spread the word that road traffic injuries are preventable. Lebanon should take benefit from the extensive research and studies organized in the industrialized countries about traffic safety measures. Not only the civil society organizations, but also the governmental agencies can take advantage of the successes and failures of road safety campaigns that were organized in the developed countries and in few developing countries.

The RTI problem is urgent and complicated. The 6Es concept stressed the role of various sectors of the society that are involved in road safety. Many different kinds of actions are necessary. In order to reduce the problem efficiently, coordinated and balanced actions from many parts of society are required. To obtain this, it is necessary to use a systematic approach.