

Regulation 28: Prevention of Future Deaths report

Brian Robert DORLING (died 24.10.11)

Philippine Marthe Anne Marie de GERIN-RICARD (died 05.07.13)

	<p>THIS REPORT IS BEING SENT TO:</p> <p>1. Mr Boris Johnson Mayor of London Greater London Authority City Hall The Queen's Walk More London London SE1 2AA</p>
1	<p>CORONER</p> <p>I am: Coroner ME Hassell Senior Coroner Inner North London Poplar Coroner's Court 127 Poplar High Street London E14 0AE</p>
2	<p>CORONER'S LEGAL POWERS</p> <p>I make this report under the Coroners and Justice Act 2009, paragraph 7, Schedule 5, and The Coroners (Investigations) Regulations 2013, regulations 28 and 29.</p>
3	<p>INVESTIGATION and INQUEST</p> <p>On 26.10.11, my predecessor, Andrew Scott Reid, commenced an investigation into the death of Brian Robert Dorling. I concluded the investigation by way of a two day inquest finishing on 15.10.13.</p> <p>On 10.07.13, one of my assistant coroners, Richard Ian Brittain, commenced an investigation into the death of Philippine Marthe Anne Marie de Gerin-Ricard. I concluded the investigation by way of a one day inquest on 16.10.13.</p> <p>In both cases I concluded that death was an accident, in Mr Dorling's case adding a narrative to this.</p>

4	<p>CIRCUMSTANCES OF THE DEATHS</p> <p>Both Mr Dorling and Ms de Gerin-Ricard died when the pedal cycle each was riding was involved in a collision with a heavy goods vehicle. Both were cycling on Cycle Super Highway 2 in London. Ms de Gerin-Ricard was riding a Barclays bicycle.</p> <p>Mr Dorling was cycling across Bow roundabout when a tipper truck on his outside turned left across his path and the two collided. Mr Dorling was on a blue strip that was not edged with a white line and was therefore not a cycle lane.</p> <p>Ms de Gerin-Ricard was cycling along Whitechapel High Street just in front of a lorry in the driver's blind spot, having approached from the pavement on the inside, when first impact occurred.</p>
5	<p><u>CORONER'S CONCERNS</u></p> <p>During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion, there is a risk that future deaths will occur unless action is taken. In the circumstances it is my statutory duty to report to you.</p> <p>The MATTERS OF CONCERN are threefold.</p> <ol style="list-style-type: none"> 1. Whilst the cycle super highways have been implemented with a range of measures that many cyclists have found helpful, the <u>unbordered blue strips</u> that have been painted on some roads are confusing. <p>I heard evidence that many cyclists and motorists simply do not appreciate that such a blue strip without a white line border (whether unbroken or broken) is not a cycle lane.</p> <p>Whilst research has been carried out into the effect of the cycle super highways, no research has been carried out specifically into the effect of <u>unbordered blue strips</u>.</p> <p>The confusion has the following potential consequences.</p> <ul style="list-style-type: none"> • Cyclists wrongly assume (as Mr Dorling may have done) that they have priority, and are lulled into a false sense of security. • Cyclists believe that they have to ride on the blue strips, which may not be the correct position for them to assume in particular circumstances, most particularly when going round a roundabout.

- Motorists' awareness of the possible presence of cyclists is raised, but they expect these cyclists to be on the blue strips, which the cyclists may not be if they are assuming the safest position, particularly when going round a roundabout.
- When the strips are painted within a lane that is plainly not wide enough to accommodate vehicular and cycle traffic, motorists may form the incorrect view that they have to stay out of the strip and so straddle lanes, rather than simply overtaking a cyclist at the appropriate time.
- Alternatively, motorists may drive over the blue strips, which they are perfectly entitled to do, but then get into the habit of driving over coloured strips, and not notice when these are actually bordered by white lines and so are cycle lanes. Thus, cyclists riding in cycle lanes elsewhere in London and the rest of the country, are put in greater danger.

2. It seems that, despite the efforts already made, more work could usefully be undertaken to **educate cyclists** (and motorists) about safer riding techniques.

For example, it may seem counter intuitive to some cyclists to take the lane, in other words not always to ride over to the left of the lane, but sometimes more towards the middle. However, sometimes this is the safest option.

And most especially, the dangers of a cycle overtaking vehicular traffic on the inside in the approach to a junction, cannot be overstressed.

Public information advertising in cycle shops, on websites, or even on television, could assist in changing the culture in this respect.

3. The **junction of Whitechapel High Street and Commercial Street** in London E1 (where Ms de Gerin-Ricard sustained her fatal injuries) remains difficult to negotiate.

As I am sure you are aware, innovative solutions need to be considered, whether this be in terms of infrastructure or other.

For example, I note that in York there is currently a trial of the Cycle Alert system, where an HGV can be fitted with a sensor that detects the presence of a cycle also so fitted, the cycle equipment being available for as little as £5.

I do not say that this is the answer, I merely seek to illustrate the sort of thinking that may be helpful.

6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion action should be taken to prevent future deaths and I believe that you and Transport for London have the power to take such action.</p>
7	<p>YOUR RESPONSE</p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by 16 December 2013. I, the coroner, may extend the period.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.</p> <p>I should be very grateful for a copy of your response also in French, so that I may forward this to the family of Philippine de Gerin-Ricard.</p>
8	<p>COPIES and PUBLICATION</p> <p>I have sent a copy of my report to the following.</p> <ul style="list-style-type: none"> • HHJ Peter Thornton QC, the Chief Coroner of England & Wales • Ms Debra Dorling, wife of Brian Dorling • Ms Anne Boudet du Mochet, mother of Philippine de Gerin-Ricard • Mr Pierre de Gerin, father of Philippine de Gerin-Ricard • Mr Benedict Plowden, Transport for London • Ms Jane Hart, TfL legal department • Ms Kate Carpenter, Jacobs consultancy • Mr David Cox, former HGV driver • Mr Richard James, former HGV driver • PC Simon Wickenden, MPS traffic management unit <p>I am also under a duty to send the Chief Coroner a copy of your response.</p> <p>The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the Senior Coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.</p>

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