

UK Department for Transport Review of The Highway Code to improve road safety for cyclists, pedestrians, and horse riders

Cycling Scotland submission September 2020

Introduction

Cycling Scotland welcomes the opportunity to contribute to the review of The Highway Code to improve road safety for people cycling, pedestrians and horse riders. The review is welcome as it provides an opportunity to improve road safety for vulnerable road users through improved clarity, understanding and enforcement of existing laws.

The review is timely given the massive increase in cycling during lockdown, the increasing proportion of vehicles breaking the speed limit and the slowing of progress on reducing deaths and serious injuries on the country's roads with an increasing proportion of casualties being vulnerable road users.

Our key points are:

- Supporting the introduction of new Rule H3 (cyclists' priorities and right of way).
- The Highway Code should acknowledge the differences in legislation where they exist and are relevant, for example the Right of Responsible Access in Scotland and the different ages of criminal responsibility for children in Scotland, England, and Wales.
- Suggesting a small but important tweak to the wording on 'Riding in the centre of the lane in slow moving traffic'.
- Suggesting a different wording on cycle helmets.
- Supporting the revision to the riding two abreast rule with a suggested tweak to the wording.
- Supporting the new Rule 163 on overtaking distance.

Questions

Rules H1, H2, H3

Do you agree with the introduction of new Rule H1 (hierarchy of road users)?

We agree with the introduction of the new Rule H1.

Research on the hierarchy of road users could have some applicability and use for shared use paths (under responsible access legislation) if the evaluation questions are designed correctly.

Is the proposed wording easy to understand?

The proposed wording is clear and easy to understand.

Do you agree with the introduction of new Rule H2 (stronger priorities for pedestrians)?

We agree with the introduction of the new Rule H2. We welcome the new obligation and clarity for drivers and riders to give way to pedestrians (people walking and wheeling) waiting to cross (as well as crossing) at the side of the road or at a zebra crossing.

Only pedestrians should use the pavement. This includes people using wheelchairs and mobility scooters. An exemption should be added for young children on bikes, under supervision, but we would not support an exemption for e-scooters on pavements. Adults cycling should not use the pavement, except where there are signs permitting it. Everyone should follow The Highway Code at all times, whether cycling, a pedestrian, or a driver. The solution is to increase the provision of cycle paths separated from both traffic and pedestrians and to reduce the feeling of danger to the most vulnerable.

The rule reminds people cycling of their responsibility to reduce danger to pedestrians and provides a reminder that some pedestrians may have impaired sight, hearing or mobility, and may not be able to see or hear people cycling.

Is the proposed wording easy to understand?

The line in Rule H2 “Pedestrians may use any part of the road and use cycle tracks as well as the pavement, unless there are signs prohibiting pedestrians” would benefit from being reworded to the following:

“Pedestrians may use any part of the road or cycle track as well as the pavement, unless there are signs prohibiting pedestrians.”

This will help to create the greatest possible clarity with regards to expected behaviours for pedestrians, i.e. recognising that cycle tracks are separate to pavements.

Do you agree with the introduction of new Rule H3 (cyclist’s priorities and right of way)?

We agree with the introduction of the new Rule H3. Vehicles turning into the path of people cycling is a frequent cause of crashes and the majority of crashes happen within 20 metres of a junction. This rule should help to improve safety on the roads for people cycling and aligns to the hierarchy of user concept introduced under rule H1.

It should be made clear that when turning, especially in slow moving traffic, a driver has the responsibility to indicate and check for filtering road users on their left or right (depending on which way they’re turning). Equally, pedestrians and people cycling should be aware of blind spots where they may not be visible to an HGV driver. As the new Rule 163 states: “*Cyclists may also overtake slower moving or stationary traffic on their right or left, including at the approach to junctions, but are advised to exercise caution when doing so.*” No one would deliberately put themselves at risk by cycling into collision with an HGV so exercising caution and being aware of blind spots are the most sensible principles for a person cycling to follow.

Is the proposed wording easy to understand?

The proposed wording is clear and easy to understand.

Should an alternative wording be under consideration, we would make the following suggestion to aid understanding:

You should not cut across cyclists going ahead when you are turning into or out of a junction or changing direction or lane, just as you would not turn across the path of another motor

vehicle. This applies whether cyclists are using a cycle lane, a cycle track, or riding ahead on the road and you should give way to them.

Rules for pedestrians

Do you agree with the proposed change to give way to pedestrians waiting at a:

- junction? - Yes
- zebra crossing? - Yes

Is the proposed wording easy to understand?

The proposed wording would benefit from some clarification and to provide linkages to other information, such as the Right of Responsible Access (in Scotland) – please see below for further details.

Do you have any further comments about changes to the rules for pedestrians?

With regards to Rule 13 (Routes shared with cyclists), it would be helpful to reference the Right of Responsible Access (Scotland only) and to acknowledge possible linkages. The Right of Responsible Access in Scotland states, for cyclists:

“Do not endanger walkers and horse riders: give other users advance warning of your presence and give way to them on a narrow path”.

It would be helpful to seek a legal opinion in Scots law to clarify any implications for following both the Highway Code and the Access Code Right of Responsible Access for example on redetermined footways (pavements) which are core paths. With that caveat, we support the proposed wording: *“Some routes are shared between pedestrians, cyclists and horse riders. Cyclists and horse riders should respect your safety but you should take care not to obstruct or endanger them unnecessarily.”*

Continuous footways

It is important to clarify expectations regarding continuous footway crossings as this infrastructure will become more prevalent during the lifetime of The Highway Code. We would suggest the pedestrian has right of way when crossing the road but clearly cyclists and vehicles can cross a continuous footway at a side road where there is no pedestrian crossing or obviously waiting to cross.

Cycling on the footway

With regards to primary school children cycling on the footway, this is not a clear-cut issue, with several grey areas including on adult supervision. Regardless, the Highway Code should acknowledge the different age of criminal responsibility in Scotland (12) compared to England and Wales (10).

Rule 62

We support the revisions to rule 62 and would suggest that the below words should be added for clarity around floating bus stops:

“Some cycle tracks shared with pedestrians will not be separated by such a feature. On such shared use routes, you should always take care when passing pedestrians, especially children, older adults or disabled people and especially near bus stops and allow them plenty of room.”

Rules for cyclists

Do you agree with the proposed change to Rule 63 (guidance for cyclists using shared spaces)?

Yes

The approach seems sensible and largely reflects the usual pattern of behaviour. The Highway Code may need to consider the Right of Responsible Access in Scotland, as outlined in our response to the previous question. This only currently refers to a narrow path. As this rule is a 'should' rather than a 'must' in the Highway Code, it is unlikely to cause a legal contradiction, but it is important to clarify expected behaviour.

Is the proposed wording easy to understand?

The proposed wording is clear and easy to understand.

Do you agree with the proposed change to Rule 72 to ride:

- in the centre lane of your lane on quiet roads? - Yes
- in the centre lane of your lane in slower moving traffic? - No
- in the centre of your lane when approaching junctions? - Yes
- at least 0.5 metres away from the kerb on busy roads? - Yes

Is the proposed wording easy to understand?

The following statement in the proposed new rule is not clear when talking about cycling in slow moving traffic:

"1. Ride in the centre of your lane, to make yourself as clearly visible as possible, in the following situations:

- *...in slower-moving traffic move over to the left if you can do so safely so that faster vehicles behind you can overtake when the traffic around you starts to flow more freely".*

The National Standard for Cycle Training¹ states that you should ride in the centre of the lane (primary position) when you are riding at the speed of other traffic and you should only move to the left when there is time and space to be overtaken. To ensure consistency with these standards, we suggest the proposed text should be amended to the following, by inserting a full stop and changing the word order after slower-moving traffic:

"1. Ride in the centre of your lane, to make yourself as clearly visible as possible, in the following situations:

- *...in slower-moving traffic. When the traffic around you starts to flow more freely, move over to the left if you can do so safely so that faster vehicles behind you can overtake".*

This helps to improve ease of understanding and helps to ensure consistency of message with and implementation of the National Standard.

¹ Department for Transport (2018) National Standard for Cycle Training: Moving Britain Ahead https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/769891/national-standard-cycling.pdf

The addition of the proposed rule 72 is helpful as it helps to clarify and explain to other road users the road positioning decisions of people cycling. People cycling are more visible in the centre of the lane in primary position and so it is often a safer place to cycle in many circumstances.

Do you agree with the proposed change to Rule 73 at junctions with:

- special cyclist facilities? - Yes
- no separate cyclist facilities? - Yes

Is the proposed wording easy to understand?

The proposed wording is clear and easy to understand.

Do you agree with the proposed change to Rule 76 (clarifies priorities when cyclists are travelling straight ahead)?

Yes

The proposed change should help to reduce 'left-hook' collisions occurring and to make it easier to maintain cycling priority at junctions. It also aligns with the principles of Rule H3.

Is the proposed wording easy to understand?

The proposed wording is clear and easy to understand.

Do you have any further comments about other changes to the rules for cyclists?

Rule 59 – clothing

The proposed change in wording on cycle helmets is problematic (“Evidence suggests that it may reduce your risk of sustaining a head injury in certain circumstances”). There are no references to the ‘evidence’ anywhere else in The Highway Code, and we believe that “certain circumstances” is too vague. We believe the following version, previously suggested by stakeholders, explains in sufficient detail, and should be used in the final Highway Code:

Consider wearing a cycle helmet which conforms to current regulations and is the correct size. It may protect you, particularly in simple falls and lower speed collisions. If worn, make sure it is securely fastened.

Rule 66 – riding two-abreast

We welcome that Rule 66 clarifies that riding two-abreast is sometimes safer and is permitted behaviour. The decision to ride two-abreast is usually dependent on the road environment. Riding two abreast can make it easier for vehicles to overtake by reducing the distance of overtake and it allows people cycling to more safely shepherd a child or a person new to cycling.

While the additional wording doesn't cover every scenario, it keeps guidance simple on what can be a contentious issue. We therefore believe the proposed new wording does bring greater clarity: “[You should] *ride in single file when drivers wish to overtake, and it is safe to let them do so. When riding in larger groups on narrow lanes, it is sometimes safer to ride two abreast*”

Should a change be considered to this wording, we would suggest that the below proposed wording would give even greater clarity:

[You should] *ride in single file to give waiting drivers the opportunity to overtake when it is safe, including sufficient space and forward visibility, to let them do so.*

General rules, techniques and advice for all drivers and riders

Do you agree with the proposed changes to Rule 140 on giving way to cyclists in a cycle:

- lane? - Yes
- track? - Yes

Is the proposed wording easy to understand?

The proposed wording is clear and easy to understand. It helps to clarify that people cycling do not need to use cycle lanes or tracks. Drivers should give way to people cycling at junctions, when changing lane(s) and when turning.

Using the road

Do you agree that cyclists may pass slower moving traffic on their right or left as detailed in Rule 163?

Yes.

The rule clarifies that it is legal and proper to pass slower moving or stationary traffic on their right or left, including at the approach to junctions, but to act with caution.

Clearer and increased guidance and differentiation by speeds for the amount of space to leave when overtaking vulnerable road users is welcome. Putting such guidance out to public consultation is a sensible approach to take.

Do you agree with the proposed speed limits detailed at Rule 163 for overtaking:

- motorcyclists? – NA
- cyclists? – Yes, with caveat
- horse riders? – Yes, with caveat
- horse drawn vehicles? – Yes, with caveat

We welcome the addition of information on the amount of space to be left when overtaking vulnerable road users. This will help to improve safety on the road for people cycling.

Is the proposed wording easy to understand?

The proposed wording is clear and easy to understand, essentially saying to leave 2m in every circumstance except at lower speeds (less than 30mph) when 1.5m is usually sufficient in a car.

It could make communication easier to make it to 2m in every circumstance and we would support that further change. However, we still believe that the proposed new wording, clarifying the need to leave a minimum of 1.5m, will be a positive step.

We would also suggest the addition of “you should always indicate when overtaking” as an additional bullet point after:

“you should wait behind the motorcyclist, cyclist, horse rider, horse drawn vehicle or pedestrian and not overtake if it is unsafe or not possible to meet these clearances”

Do you agree with the proposed changes to Rule 186 that:

- you do not overtake cyclists within their lane? - Yes
- you allow cyclists to move across your path? - Yes
- cyclists may stay in the left lane when continuing across or around a roundabout? - Yes
- horse riders may stay in the left lane when continuing across or around a roundabout? - Yes
- horse drawn vehicles may stay in the left lane when continuing across or around a roundabout? - Yes

A disproportionate number of crashes and incidents happen at or near roundabouts. The new wording clarifies that people driving should take care and give priority to people cycling around the roundabout, and that drivers should take extra care when entering a roundabout to ensure that they do not cut across people cycling in the left-hand lane who are continuing around the roundabout. This should help to improve safety for people cycling on the road.

Is the proposed wording easy to understand?

The proposed wording is clear and easy to understand.

Do you agree with the proposed change to Rule 195 to give way to pedestrians and cyclists waiting to cross at a parallel crossing?

Yes, we agree with and support the proposed change to this rule. The addition of parallel crossings is important and should help to improve the safety of both pedestrians and people cycling when crossing the road.

Is the proposed wording easy to understand?

The proposed wording is clear and easy to understand.

Do you have any further comments about the changes to the rules on using the road?

No further comment.

Road users requiring extra care

Do you agree with the proposed changes to Rule 213 (cyclists may ride in the centre of their lane for safety)?

Yes.

People cycling are more visible in the centre of the lane and so that is often a safer place to cycle in many circumstances.

Is the proposed wording clear?

The proposed wording is clear and easy to understand.

Do you have any further comments about other changes proposed in the chapter on road users requiring extra care?

No further comments.

Waiting and parking

Do you agree with the proposed changes to Rule 239 (Dutch Reach)?

Yes.

We welcome the proposed changes to this rule. The Dutch Reach method means that people opening car doors are more likely to see people cycling. People opening cars doors onto the path of people cycling is the cause of too many serious injuries.

Is the proposed wording easy to understand?

The proposed wording is clear and easy to understand.

Do you have any further comments about the other changes proposed to Rule 239 on waiting and parking?

We welcome the proposal on electric vehicle charging cables and ensuring that these cables are used and returned in a way which minimises/reduces the danger to pedestrians and other vulnerable road users from tripping over them, and generally to prevent them from blocking footways and paths.

Annexes

Do you have any comments about the proposed changes to:

- annex 1?

Any reference to Bikeability should clarify that this and Bikeability Scotland are the cycle training programmes for children, not adults. This is currently not clear in the proposed wording.

- annex 6?

We welcome the addition of rules which ensure that vehicles are maintained in safe working order and make them easier to be seen in the road environment.

Do you have any further comments regarding the proposed amendments to The Highway Code which focus on safety improvements for cyclists, pedestrians, and horse riders?

With regards to the proposed amendments to improve safety for vulnerable road users (pedestrians, including people using wheelchairs and mobility scooters, people cycling and horse riders), the updated guidance will only be as good as awareness raising and enforcement activity to reduce danger to all road users. Without sufficient awareness raising and enforcement, the proposed changes are likely to be ineffective and have limited impact on improving safety.

Any other comments?

No