

## **Meeting Transcript - Transport Committee roundtable with bus safety campaigner, Tom Kearney, #LondonBusWatch (Private Hearing)**

**Date:** Tuesday, 28 February 2017

**Start time:** 2.30 pm

**Location:** Committee Room 5, City Hall

### **Attendees:**

Caroline Pidgeon MBE (Chair)

Keith Prince (Deputy Chair)

David Kurten

Steve O'Connell

Caroline Russell

Georgina Wells

Richard Berry

Tom Kearney, Bus Campaigner (e: comadad1812@gmail.com)

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1. **Caroline Pidgeon MBE AM (Chair):** This is the third of the roundtables we have been holding for the Transport Committee. Today we are here with Tom Kearney [Bus Safety Campaigner] who is known to many of us. He is a long-standing bus campaigner doing really strong campaigning on bus safety issues since 2009. We wanted to get your take on some of the issues first-hand. We get lots of submissions and things but we want to really chat with you about some of the issues. You are recording as well for a film you are making.
  2. **Tom Kearney:** Yes.
  3. **Caroline Pidgeon MBE AM (Chair):** So everybody is aware, it is being recorded by Holly who is a film student at University College London (UCL). Welcome, Holly, as well.
  4. Let us do introductions first. That is very rude of me, I should have done that. You know me, Caroline Pidgeon. I am the Chair of the Transport Committee.
  5. **Caroline Russell AM:** I am Caroline Russell. I am a member of the Transport Committee.
  6. **Keith Prince AM (Deputy Chair):** I am Keith Prince. I am also a member of the Transport Committee and Deputy Chair.
  7. **David Kurten AM:** I am David Kurten, on the Transport Committee as well.
  8. **Richard Berry:** I am Richard Berry. I am Scrutiny Manager for the Transport Committee.

9. **Georgina Wells:** I am Georgie Wells. I am Assistant Manager for the Transport Committee.
10. **Caroline Pidgeon MBE AM (Chair):** We have a few people observing in the audience who support the Committee as well. Welcome everyone.
11. Thank you, Tom, so much for coming along today. What I wanted to kick off with is a real general question: what do you think Transport for London's (TfL's) priority should be for delivering a safer bus network?
12. **Tom Kearney:** Thank you very much, Caroline. That is a very good question. TfL's priority, certainly since July 2000 when it was founded, has been to deliver buses that run timely and are available. Apparently there was a time in the United Kingdom (UK) when buses were not reliable and now they are. This is politically very important. It is also important to have a bus service that is timely and reliable because that brings more people onto it. I appreciate that. My issues with buses are a bit like my issues with the NHS Mid Staffordshire Health Trust: I love the NHS. I just do not like the NHS Mid Staffordshire Trust.
13. Buses are crucial to the operation of London. They are absolutely crucial to the transport network. The issue is that we have a system that is fundamentally unsafe. This was absolutely evidenced by the International Bus Benchmarking Group (IBBG) information. TfL did not issue it for public consumption but TfL was compared to 15 other world cities such as Paris, New York City, Vancouver and Sydney. This is big process data from 2007 to 2014, a substantial period of time. London ranks number one in terms of punctuality. Perfect, they have achieved their goal. They are in the top quartile - I think number two - in terms of profitability per bus. Their buses are on time and profitable. However, they are in the last quartile in terms of speed. That means they are punctual but they are slow. They are also in the last quartile - number 11 out of 15 - in terms of collisions.
14. That, to me, very much underscores precisely what bus drivers have been telling me for years: that this is a system that is absolutely skewed towards delivery of a bus that is on time and profitable for its owners at the cost of safety in a city that is getting increasingly congested. Contracts are something, Caroline, that you and I have been going back and forth on with Mayors looking at safety. Last year TfL announced it was going to "update" contracts after 17 years of running buses to include some sort of safety requirement. That pretty much shows you where its priorities lie.
15. **Caroline Pidgeon MBE AM (Chair):** The priority is delivering them on time and making a profit rather than enough safety checks within the system.
16. **Tom Kearney:** With a caveat it is in an increasingly congested city. Those on-time requirements have not really changed.
17. **Caroline Pidgeon MBE AM (Chair):** Let us get into some specifics. Caroline?

18. **Caroline Russell AM:** I want to look into the situation for drivers; driver fatigue and stress. We have heard fatigue is a serious health and safety concern. It is regularly raised by bus drivers. We have had bus drivers in here to talk to us about health and safety and their concerns about driving tired, inadequacy of breaks and shift patterns that keep them working for a long time. Do you think drivers are supported to do their job safely?
19. **Tom Kearney:** No.
20. **Caroline Russell AM:** OK. That is blunt.
21. **Tom Kearney:** Categorically no.
22. **Caroline Russell AM:** In that case what do you think TfL and the bus operators can do to reduce driver stress and fatigue?
23. **Tom Kearney:** First, TfL does not have a bus operator's licence. It is not the operator. I believe this creates a different set of potentially dangerous situations. TfL, not being the operator, has no legal responsibility for the behaviour of a bus driver. However, it does have contracts that have terms it enforces. In principle, as the primary contractor of a service provider, and in enforcing contracts that have requirements that affect behaviour, it obviously has direct influence over their behaviour. However, it does not drive the bus and does not have an operator's licence.
24. I would argue - and bus driver's would certainly – the Excess Waiting Time requirements, the running time requirements, called headway requirements, in buses that for the last ten years have afforded buses to be on time and available put incredible pressure on bus drivers. This is what Bus Driver X called a "cascade of responsibility": you have commitment to a contractual ideal and the responsibility for its enforcement flows down. The benefits from that enforcement flow up. Bus driver wages constitute 60% of the cost of running a bus. There is huge pressure on reducing costs; that is bus driver wages.
25. Also meeting excess waiting time (EWT) requirements that are 100%. A bus company can lose up to 10% of its contract value per quarter on the basis of a EWT target. Bus drivers have full responsibility for and the force of carrying out the EWT requirement. They then bear the full responsibility for not meeting that. There are two ways of achieving that target. One is speed through red lights, speed up at junctions, run fast between runs to try to catch up and make headway, or hit somebody. Those are pretty dangerous choices but those are choices, but those are choices bus drivers have to make all the time.
26. **Caroline Russell AM:** Sorry, you are saying hitting somebody might come as a consequence of speeding up?
27. **Tom Kearney:** Or lose their job. If they are deemed to be bus drivers that consistently miss headway targets and are consistently late, for whatever reason, or behind the

targets they lose their jobs. That is what they are effectively risking. They meet the headway target or they lose their job. These jobs are important to these people.

28. **Caroline Russell AM:** Are you saying you think the bus drivers are under excess pressure --
29. **Tom Kearney:** Precisely.
30. **Caroline Russell AM:** -- to meet those headway targets.
31. **Tom Kearney:** Or lose their jobs if they do not.
32. **Caroline Russell AM:** Therefore that is building in systemic risky driving behaviour, such as speeding up to get through a light.
33. **Tom Kearney:** Sure. You end up doing that as you take a view, "Am I going to risk losing my job? I have already been warned. I am going to lose my job if I miss the target. I am under pressure from my controller who has told me I am behind the target, I am behind headway. Am I going to 'amber gamble'? I am going to skip through that red light and make the target." They do that all the time.
34. **Caroline Russell AM:** Is there a way TfL could be taking that risk provided by the headway requirement?
35. **Tom Kearney:** Sure they could. TfL would then say that buses would not run on time. They would say people would complain their buses were not normal, they were not running on time. That is what TfL pushes back on. This is a discussion we had with Leon Daniels [Managing Director - Surface Transport, TfL] in September 2013. I said it is very clear that speed and headway are causes of death. He responded, "If we put safety first buses would run slower". You were there at that meeting on 18 September 2013. I was aghast that this was someone who basically said, "We are willing to gamble with people's lives in order that buses are reliable".
36. **Caroline Russell AM:** TfL should be trying to make sure that safety and safe driving - rather than headway, punctuality and speed - should have a different weighting in the contract.
37. **Tom Kearney:** Let us look at their incentives. The bonuses they are paid have EWT as one of the key indicators.
38. **Caroline Russell AM:** Bonuses for the operators?
39. **Tom Kearney:** TfL managers have EWT as one of their key performance indicators (KPIs).
40. **Caroline Pidgeon MBE AM (Chair):** It is at every level; managers and operators but not the drivers particularly?

41. **Tom Kearney:** Drivers can lose their job if they do not meet headway. Their outcome is slightly more binary. If you look at the KPIs for the executive bonus TfL managers are paid every year EWT is one. They say they have casualty reduction but it is only general and not specifically for their own fleet.
42. **Caroline Russell AM:** You are saying if EWT was taken out of the TfL management bonus system, and perhaps casualty reduction was put in there, that might create a different culture?
43. **Tom Kearney:** True. Let us look at one thing, if you are going to put any time requirement on vehicle performance - that is sharing space with cars, taxis, people pushing prams, people in wheelchairs and cyclists - you are going to create a system that is inherently more dangerous because they are sharing the road with other road users. Anything that disassociates that road user's responsibility from duty of care and focuses on something completely different - profits for whoever who is employing it or their own job - is going to create a dangerous system. It is not just TfL bus drivers. This is an example of a state system that has state contracts having private companies doing it but private companies do it all the time. Delivery companies, such as Amazon, have to deliver a certain amount of packages in a certain amount of time. Heavy goods vehicle (HGV) companies working in construction have a certain number of [delivery] requirements. Anything that is road-based and has a time-based or delivery-based requirement is absolutely putting death before safety. That is a fact.
44. **David Kurten AM:** I would like to ask you about driver training now. Do you think bus drivers are provided with enough training to do their job safely?
45. **Tom Kearney:** Let us look at the discussion on 2 February, Groundhog Day as we say in America. We heard in the discussion that bus drivers are required to have 35 hours of training over five years - that is one day a year of training over five years - in order to maintain their competent driving certificate. That certificate, as I understand, is not London-wide. Each company determines what that requirement is. There are no standards here for training.
46. What constitutes training? London is very, very happy to push this programme called Hello London. I have heard it is £6.5 million. It is probably a lot more because you have to pay for two days off for each bus driver and there are 24,000 bus drivers. I figure the ballpark cost of Hello London is about £10 million. I get a lot of feedback from bus drivers. I am being followed by or am in touch with about 3,500 bus drivers, a little more than 10% of the bus fleet. That is a statistically significant sample from all the companies. Bus drivers felt that Hello London was not safety-focused at all. It was basically a two day 'jolly'. They said, "We understand why". The positive externality of this - not a waste of money because I guess customer relationships are important - is that bus drivers were able to meet a lot of other bus drivers from other operations for the first time. Other than when people are actively using buses there is not a huge amount of cross-fertilisation. This is the first they actually felt they were in touch with a lot of other bus drivers and that was positive.

47. That counts as two units of training out of five. It is not unimportant but does not really count as operational safety training. That is one issue I am concerned with. There are lots of other issues that are important but operational safety performance to me is the thing that is suffering. It is an absolute requirement here. What I am trying to achieve is to have that as the focus.
48. **David Kurten AM:** That is something bus drivers will do as an ongoing continuing professional development. What about initial training.
49. **Tom Kearney:** You mean the 60 days of training or six weeks?
50. **David Kurten AM:** Do you think that is adequate?
51. **Tom Kearney:** No. The concept you can become a bus driver in six weeks is unbelievable to me. There is the whole issue with constant maintenance of their health and safety. There was a bus driver, 51-years-old, driving a bus who suffered a heart attack and died. This was a 221 bus. I just read about it. His mates were quite upset. He was in the bus driving when he suffered the heart attack. The health situation of bus drivers to me is chronic, if you have chronic stress, if you have rotas that do not take any account of human conditions and you are working them 12-hour days, and we forget as well bus drivers have to get to and from their jobs and they have families and life problems like the rest of us. The concept of these people showing up, overworked and overtired, after being trained for six weeks for a job -- the second thing about training is quite interesting. Bus drivers are not trained in central London. They are trained in the outer suburbs. Then the first day they say, "Welcome to Tottenham Court Road". The bus drivers are blown away.
52. Bus drivers also say they are instructed to expect to crash the bus. It is normal. Serious. This is normal. You are expected to get a few dents, "Not to worry". Again, a safety culture. The railways in the UK used to be like this. This is a fact. You would lose 60 to 80 people a year falling out of trains. Things would happen. It was not until the Cullen Commission in 2000, after Paddington [railway accident], that the culture changed. It took a long time. Between 2008 and 2016 there were no train fatalities in the UK until the Croydon tram crash which, interestingly enough, was being managed by the London Bus Services Surface Transport and not by the railway people.
53. The critical issue here - and what I am trying to push for - is that the safety culture within buses is not on par. There is no excuse for it. Rail did this. Airlines have been through this. Maritime has been through this. We, as citizens and residents, have a right to expect our public authority to act with the same duty of care and, more importantly, learn from those very sectors that managed to do it.
54. **David Kurten AM:** What is particularly disturbing about what you just said is the instruction bus drivers should expect to have some collisions. That is not something I have heard before.
55. **Tom Kearney:** This is a casual acceptance. If you listen to what people say publicly, they will say 49% of all fatalities in the last seven years have been as a result of two

bus operators who account for 36% of the total bus fleet. Already alarms should be ringing. When I asked TfL that question it said, "They operate a lot of inner city routes". I found myself asking, "So they are expected to kill, that is normal?" That is the casual attitude to safety that is absolutely manifest within TfL, certainly at the highest levels of management.

56. **David Kurten AM:** You talk about changing the culture to bring it into line with what the train culture is now. How do we do that?
57. **Tom Kearney:** I suffered, as you know a near death experience being hit by a bus. What inspired me to start campaigning was the fact there was no data about people being killed. There were lots of reports but no data. I thought to myself, "How can anyone make a decision about safety if they do not even know how many people they are killing or injuring per month?" In 2014, with the huge help of [Lady] Victoria Borwick [MP, former Deputy Mayor of London] and of Caroline [Pidgeon], we managed to get TfL to start publishing this data every quarter. The data itself is extremely primitive. The third quarter data, for the first time, showed the bus garages that were involved. To me it was very simple to ask that question. If you are a bus driver your culture evolves from your garage. Certain bus companies have different attitudes to safety. That is a fact. If you look at collision per bus certain bus companies perform very well and certain companies perform very badly. It is also bus garages. Specific garages outperform others.
58. I would love it if TfL published the information and analysed it. The data they publish is spat out and it says, "You deal with it". I thought to myself, "It has this data. Why is it not doing anything with it? Why is it not learning anything from it?" As the IBBG data shows an organisation that has this information and refuses to release it is hiding something. Period. This is not a state agency that is acting in the public interest. That has been my suspicion since day one. I have been a director of a UK public company. I have been a director of mines in different parts of the world. I am familiar with the behaviour of management that is trying to hide safety. It is trying to hide its safety performance. The IBBG data, to me, was absolutely the smoking gun.
59. **David Kurten AM:** I will come back a little bit towards training. You say the six weeks initial training and one a year, perhaps doing Hello London, is insufficient.
60. **Tom Kearney:** Remember the six weeks is not in central London. It is not in dangerous areas.
61. **David Kurten AM:** What could TfL and bus operators do to improve bus driver training ultimately?
62. **Tom Kearney:** That is a good question. This is where Wayne King [Unite regional officer] said something very interesting, no one talks to the bus drivers. We are not familiar with a lot of these programmes because none of the bus drivers inform it. There is a very good book by Matthew Syed [author] called *Black Box Thinking* in which he focuses on how the information in organisations about safety performance should also come from below, from the people at the bottom, so to speak.

63. The thing I do not understand is that any collision is the function of two things: the brain behind the wheel and the brain that is being hit. It is very important any system understands why the person behind the wheel was making the decision he did at the moment of impact and why was the person being hit making that decision at the moment of impact. In a city that is incredibly congested you are taking away more time for crossing, you are creating more obstructions for pedestrians and are creating a situation where the bus driver is focusing on meeting his time target.
64. More importantly, the driver cannot see out the left-hand side of his box - the nearside they cannot see - so is basically driving blind. This is a fact. The bus drivers report their mirrors do not work and they cannot see. They are also in a Perspex container. They cannot see at night and if it is raining they cannot see. Why are these things occurring? I do not know how much training you can do to say, "We are going to have you drive blind in one eye, meeting time targets, with no sleep, no break and having to go to the bathroom". I would not want that job. If you want training talk to the bus drivers. They may be able to tell you how they think they can be better trained. One of the things bus drivers are saying is, "Train us in places where people are getting hurt instead of training us in soft areas".
65. **David Kurten AM:** Do you think London-wide training standards would be an improvement on what is happening? Taking into account what you said, that everyone should train in areas where people are getting hurt such down Oxford Street and Tottenham Court as well.
66. **Tom Kearney:** I'd like them all off Oxford Street personally—it's just a little issue with me. You mentioned London-wide training. London has 25% of the UK's bus fleet. It is a big chunk. TfL - certainly through very good activism from the London Assembly and from this humble campaigner - is the only bus fleet in the world that has access to confidential incident reporting and is the only bus fleet in the world that reports its quarterly casualty data. These are huge results. They shine very positively. If London were to say, "Not only do we want this but we want a London training standard that is more than just seven hours a year for five years and that is driver-led, not company or TfL led". That is the thing I find most important, drivers want to lead this discussion. They do not want to kill people. They have no desire to kill people.
67. There are very, very simple things that can be done to create a better environment for them (1) pay them for breaks, (2) give them access to toilets at both ends of their route and (3) give them some place to get something to eat or a cup of coffee instead of making them stand out in the rain for their break. Treat them like human beings. When they receive this six week training to become a bus driver there are some bus companies that require them to pay back the training and they take it out of their paycheque. Serious. I come from the United States. The colony of Georgia was established on the basis of indentured servitude. This is indentured servitude. The concept you would take money out of a paycheque to a bus driver - this is not a dripping roast of a paycheque - to pay back their training -- collectively the bus companies last year - based on the 2015 data - took home £135 million in profits on let us say a £2 billion budget. That is not an insignificant profit margin.



68. **Caroline Pidgeon MBE AM (Chair):** Was that just London?
69. **Tom Kearney:** This is just the London bus operators, the ones I could find. That is a total ballpark picture. Let us say there is a 7% margin on running buses. Throwing this out as a little fact, the company that made the least amount of money has the safest record.
70. **David Kurten AM:** One more question from me, what would you feel about bus drivers having first aid training?
71. **Tom Kearney:** I hugely appreciate first aid. A 16-year-old kid in the Duke of Edinburgh's programme saved my life because he learnt first aid. Everyone should learn first aid. In my family we have all learnt first aid as a result of me being saved by it. My son did the Duke of Edinburgh's programme for that reason. It is hugely important. Everyone should learn it. Does that have anything to do with operational safety performance? No, but everyone should learn it.
72. **David Kurten AM:** Maybe such that is something for the Education Panel (Overspeaking) rather than for the bus companies.
73. **Tom Kearney:** It does not change the way the safety system operates.
74. **Caroline Russell AM:** I want to pick up on passenger support, the post-crash response. We had Sarah Hope [Victims Support Consultant, TfL and founder of the Sarah Hope Line and Elizabeth's Legacy of Hope] come to give evidence to us.
75. **Tom Kearney:** Riveting.
76. **Caroline Russell AM:** The Sarah Hope line has been set up to try to make sure there are avenues for communication between the families of people who have either been killed or very seriously injured and TfL and other areas of support. First of all, what was your experience after your crash in terms of engagement with TfL or the bus company?
77. **Tom Kearney:** It was my treatment that inspired me to campaign. I was struck by a bus in Oxford Street. I had a traumatic brain injury, was in a coma for two weeks, a brain bleed, a pierced liver and two collapsed lungs. My family was over here to watch me die. As my dad said, "If you want to hurt an Irishman, hit him above the neck" so I did OK. Kearneys have tough skulls. I remember sitting in the hospital with tubes in me, looking at the ceiling and saying, "When are the cops going to come? When am I going to talk to someone?" They never came. I never spoke to the police. Nothing. TfL, forget about it. I have never met anyone from Arriva, the bus company involved, ever. It has an interesting spot in the safety record. Of the two companies involved in those deaths over the last seven years, they were one of the 49%. I do not know about the safety culture of that organisation but I consider its people culture is not very good.

78. This is a bit like first aid. Victim support is hugely important: but it has nothing to do with operational safety performance. I am not saying it is not necessary or vital; it absolutely is. It is very humane. As TfL does not have the licence it is ideally posed to do this. It is a role TfL should do. The important thing is to look at how TfL is performing in Croydon. I read the Croydon Advertiser. I am a big fan of that local newspaper because it is doing a brilliant job of covering - in the most humane and decent way - the victims. Samantha Booth and Tom Mackintosh [journalists, Croydon Advertiser] are doing an incredible job of talking to the victims, reporting back and covering the investigation. The reason why the Croydon tram crash is so important is that the company itself, FirstGroup, has a long history with the tram. It was Peter Hendy's as CentreWest Buses [former Deputy Director - UK Bus, FirstGroup] baby. Val Shawcross [Deputy Chair of TfL] was the Council leader at the time when the tram started. It is ancient history but it is important because it is tied into buses and not rail. Look at the rail accident investigation reports. Look at the way TfL is behaving. Look at the safety flaws in the system. Because London Bus Services Limited was effectively the manager of it, not rail, I would argue that manifest safety problems within the tram mirror those within buses. That is why I said this year we cannot say 12 people this year versus 14 last year is a reduction in bus statistics because you have to take into account the seven tram deaths.
79. Back in the 1970s people were being poisoned by taking Tylenol. That is the reason why you have safety things on all caps for medicine, because someone tampered with Tylenol and it was killing people. If TfL does not learn from the Croydon crash and apply it to its bus operation it would be like saying, "We are going to put safety caps on Tylenol Extra but we are not going to do it for regular Tylenol". The Croydon tram crash is hugely important. To me it could be a game-changer for safety operations. We know more about the Croydon tram crash right now than we know about the 68 bus collisions a day in London, two of which involve pedestrians and one involving a cyclist. We are talking hundreds of thousands of bus collisions since 2007 and we know more about what is happening with the Croydon tram. We know more about the 2008 Croydon tram versus the bus collision. To me that is unbelievable. You have a rail system that learnt about safety performance and safety culture.
80. Wayne King [Unite regional officer] said something hugely important at the Groundhog Day presentation, if you want safety culture to extend to buses you have to engage with the drivers. My experience, having worked with them closely, is they absolutely embrace safety. Do you know why? It is because they are humans, they want a job they can be proud of, they want a life they can be proud of and, more importantly, they do not want to kill anyone.
81. **Caroline Russell AM:** Can I take us back into that post-crash response? This is something we spoke with the bus operators about, whether the insurance and responsibility situation after a crash prevents the bus drivers from being at all humane.
82. **Tom Kearney:** There is a huge issue with insurance. That is bit of an easy way to get out of it. Take victim response away from the bus companies. Absolve them. They do not have to deal with it. It is TfL that does not have the bus operator's licence. TfL is absolutely well placed for running the Sarah Hope Line. I would argue it does not have

anything to do with operational safety performance. It is important and humane but it is a bit like first aid. It is absolutely necessary but it should not be included in the bus safety budget.

83. This gets into investigation a little bit and insurance companies. As you know TfL does not investigate any bus collisions. It does not even receive copies of the reports. We have asked twice over the last four years. What I find very interesting is that the people who investigate bus crashes for bus companies are the insurers, people who are absolutely incentivised not to find any blame on the part of the company, the people who would have to pay out too. You should know that 48% of the Road Traffic Unit and Traffic Criminal Justice Unit is paid for by TfL. I am not saying the Metropolitan Police Service (MPS) is corrupt but there is an inherent conflict of interest if the unit looking at whether a bus is culpable is paid for by the very agency that contracted it. I just throw that out there. To me that smacks of something that could be potentially problematic.
84. A lot of people investigating bus crashes for the bus companies' insurers are retired police officers. Again, I know people have to have jobs and they have to have jobs after they leave public service, I have nothing against that. I do have an issue that once you look more closely at how this occurs --
85. **Caroline Russell AM:** How what occurs? The fact those people get the jobs or --
86. **Tom Kearney:** There is a conflict of interest if the investigation by the bus company to determine safety and fault is paid for by the bus company. What happened in rail is that you have the Rail Accident Investigation Board. It is independent. It is not run by an insurance company. It is independent. TfL is outsourcing that to the bus companies who are outsourcing to their insurers who have, I would argue, a material interest in having outcomes come out a certain way. If you kill someone with a car in London there is a 35% - this is RoadPeace [data]- chance you will be convicted of something. If you kill someone with a TfL bus that has ten times the killing power of a car there is a 13% chance you will be prosecuted and about a 2% chance you will be convicted. You do the maths. That is a statistically interesting occurrence where something with ten times the killing power of a car is being prosecuted an infinitesimal fraction of that vehicle. There was a report by Lily Matson to PACTS which states that buses have four times the casualties with pedestrians than should be according to their basic position in traffic. If you have four times the casualty generation in a class of vehicles there are all kinds of things that harp back to the safety of the system.
87. One of the issues I find most problematic is that since I began to actively campaign in 2012 I am a one-man show. Why is no one at TfL doing this? Why is no one in the Mayor's office doing this? I am a one-man show. To me that is the screaming statistical indicator. It is bizarre if you have to depend on the volunteer services of a bus crash survivor to move your safety agenda and it is £2 billion a year versus me, who is less than a few billion a year.
88. **Caroline Russell AM:** You silenced us, Tom.

89. **Keith Prince AM (Deputy Chair):** Do you think TfL is making incident investigation more rigorous and transparent?
90. **Tom Kearney:** No. Again, we have a conflict of interest. We have an entity that is a contractor, regulator and manager of service. More importantly, the former managers of that public service then become the managers of the actual contracted service. That revolving door is too much. I was getting these wrong letters from David Brown [former Managing Director of Surface Transport, TfL]. [Lady] Victoria Borwick [MP, former Deputy Mayor of London] was getting wrong letters from David Brown. I said, "This guy is the head of buses? He does not know anything." Then he becomes the head of Go-Ahead buses which have 25% of TfL buses. He leaves Leon Daniels [Managing Director - Surface Transport, TfL] job to work for Leon Daniels. Sorry, that stinks.
91. **Keith Prince AM (Deputy Chair):** I take it from that that you do not feel TfL ensures all incidents are properly managed, reported and investigated.
92. **Tom Kearney:** It does not even get copies of the bus companies' insurers' investigations. That has been proven twice in the last four years and the fact nothing has been learnt there.
93. If you look at this IBBG data, TfL is not getting any better. This is a static performance. Therefore no, they are not learning anything. I would argue they are wittingly not learning anything because it disproves their £28 million a year public relations (PR) narrative.
94. **Keith Prince AM (Deputy Chair):** Clearly you do think the process for reporting incidents could be improved. Could you give us some suggestions on how that should be?
95. **Tom Kearney:** It is a good question. One is looking at the issue of incident reporting itself.
96. **Keith Prince AM (Deputy Chair):** In there could you give us your thoughts on the confidential incident reporting (Overspeaking)
97. **Tom Kearney:** It is my firm belief - and after years of campaigning - that bus drivers want to change the system. They want to be in a safer system. There is a culture of fear within bus companies that punishes bus drivers for reporting safety. We know of the case in 2014 where a bus crashed in Chelsea. The driver took the view that the bus malfunctioned, a drive-by-wire issue. TfL teamed up with the bus company to prosecute the bus driver for dangerous driving. The judge threw it out. The bus drivers who supported the bus driver at the court of law were fired and then their case was thrown out. It is really scary that instead of learning from the unintended acceleration incidents - last year there were two a month - TfL blames the bus driver for those occurrences every single time. Statistically if a bus is just running away, and you assume the person behind the wheel is professional, capable and knows what they are doing, it is not a normal occurrence. We have had people look into. I have had

transport specialists look into it. It is clear there are all kinds of issues. If you look at the buses that were just recalled - at 5 miles an hour the back door was not working and it was stopping - there is something wrong with that model. They had to withdraw buses. There is something wrong with it. Drive-by-wire is more problematic. One of the things I have asked for - thank you, Caroline [Pidgeon], and I would like to see if it happens - is on the bus collision data we are getting every quarter for the bus model to be listed as well - bus garage and bus model - to see what we learn from it. Why is no one in TfL coming up with this? It seems strange to me. Therefore, yes, there is a huge issue with reporting within bus companies.

98. Lastly regarding Confidential Incident Reporting and Analysis System (CIRAS), I campaigned for CIRAS back in 2014 when I found out about it. I thought it was brilliant. I have worked a lot with railways in the UK so I am familiar with the rail culture and I have huge respect for it. Here is a perfect example of something so simple. If you are an operator of anything then it is in your interest to know if dangerous practices are occurring. It is good common sense and good business sense. What I found peculiar about this is when Bus Driver X proposed it TfL fought it. They fought it for months saying it was not necessary, blah-blah-blah. It was delayed for months, basically a year, before it actually happened. CIRAS is now in operation. However, I have found two things. I have heard from bus drivers that they do not like it because the mechanism is that bus companies pay for it. It is not for me to say but the relationship between the bus operators and bus drivers is complex. They do not trust anything even if they think it is independent. I have also seen written confirmation of this from bus company documents that they are telling bus drivers they have to report to the bus company first. That goes against the entire spirit of it.
99. **Keith Prince AM (Deputy Chair):** It struck me as being a fundamental flaw that - as you quite rightly say - before they report the incident to CIRAS they --
100. **Tom Kearney:** That isn't true. That isn't --
101. **Keith Prince AM (Deputy Chair):** Let me just say what I have got to say and then, Tom, you can rip me apart, whatever you want to do. What I understand and what I heard is that bus drivers are being told that before they can report something to CIRAS they have to report it to the bus depot. Clearly if you have reported that the number 36 ran somebody over - God forbid - and you then do a report to CIRAS saying, "I am worried about an incident where someone got run over" CIRAS go back to that garage and it does not take a genius to work out who did the reporting. Where is the confidentiality?
102. **Tom Kearney:** No, but what I am telling you is that is completely wrong. That is not true. I have seen the documentation. The fact they are telling bus drivers that is an out and outright lie. CIRAS exists independently of the bus companies and, more importantly, exists as a first line of contact, not last line. There are no hurdles getting to CIRAS. That is the whole idea behind it.

103. **Keith Prince AM (Deputy Chair):** You are saying it is not like an ombudsman for reporting the Government where you have to go through the whole process (Overspeaking)
104. **Tom Kearney:** No, there's no (Overspeaking)
105. **Caroline Pidgeon MBE AM (Chair):** How it is being presented to drivers is (Overspeaking)
106. **Keith Prince AM (Deputy Chair):** If what I am saying is true, what you are saying is that it is incorrect.
107. **Tom Kearney:** It is not only incorrect. CIRAS never put that forward. CIRAS exists purely as a first line of defence, if need be. The idea for CIRAS was, "We exist purely to improve safety performance. That is what we do. We are indifferent to whether or not the person has gone through 17 people or no one. You give us a call. We will protect your identity and report it." If bus companies are telling people they have to go through hoops and jump over hurdles to get to CIRAS that is a lie. That is just wrong. It is a peculiar situation. It is the first time CIRAS has operated on the road. Bus companies have a different safety culture. The manager of a bus company has a different safety culture.
108. These bus companies in London that have CIRAS extended to the bus drivers all have CIRAS for their rail operations across the UK. These are big global companies. They all have their rail operations. Regardless of ownership - state, community or shareholder ownership - not one of them extended CIRAS to their bus drivers outside of TfL. This is why I drafted this piece of legislation for the Buses Bill - I am trying to convince Andrew Jones [MP, Parliamentary Under Secretary of State at Department for Transport] to accept it - to extend CIRAS to all bus drivers nationally and take responsibility out of the hands of the local transport authority. Like I said, I have been a director of a public company in the UK. I have been a director of a mine. It has been in my interest to find out what is going on and, more importantly, take actions because if I do not and let these things fester, continue and someone dies I go to jail. At least that is true in the mining industry; it is not true in the bus industry. It is true in the railway industry. It is true in airlines. It is true in maritime.
109. I love the idea of a London Standard. London has done some very good things, primarily through the scrutiny and influence of the Assembly and eager campaigners. However, these things could crystallise into something much more profound on a national level.
110. **Keith Prince AM (Deputy Chair):** Do you believe CIRAS is actually promoted to bus drivers?
111. **Tom Kearney:** No, I have first-hand information of that. Like I said, there is a lot of information I would love to blog about but I have a limited amount of free time. I have more free time than I should for bus safety issues and my family is getting tired of it. No, it is not promoted to bus drivers. We even heard Wayne King [Unite regional

officer] speak and it is not. The National Union of Rail, Maritime and Transport Workers (RMT) made extension of CIRAS to bus drivers nationally part of its national platform. I have not seen anything similar from Unite since Unite obviously represents bus drivers. CIRAS was not extended to the FirstGroup tram operation in Croydon. It is very interesting that bus drivers had it but tram did not.

112. If TfL is now spending - officially announced after over a year of denying saying what its budget was - £32 million with £6.5 million a year on safety - £28 million for PR and I do not know how much they are spending on the board spots, for example - how much is going to safety? The Sarah Hope line is great but that has nothing to do with safety. It is important and humane but if that is included in the budget that does not count. First aid, I do not know. I am sorry, Hello London is probably a great thing. However, one way to make bus drivers more pleasant with customers is to actually give them good hours, good working conditions and make them feel like they are appreciated.
113. This is the issue I find, having been on the receiving end of contempt for a lot of time. I even wrote to Gareth Powell [Director of Strategy and Service Development, TfL]. I do not know him. I have never heard back and I do not expect I will which is typical. The last time I met with Leon Daniels [Managing Director - Surface Transport, TfL] was in 2014 at a meeting he did not want me to come to and he told people, "Do not bring Tom". The amount of contempt I have gotten from TfL as a victim has been echoed by Sarah Hope [Victims Support Consultant, TfL and founder of the Sarah Hope Line and Elizabeth's Legacy of Hope]. It was seven years before Metrolink said sorry and that was only because the Mayor intervened. Sarah Hope's driver went to jail so she got an outcome that most people do not. This is why I think Sarah Hope is being so brave and outspoken. I am proud of her because she represents someone who got the best outcome that could be expected from the system in that the bus driver was convicted but she was absolutely treated with contempt by the system. I have been treated with contempt. Based on what I found I return it back with a smile on my face.
114. **Caroline Pidgeon MBE AM (Chair):** OK. Let us move to another section. Keith, do you want to pick it up?
115. **Keith Prince AM (Deputy Chair):** Thank you for that, very helpful actually. This is about monitoring bus safety. TfL apparently use two datasets. A MPS data set is one of those. According to TfL it does monitoring on a regular basis. It says here, "1,700 assessments is completed [I am sure it is 'are completed'] each period". We do not know what the periods are. Do you think there are gaps in this monitoring?
116. **Tom Kearney:** Of course. A classic one is the woman in Islington two years ago who was hit by an Arriva bus. She is an Olympic athlete who was on the karate team at the 1992 Olympics. She lost her leg. It was reported in the TfL collision data as "pedestrian hurt" but not in the STATS19 data. You can lose a leg and it not be picked up. This kind of thing happens all the time.
117. My issue is a little more fundamental. TfL has data on every Oyster card that gets used. It has data on all the stuff. There is all kinds of big data stuff. It seems like this should be the kind of thing it should be doing itself. It is outsourcing its investigations

to insurance companies that are incentivised not to find anything. The fact it is outsourcing data collection to entities - and maybe analysis, but there is none - it has no control over is unbelievable to me. Like I said, there is a great quote, "Ignorance is not lack of knowledge but an unwillingness to learn". This is TfL. This is an organisation that refuses to learn. Over 200,000 bus collision incidents in the last eight years and we know more about what happened in Croydon than we do on those. That, to me, is the most classic example.

118. What the Cullen Commission showed is you need to have leadership. You need to have leadership among the companies. You need to have leadership in the institutions doing the hiring. There is no leadership there. The fact that Gareth Powell [Director of Strategy and Service Development, TfL] - whom I will probably never meet because he has never responded - said, "We just cannot get the data on the people that are killed by our buses" to me is despicable. The fact that Tony Wilson [Managing Director, Abellio London and Surrey] could not name the number of people that had been killed by his buses again shows the casual approach these people have. They are happy to take profits from public money, happy to explain how much they are doing but when it comes down to knowing how many people their operation is killing, no. That is just not good news.
119. **Keith Prince AM (Deputy Chair):** No, it is very poor. According to the data and the STATS19 data, the long-term trend in relation to bus incidents over ten years is on the way down. However, apparently there is some discrepancy between that and the hospital data. What are your thoughts?
120. **Tom Kearney:** It is a classic example. If the institution collecting this information is in no way connected to the actual instances, then already it is suspect. Secondly, yes. The number of discrepancies that I find between what is reported versus what happens is the nature of life. Like I said, put the responsibility for gathering this data, interpreting it and, more importantly, publishing this data in the hands of people that are directly impacted by its failing. No one has lost their job at TfL. No bus contract has been removed from any bus company for increases of death every year. In fact, 2012 saw a huge surge in the number of people killed and injured by buses in London. Do you know why? Because we had the Olympics. You invite people into your home to spend their money and be entertained and you kill more of them. Your excuse is, "There were more people here". That, to me, is the attitude of this institution.
121. **Keith Prince AM (Deputy Chair):** Just for clarity, Tom, you are saying, "Put the responsibility in the hands of the people responsible for its failings". Exactly whom do you mean by that?
122. **Tom Kearney:** I mean Surface Transport or, more importantly, put someone in charge of Surface Transport in terms of operational safety. There is no one.
123. **Keith Prince AM (Deputy Chair):** You are saying TfL should have a person --
124. **Tom Kearney:** A chief safety officer for Surface Transport.



125. **Keith Prince AM (Deputy Chair):** A chief safety officer whose responsibility is gathering the data and then doing something with it.
126. **Tom Kearney:** A team to manage it, obsess about it, understand it, derive some meaning from it and, more importantly, influence policy.
127. **Keith Prince AM (Deputy Chair):** Possibly someone like yourself, Tom?
128. **Tom Kearney:** I just throw that out there as an idea. No, they need to have a chief safety officer --
129. **Keith Prince AM (Deputy Chair):** That cares.
130. **Tom Kearney:** -- that cares. I do not think anyone should be taking a vacation while this is going on. I do not think anyone should get a bonus while this is going on. This is a failing system. What this IBBG data shows is that it has been failing for years and that is why they do not want to publish it.
131. **Caroline Pidgeon MBE AM (Chair):** Thank you. A last quick question is --
132. **Tom Kearney:** I'll talk as long as you want.
133. **Caroline Pidgeon MBE AM (Chair):** We will all have gone by then, Tom.
134. **Tom Kearney:** I will still be here talking.
135. **Caroline Pidgeon MBE AM (Chair):** Bus technology, we understand there are lots of different innovations out there. We have iBus 2 coming, quiet engines which are good but also have some challenges and other collision avoidance technology. Are you aware of particularly good features on perhaps different bus models? What other things do you think TfL should be piloting in this area of new technology?
136. **Tom Kearney:** I think there are a lot of issues with bus technology. The most important technology is the human brain - it has taken millions of years to evolve - and two eyes and ears. The person behind the [wheel of a] bus has the most important technology and that is the technology (Inaudible). No one is downloading information from that. No one is listening to these people. A classic one is they do a big traffic redesign in a place and again from the bus driver it is, "They did not talk to us. We would have told you these ..." There is so much human behaviour these people are observing but no one talks to them.
137. **Caroline Pidgeon MBE AM (Chair):** It is very basic, is it not? Yes.
138. **Tom Kearney:** The bus drivers are a huge source of positive, life-affirming information that can improve safety performance across the city, not just for cyclists and pedestrians but for everyone. They witness the way people behave. Taxis as well, by the way. Specifically Black Cabs and not private hire vehicles (PHVs). They are a huge

source of - I would argue sometimes too much - wisdom. They are not always right but they are a source of wisdom. They watch.

139. **Keith Prince AM (Deputy Chair):** It is true. I have seen them design these junctions that a bus cannot get around or a coach cannot get around.
140. **Tom Kearney:** Yes. Then there are changes to lighting. The point is the bus drivers can tell you a lot about the way things behave, not just at a particular junction but at specific times as well, to say, "This is when kids are out. Basically our headway indicators remain the same, and there are kids around at this time." This is really what it comes down to: we have a machine that is running the system, time, and all the human feature is gone. That is what it comes down to. This is why you want Sarah Hope's Line, because you want humane interaction. You want some feedback into why things are happening. This is why you want to talk to bus drivers, because they are the humans behind the wheel.
141. **Caroline Pidgeon MBE AM (Chair):** We absolutely get that. We did do a roundtable in confidence with drivers so we did get a lot of information from that. Are there any technologies that you know about that you think should be piloted, that is really good and should be on more buses?
142. **Tom Kearney:** I do not think there is anything that really needs to be new. I think you can change certain things. One is there are ways you can reconfigure existing closed-circuit television (CCTV) cameras on buses to capture when they jump red lights. It is automatic: boom. Or when they amber-gamble: boom. You would be able to find that out immediately. That is one of the first things I would do. Stamping out signals passed at danger is something the railway industry did after the crash at Paddington. A huge issue. I know that people like Leon Daniels [Managing Director - Surface Transport, TfL] dispute me about jumping a red light or speeding up at yellow is not a signal passed at danger. It is to me. I do not care if it is the same as a railway line; it is the same thing. Signals passed at danger is a huge issue. I see it all the time with buses. I see it all personally. The bus that hit me was running a red. I know the personal consequences of that.
143. Secondly, enhance iBus to include bus safety alerts. You can have a situation where it says, "Low bridge". I realise you do not want too much interference you want, but some basic things. Bus Driver X wrote a lot about this. You could have some little things on there.
144. The other thing is iBus communication with bus drivers. Bus Driver X has written extensively about this. There needs to be a way. The fact that you have a foot-operated communications thing is just nuts. You would not design that. You would not think, "Hey, let us design the most dangerous thing in the world". TfL will say, "They are not supposed to be operating while it is in motion".
145. **Caroline Pidgeon MBE AM (Chair):** That is right. That is what they said.

146. **Tom Kearney:** Come on, if your entire job is dependent on answering that thing because you are on a warning, you are going to answer. It happens all the time. All the time. One of the things Bus Driver X is really pushed on is this whole thing with communication. Take away sound communication completely. Make some sort of signal device that comes up when the bus is stopped and when it reads that it is safe. In principle iBus communication people, the controller, should be able to see whether the bus is in motion. They contact them anyway. Bus Drivers say there is all kinds of information they cannot hear. Forget about sound. A simple signal-based thing so that, when the bus is stopped and deemed to be safe, the bus driver can communicate, "I can receive communication now", and then it comes through. It is very simple. This all could be done easily.
147. They had this Give a Beep campaign for cyclists to identify dangerous junctions just through clicking something. I think bus drivers having that technology and being able to identify where they think junctions are dangerous - just a little clicker thing, boom-boom - would be simple. iBus communication, fact, that has to change. It is totally dangerous and danger-causing. The daughter of a friend of mine was a passenger knocked unconscious as a result of iBus communication. The bus driver was getting harassed by the controller and it totally distracted him.
148. **Caroline Pidgeon MBE AM (Chair):** Yes, of course.
149. **Tom Kearney:** iBus is the equivalent of a mobile phone in the cab. TfL will come back and say that is completely outrageous. Fact: if you have someone talking to you on the thing, and your job is dependent on that -- I do not have my mother-in-law calling me when I am in a car.
150. Lastly, this pedal confusion issue has to be looked at. Pedal confusion was over two a month last year. I am sorry, although TfL says every single one of them is the fault of the driver I just do not buy it. Sorry. Statistically it is too many. More importantly, when you have Boris buses not working because you have the back door in the -- look, there is something wrong there.
151. Lastly, CCTV data evidence. There is a huge issue with CCTV. The fact that the bus company is responsible for maintaining it and then erasing it after ten or 15 days because of information protection or something is absolutely insidious. There is not a single bus camera in my incident that shows me being hit. Intriguing, no? Then the bus that would have seen it, which is in the film, they deleted it after seven days because they had to. Call me crazy. Like I said, I am one of thousands. That is my experience. It was suboptimal.
152. **Caroline Pidgeon MBE AM (Chair):** You were in hospital, in a coma and stuff, so within seven or ten days you would not have been able to seek it, if you see what I mean, in any case.
153. **Tom Kearney:** No. The first thing when I woke up, when I could speak after a couple of weeks, was not to say, "Get the TV evidence".

154. **Caroline Pidgeon MBE AM (Chair):** No, exactly.
155. **Keith Prince AM (Deputy Chair):** Very remiss of you, Tom.
156. **Caroline Pidgeon MBE AM (Chair):** You can see in serious cases there is a time delay, is there not?
157. **Tom Kearney:** Yes, absolutely. More importantly - this is one of the critical issues for safety - TfL, let me reiterate, does not have a bus operator's licence, so why is it the first port of call to handle people's complaints about a specific bus? TfL does not publish the name of the bus operator on any of its webpages. There are no contact details, nothing. The bus operators are the people responsible. Why is TfL disintermediating the public from accessing the actual people causing or involved in the incidents?
158. **Keith Prince AM (Deputy Chair):** That is an interesting point. Somebody has come to me with an issue and by the time she got the information from TfL as to who to complain to --
159. **Tom Kearney:** It was deleted. Boom. I would argue again that is a deliberate system. TfL - let's face it - acts like a trade association protecting the interests of its contractors instead of a public authority that has a legal obligation to ensure that its private and for-profit operators are operating with duty of care. TfL seems very relaxed about it, that, "Oh, we are 100% sure that 48% of our funded organisation gets hold of that evidence quickly". Like I said, this is not an organisation that is behaving in a way that has the public interest at heart.
160. **Caroline Pidgeon MBE AM (Chair):** Thank you very much indeed for all your evidence and for all your work in this area. You have given us lots of food for thought that is building on stuff we have had from the other meeting. It has got us all thinking and will help shape some of our recommendations going forward. Thank you so much for your time this afternoon.
161. **Tom Kearney:** Thank you so much.
162. **Caroline Pidgeon MBE AM (Chair):** I hope we get to see your film that Holly is doing at some point. I am sure that would be great. Thank you very much indeed for all your work. It is really appreciated and you have helped get to where we are with TfL which is not as good as it should be, but a lot of it has been your work.
163. **Tom Kearney:** A long, slow bus ride.
164. **Caroline Pidgeon MBE AM (Chair):** Yes, exactly. Brilliant. Thank you very much indeed.
165. **Tom Kearney:** Thank you so much.

A recording of this meeting is available to view at: <https://www.youtube.com/watch?v=2Om8gdJ9WV0&t=1s>.