

## The Highway Code review

### Hierarchy of road users

Rule H1 of The Highway Code establishes 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 other road users.

The hierarchy places vulnerable road users before motorised vehicles so the top of the hierarchy would therefore be:

1. pedestrians, in particular children, older adults and disabled people
2. cyclists
3. horse riders
4. motorcyclists

The objective of Rule H1 is not to give priority to pedestrians, cyclists and horse riders in every situation, but rather to ensure a more mutually respectful and considerate culture of safe and effective road use that benefits all users. This does not detract from the requirement for everyone to behave responsibly.

The proposed new text is:

"It is important that ALL road users are aware of The Highway Code, are considerate to other road users and understand their responsibility for the safety of others.

Everyone suffers when road collisions occur, whether they are physically injured or not. But those in charge of vehicles that can cause the greatest harm in the event of a collision bear the greatest responsibility to take care and reduce the danger they pose to others. This principle applies most strongly to drivers of large goods and passenger vehicles, followed by vans/minibuses, cars/taxis and motorcycles.

Cyclists, horse riders and horse drawn vehicles likewise have a responsibility to reduce danger to pedestrians.

Always remember that the people you encounter may have impaired sight, hearing or mobility, and may not be able to see or hear you.

None of this detracts from the responsibility of all road users, including pedestrians, cyclists and horse riders, to have regard for their own and other road users' safety."

Do you agree with the introduction of new Rule H1?

Yes

### Hierarchy of users wording

Is the proposed wording easy to understand?

No

New wording:

*We think the sentence* "Always remember that the people you encounter may have impaired sight, hearing or mobility, and may not be able to see or hear you" *should be changed to:* "Always remember that the people you encounter may have impaired sight, hearing or mobility and may not be able to see, hear you, or move as fast as you might expect. Remember that impairments may not be visible or immediately apparent."

## Clarification of right of way and stronger priorities for pedestrians

Rule H2 clarifies where pedestrians have right of way and creates clearer and stronger priorities for pedestrians, particularly at junctions. It seeks to emphasise where road users:

- SHOULD give way to pedestrians crossing a road
- MUST give way to pedestrians on a zebra crossing, and pedestrians and cyclists on a parallel crossing

It introduces a new obligation for drivers and riders to give way to pedestrians waiting to cross a junction (side road), or zebra crossing.

The proposed new text is:

"Rule for drivers, motorcyclists, horse riders and cyclists.

At a junction you should give way to pedestrians crossing or waiting to cross a road into which or from which you are turning.

You MUST give way to pedestrians on a zebra crossing, and pedestrians and cyclists on a parallel crossing.

You should give way to pedestrians waiting to cross a zebra crossing, and pedestrians and cyclists waiting to cross on a parallel crossing

Horse riders and horse drawn vehicles should also give way to pedestrians on a zebra crossing, and pedestrians and cyclists on a parallel crossing.

Pedestrians have priority when on a zebra crossing, on a parallel crossing or at light controlled crossings when they have a green signal.

Cyclists should give way to pedestrians on shared use cycle tracks.

Only pedestrians may use the pavement. This includes people using wheelchairs and mobility scooters.

Pedestrians may use any part of the road and use cycle tracks as well as the pavement, unless there are signs prohibiting pedestrians."

Do you agree with the introduction of new Rule H2?

Yes

## Stronger priorities for pedestrians wording

Is the proposed wording easy to understand?

No

New Wording:

*Many Disabled people use cycles as a mobility aid, and are unable to easily dismount and walk. The use of cycles as mobility aids should be included alongside wheelchairs and mobility aids, permitting them to be used by Disabled people on the pavement. Failure to do so will have a negative and discriminatory impact on members of the Disabled community who choose to travel actively but cannot dismount and walk their cycle. We suggest that the wording should be: 'Only pedestrians may use the pavement. This includes people using wheelchairs, mobility scooters, and cycles (e.g.: handcycles, tricycles, bicycles) when being used by a disabled person as their mobility aid.'*

## **Cyclists priorities and right of way**

Rule H3 clarifies cyclists' priorities. It makes clear that a driver should not cut across the path of a cyclist going straight ahead when they are: turning into or out of a junction, changing direction, changing lane.

This applies whether cyclists are using a cycle lane, a cycle track, or riding ahead on the road.

It also recommends that drivers and motorcyclists should not turn at a junction if to do so would cause the cyclist going straight ahead to stop or swerve.

The proposed new text is:

"Rule for drivers and motorcyclists.

You should not cut across cyclists going ahead when 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.

Do not turn at a junction if to do so would cause the cyclist going straight ahead to stop or swerve, just as you would do with a motor vehicle.

You should stop and wait for a safe gap in the flow of cyclists if necessary. This includes when cyclists are:

- Approaching, passing, or moving off from a junction
- Moving past or waiting alongside stationary or slow-moving traffic
- Travelling around a roundabout"

Do you agree with the introduction of new Rule H3?

Yes

## **Rule 63 will be amended to provide guidance for cyclists on sharing space.**

The additional proposed text is:

"Sharing space with pedestrians, horse riders and horse drawn vehicles. When riding in places where sharing with pedestrians, horse riders or horse drawn vehicles is permitted take care when passing pedestrians, especially children, older adults or disabled people. Let them know you are there when necessary e.g. by ringing your bell (it is recommended that a bell is fitted to your bike), or by calling out politely.

Remember that pedestrians may be deaf, blind or partially sighted and that this may not be obvious.

Do not pass pedestrians, horse riders or horse drawn vehicles closely or at high speed, particularly from behind. Remember that horses can be startled if passed without warning.

Always be prepared to slow down and stop when necessary."

Do you agree with the proposed change to rule 63?

Yes

## **Rule 63 for cyclists wording: shared spaces**

Is the proposed wording easy to understand?

No

Why not?

*The term 'bike' should be replaced by 'cycle', as not all cyclists ride bicycles. This would make it clear that the ruling applies to all cyclists.*

### **Rules for cyclists**

Rule 72 will be amended to provide guidance on road positioning for cyclists to ensure that they adopt safe cycling behaviours. The additional proposed text is:

"Road positioning. When riding on the roads, there are two basic road positions you should adopt, depending on the situation.

1. Ride in the centre of your lane, to make yourself as clearly visible as possible, in the following situations:
  - on quiet roads or streets – if a faster vehicle comes up behind you, move to the left to enable them to overtake, if you can do so safely
  - 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
  - at the approach to junctions or road narrowings where it would be unsafe for drivers to overtake you

2. When riding on busy roads, with vehicles moving faster than you, allow them to overtake where it is safe to do so whilst keeping at least 0.5m (metres) away from the kerb edge. Remember that traffic on most dual carriageways moves quickly. Take extra care crossing slip roads."

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

In the centre of your lane on quiet roads? *Yes*

In the centre of your lane in slow moving traffic? *Yes*

In the centre of your lane when approaching a junction? *Yes*

### **Rules for cyclists**

Rule 73 will be amended to provide guidance for cyclists on how to proceed safely at junctions, both with and without separate cyclist facilities. The additional proposed text is:

"Junctions. Some junctions, particularly those with traffic lights, have special cycle facilities, including small cycle traffic lights at eye-level height, which may allow you to move or cross separately from or ahead of other traffic. Use these facilities where they make your journey safer and easier.

At junctions with no separate cyclist facilities, it is recommended that you proceed as if you were driving a motor vehicle (see Rules 170 to 190). Position yourself in the centre of your chosen lane, where you feel able to do this safely, to make yourself as visible as possible and to avoid being overtaken where this would be dangerous. If you do not feel safe to proceed in this way, you may prefer to dismount and wheel your bike across the junction."

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

Special cyclist facilities? *Yes*

No separate cyclist facilities? *No*

If no, why not?

*It is not always possible for Disabled cyclists to dismount and wheel their cycle easily; they may need to cycle across the junction as a 'pedestrian' if they use their cycle as a mobility aid. This possibility should be stated explicitly. Suggested wording: If you do not feel safe to*

*proceed in this way, you may prefer to dismount and wheel your cycle across the junction, (or cycle across if you are disabled and cannot physically dismount and walk your cycle).*

## **Rules for cyclists**

There are several other changes within the rules for cyclists section (and we recommend reading the chapter before answering). Some of these changes are to update The Highway Code to recognise new cyclist facilities that are already in use on the highway. Other proposed amendments are to provide guidance on safe riding behaviour and practices. In summary, some of the changes include, but are not limited to:

- clarification on cycle tracks and their use
- riding in groups on narrow lanes
- advice on riding safely on the road and when turning
- clarification on cyclist facilities at crossings and their use

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

*Rule 77 advises cyclists that they may find it safer to dismount and walk across a busy road. This ignores the fact that many Disabled cyclists are unable to dismount easily. The rule should be amended to acknowledge that not all cyclists can dismount and walk their cycle, and to suggest the use of a pedestrian crossing for cyclists using their cycle as a mobility aid.*

*Suggested wording: 'Busy roads. When crossing faster or busy main roads, you may find it safer and easier to dismount and push your cycle across, if you are able to do so (or to ride slowly across a pedestrian crossing if you are disabled and your cycle is your mobility aid) ...'*

*This principle should also be applied to Rule 81. Suggested wording: 'Do not ride across a pelican, puffin or zebra crossing, unless you are Disabled and your cycle is your mobility aid. Dismount and wheel your cycle across.'*

*It should also be applied to Rule 82. Suggested wording: 'You should dismount at level crossings where a 'cyclist dismount' sign is displayed, unless you are Disabled and your cycle is your mobility aid.'*

## **General rules, techniques and advice for all drivers and riders**

There are several other changes within the general rules techniques and advice for all drivers section (and we recommend reading the chapter before answering). Some of these changes are to update The Highway Code to recognise processes and practices that are already in use on the highway. In summary, some of the changes include, but are not limited to:

- providing further clarity on when drivers of motorised vehicles should give way to pedestrians, cyclists and horse riders
- making clear that those groups have priority over traffic that may be turning across their path in certain situations
- reinforcing advice around inappropriate speed

Do you have any further comments about the changes to the general rules, techniques and advice for all drivers and riders?

*We would like to see advice to drivers about the fact that three wheeled cycles (tricycles, cargo-tricycles and bicycles pulling trailers) are negatively affected by the camber of roads and are therefore safer cycling nearer the centre of the road. They may not be able to safely move to their left to let the car driver pass. Advice should be to slow down and give them plenty of space when overtaking.*

## **Road users requiring extra care**

The chapter on 'road users requiring extra care' in The Highway Code provides further advice on proceeding with caution around pedestrians, cyclists, horse riders and motorcyclists, as the main vulnerable user groups. It also strengthens the advice in earlier chapters on giving these groups priority in certain circumstances.

Rule 213 will be amended to advise that cyclists may ride in the centre of the lane for their safety. The additional proposed text is:

"On narrow sections of road, at road junctions and in slower-moving traffic, cyclists may sometimes ride in the centre of the lane, rather than towards the side of the road. Allow them to do so for their own safety, to ensure they can see and be seen. Cyclists are also advised to ride at least a door's width or 0.5m (metres) from parked cars for their own safety."

Do you agree with the proposed changes to Rule 213?

*Yes*

Is the proposed wording easy to understand?

*No*

If no, why not?

*We would like to see advice to drivers about the fact that three wheeled cycles (tricycles, handcycles, cargo-tricycles and bicycles pulling trailers) are negatively affected by the camber of roads and are therefore safer cycling nearer the centre of the road. They may not be able to safely move to their left to let the car driver pass. Advice should be to slow down and give them plenty of space when overtaking.*

*We would encourage the addition below:*

*On narrow sections of road, at road junctions and in slower-moving traffic, cyclists may sometimes ride in the centre of the lane, rather than towards the side of the road. Any cyclist riding a three-wheeled cycle (e.g.: tricycle, cargo-trike, handcycle) may find the centre of the lane the safest place to ride if edges of the lane are excessively cambered.*

## **Road users requiring extra care**

There are several other changes within the road users requiring extra care section (and we recommend reading the chapter before answering). Some of these changes are to recognise facilities and practices that are already in use on the highway, or to reinforce advice stated in other rules within The Highway Code.

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

*Rule 204 should explicitly mention Disabled cyclists as vulnerable road users. Suggested wording: 'The road users most at risk from road traffic are pedestrians, followed by Disabled cyclists, cyclists, horse riders and motorcyclists.'*

*Rule 211 should make drivers aware that a cyclist may be using a non-standard cycle (recumbent, hand-cycle, trike), which are often lower down and harder to see. Suggested wording: 'It is often difficult to see motorcyclists and cyclists, especially when they are waiting alongside you, coming up from behind, coming out of or moving off from junctions, at roundabouts, overtaking you or filtering through traffic. Riders of non-standard cycles, which are typically lower down than standard cycles (recumbent, hand-cycle, trike) and children in trailers pulled behind cycles, can be particularly difficult to see.'*

## **Waiting and parking**

The main change to the chapter in The Highway Code on 'waiting and parking' is the introduction of a new technique, commonly known as the 'Dutch Reach', that advises road users to open the door of their vehicle with the hand on the opposite side to the door. The additional proposed text is:

"you should open the door using your hand on the opposite side to the door you are opening, e.g. use your left hand to open a door on your right-hand side. This will make you turn your head to look over your shoulder. You are then more likely to avoid causing injury to cyclists or motorcyclists passing you on the road, or to people on the pavement"

Do you agree with the proposed change to Rule 239?

Yes

Is the proposed wording easy to understand?

No

If no, why not?

*The following wording should be added at the front of that statement: "unless it is physically impossible for you due to pain or a physical impairment" you should open the door....*

The only other change in the section on waiting and parking is to provide advice on good practice when charging an electric vehicle (also Rule 239).

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

*We think it should be made an offence to in any way create a tripping hazard by means of charging leads crossing any part of the pavement.*