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Dear Highway Code Review team,

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

Thank you for the opportunity to comment on the proposed changes to the Highway Code.

GoBike is a voluntary organisation campaigning in Glasgow and the surrounding Strathclyde area for safe, attractive cycling conditions so that cycling becomes a real option for local journeys for people of all ages and abilities.

It's noted that a full-scale review of The Highway Code has not been undertaken, that matters such as presumed liability, e-scooters and the use of cycle helmets and high-vis clothing are outside the scope of the review, and that its focus is on improving safety for vulnerable road users (pedestrians, cyclists and horse riders).

General response

GoBike fully supports the aim of improving safety for all vulnerable road users and the thinking underlying the three key changes set out in the Executive Summary:

- Introducing a hierarchy of road users which ensures that those road users who can do the greatest harm have the greatest responsibility to reduce the danger or threat they may pose to others;
- Clarifying existing rules on pedestrian priority on pavements and that drivers and riders should give way to pedestrians crossing or waiting to cross the road;
- Establishing guidance on safe passing distances and speeds when overtaking cyclists or horse riders, and ensuring that they have priority at junctions when travelling straight ahead.

The more detailed comments which follow are made with the aim of ensuring that all users of the revised Highway Code understand it in the same way, even if they don't study every rule. They are made in the context of the following:

- The online response form is divided (understandably) into separate sections for each section of the Highway Code. It asks whether the proposed wording is easy to understand. The question is not asked whether wording about the same situation in different sections will easily be understood by everyone in the same way.
- The explanation about the difference between rules stated as MUST/MUST NOT and SHOULD/SHOULD NOT or DO/DO NOT is noted. Any rule not using MUST/MUST NOT is advisory. But in everyday language some advisory wordings have more power

than others. For example, 'cyclists going straight ahead have priority over turning traffic' is a more powerful statement than 'when turning, drivers should give way to cyclists going straight ahead'. This observation is taken up below.

Note on language

It's vital that the road users who can do the greatest harm are always aware that the more vulnerable users are *people*, human beings who can easily be injured or killed through the actions of those in charge of motor vehicles. The term 'cyclist' is becoming a term for a kind of permanent condition, different from the norm. People who cycle do not always cycle, sometimes they walk or drive. It is a subtle point, but it would be helpful if the editors of the Highway Code can adjust the language throughout so that 'cyclists' is replaced by 'people cycling' or similar. (The same logic applies for 'pedestrian' / 'people walking').

Referring to 'people cycling' rather than 'cyclists'

Changes needed to make the rules easier to understand

Numbering is for ease of reference; points are in rule number order, not order of importance.

1. **Rule H2** The proposed wording does not deliver the same message as later rules covering the same situation. Wording more likely to be understood by everyone in the same way is the following:

“On shared use cycle tracks everyone, whether on foot or cycling, should take care not to endanger, alarm or obstruct others.”

The proposed version, “*Cyclists should give way to pedestrians on shared use cycle tracks*”, is open to the interpretation by pedestrians that people should cycle only at walking pace. But Rule H2's aim seems to be to demonstrate the new hierarchy of road users by summarising the intent of later, more detailed, rules giving priority to the more vulnerable. As currently proposed, this clause conflicts with the later wording in the amended Rules 13 and 62.

Rule 13, for pedestrians, includes (referring to paths shared by pedestrians and cyclists, without any segregation), “*Cyclists should respect your safety (see Rule 62) but you should also take care not to obstruct or endanger them unnecessarily*”.

Rule 62, for cyclists, includes (referring to paths shared with pedestrians, without segregation), “*You should always take care when passing pedestrians... and allow them plenty of room. Always be prepared to slow down and stop if necessary*”.

Neither Rule 13 (for pedestrians) nor Rule 62 (for cyclists) will be understood in the same way as the current proposal for Rule H2, “*Cyclists should give way to pedestrians...*”

2. **Rule H3** To mirror more clearly the message to cyclists in Rule 76 the opening paragraph should be changed to:

“When you are turning into or out of a junction, cyclists going straight ahead using a cycle lane, a cycle track or riding on the road have priority over you. When turning into or out of a junction or changing lane you should not cut across cyclists going ahead, just as you would not turn across the path of another motor vehicle.”

3. **Rule 13** The wording (for pedestrians) “...*you should also take care not to obstruct or endanger [cyclists] unnecessarily*” should be changed to “... **you should take care**

not to endanger them or obstruct them unnecessarily” to avoid the implication that endangering someone can ever be necessary.

For full clarity, the instruction in Rule 56 (under Rules for Animals) for a dog to be kept on a short lead when walking on a path shared with cyclists should be repeated in Rule 13.

Pedestrians should also be advised that they will be better able to hear bell or voice warnings from cyclists behind them if they remove headphones.

4. **Rule 59** The proposed wording on the wearing of light-coloured or fluorescent clothing is slightly changed from the existing wording. The wording on the wearing of helmets needs to be changed in the same way. Reasonable people can disagree on the merits of helmet wearing for different conditions (and helmets are rarely worn by the Dutch for routine urban journeys). As stated in the Executive Summary, wearing helmets and high vis clothing should remain a matter of individual choice.

The wording on helmets needs to be changed to the following, which offers information on helmet wearing in the same style as that offered on the wearing of light-coloured, fluorescent or reflective clothing.

“Evidence suggests that in certain circumstances wearing a helmet will reduce your risk of sustaining a head injury. Any helmet should conform to current regulations, and be of the correct size, undamaged and securely fastened.”

5. **Rule 66** (first bullet point) The draft proposal combines the first two bullet points from the current version. This wording ignores people who use cycles modified for various disabilities, e.g. hand cycles. There appears to be no rule advising drivers to keep both hands on the steering wheel, presumably for similar reasons. Better replacement wording:

“Avoid any actions that could unnecessarily reduce your control of your cycle”

6. **Rule 66** (second bullet point) The first part of the draft proposal seems to ask people cycling to judge when it is safe for drivers to overtake. This is not sensible. It is useful that the second point establishes that people are not required to cycle in single file, but the message shouldn't be limited to 'narrow lanes'. More understandable replacement wording:

“When riding in a group, choose whether to ride two abreast or in single file with proper consideration for bends, lane widths and the needs of other road users. For larger groups, riding two abreast may mean a shorter, safer overtaking distance for faster vehicles. Do not ride more than two abreast”

7. **Rule 66** (fourth bullet point) Everything on a bike affects balance. Improved wording:

“Ensure that anything carried on the cycle cannot move around, unbalance you or get tangled in the wheels or chain.”

8. **Rule 72** The proposed version is hard to understand, at least partly because the first sentence says that there are *“two basic road positions”* so the reader expects the numbered points which follow to deal with one each. Instead, the first point deals with both, and in a confusing way. Point (2) seems to suggest that a person cycling should judge whether it is safe for a vehicle to overtake, which is obviously impossible. In practice, choice of road position depends on multiple interacting factors which the Highway Code cannot cover in detail. The suggested wording below follows the form

used in the '[National Standard for Cycle Training](#)' (and assumes that the decision has been made to avoid the terms 'primary' and 'secondary' in the Highway Code):

Road positioning When riding along a road there are two basic positions and you should adopt the one best suited to the road layout, the traffic conditions and your onward route.

1. The centre of the lane is usually suitable
 - when riding at the speed of other traffic
 - where the road narrows
 - on bends
 - when negotiating junctions
 - where there is not enough room for an overtaking motor vehicle to pass at a safe distance (see Rule 163).
2. A position towards the left hand side of the lane, keeping at least 0.5m from the kerb, is usually suitable where there is enough space for an overtaking vehicle to pass at a safe distance from you (see Rule 163).

9. **Rule 76** The proposed wording, "*If you are going straight ahead at a junction, you have priority over traffic waiting to turn into or out of the side road...*" suggests that the turning traffic needs to be stationary in order for the cyclist to have priority. This rule should also include the information from Rule H3 that this priority applies whether the cyclist is using a cycle track, cycle lane or the road. To provide the intended protection for cyclists the wording needs to be:

"If you are going straight ahead at a junction (on a cycle track, a cycle lane or the road) you have priority over traffic turning into or out of the side road..."

10. **Rule 81/82** The rules on crossings need to be updated to include 'parallel crossings' (See changed Rule 195).
11. **Rule 140** (2nd para) Cyclists are to be told (Rule 76) "*If you are going straight ahead at a junction, you have priority over traffic [waiting to] turn[ing] into or out of the side road...*) Rule 140 needs to be worded so that drivers understand it in the same way that cyclists understand Rule 76. i.e. that cyclists have priority over turning traffic:
"Give way to any cyclists in a cycle lane including when they are approaching from behind. When you are turning or changing lane cyclists have priority over you (See Rule H3). Be prepared to stop and wait for a safe gap in the flow of cyclists before crossing the cycle lane."

The paragraph which follows referring to cycle tracks needs the same treatment

12. **Rule 140** (re cycle tracks) It needs to be pointed out explicitly that cycle tracks may be constructed on just one side of a road for cyclists travelling in both directions. Drivers should never assume that a cycle track is uni-directional
13. **Rule 163** The detailed guide to distances for passing cyclists safely is a welcome addition to the Highway Code. There are a couple of caveats.
- The second sub-clause needs to be changed to "**- leave a minimum distance of 2m at speeds of 30mph or higher**" (or there is no advice for passing at exactly 30mph).
 - It is surprising that the recommended minimum distance for passing pedestrians in the road is 2m (with the addition that "*you should pass them at low speed*", while the recommended minimum passing distance for cyclists at speeds below 30mph is only 1.5m. People on two wheels are less stable than those on two feet.
 - A simple 2m rule for all speeds will be easier to understand and enforce.

Passing needs to be at a distance that allows for the cyclist to fall off – the imagined squish and crunch of running over a fallen body provides a much greater motivation to leave a safe distance than the abstract language of distances.

14. **Rule 183** Rule 183 seems to be the main rule for drivers turning left, which is also covered in Rules 140 (as amended), 182, 183 and perhaps others. The proposed change to the existing rule 183 does not lead drivers to understand that when they (the drivers) are intending to turn left cyclists going straight ahead have priority whether they are using a cycle track, cycle lane or the road.

The existing Highway Code needs to be reviewed for references to junctions and turning. All need to be changed so that whichever rule drivers see they understand that when they are turning into or out of a side road cyclists going straight ahead have priority whether they are using a cycle track, cycle lane or the road.

15. **Rule 187** The proposed deletion should be kept as cyclists are advised that they may choose to ride round the outside of a roundabout (new Rule 79)
16. **Rule 213** The wording “*Allow [cyclists] to [ride in the centre of the lane] for their own safety, ...*” carries the suggestion that it is within the driver’s power to determine where cyclists should ride. The wording should be changed to:

“They are advised to do so for their safety, to ensure they can see and be seen.”

To reflect the advice to cyclists in Rule 66 the following should be inserted:

“Cyclists are not required to ride in single file. They may ride two abreast, which can reduce the distance needed to overtake while leaving enough space for their safety (see Rule 163).”

17. **New rule for drivers** Many turnings are designed for relatively high speeds. Therefore strong advice is needed for drivers that in preparing to turn left they need to be fully aware of following traffic and need to signal and slow down well before starting to turn so that they are ready to stop for cyclists or pedestrians crossing the side road. This advice is important because it is the opposite of the advice for motorways and other high speed trunk roads to decelerate only when on the slip road.

Drivers following another vehicle into a turn must be advised to be aware that the front vehicle may stop to allow pedestrians or cyclists to cross.

Finally

It’s noted that most of the proposed changes are stated in the Highway Code’s ‘should/should not’ or ‘do/do not’ form rather than the ‘must/must not’ form, i.e. they have the status of advice rather than having the force of law. The Highway Code already includes similar statements that are almost universally ignored because they do not have the law behind them (e.g., Rule 140 – *You must not drive or park in a cycle lane marked by a solid white line during its hours of operation*, Rule 170 – *If [pedestrians] have started to cross [a road into which you are turning] they have priority so give way*) or are not publicised or enforced (e.g., Rule 239 – *You must ensure you do not hit anyone when you open your door*).

For the aims of this review to be achieved a plan of action committed to tackling safety issues faced by pedestrians and cyclists (referred to in the Executive Summary para (2)) is essential. It must be led by changes in the law (for example, strengthening the new hierarchy of road users with presumed liability) and backed up with enforcement. There must also be changes in policy and professional education on road and junction design so that urban streets become places for people, where drivers of motor vehicles are constrained to behave as guests. Even the most

self-interested drivers must surely support the aim of having urban streets safe and welcoming for their children, grand-children or elderly relatives.

In summary, GoBike fully supports the intentions of the proposed changes, and hopes that stronger actions will follow to bring about the changes in driving culture and behaviour that are needed for the safety of vulnerable road users.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tricia Fort', written in a cursive style.

Tricia Fort
for Consultations, GoBike