



London Cycling Campaign response to DfT consultation on proposed changes to the Highway Code

October 2020

About LCC

London Cycling Campaign (LCC) is a charity with more than 20,000 supporters, of whom more than 11,000 are fully paid-up members. We speak up on behalf of everyone who cycles or wants to cycle in Greater London; and we speak up for a greener, healthier, happier and better-connected capital.

Introduction

LCC is strongly supportive of proposed changes to the Highway Code that aim to reduce road danger, and we share the view that the new guidance will both serve to reduce that danger to pedestrians, people cycling and motorcyclists and also clarify aspects of considerate and responsible road behaviour to all road users.

Without a less hazardous environment for more vulnerable road users, we will not achieve the rapid growth in active travel that the government wishes to see and which was required by the growing congestion in our cities even before the pandemic. We trust that the changes proposed will work towards creating the benign conditions that promote active travel.

In countries like the Netherlands and Denmark, where cycling is commonplace, the principle that motorists, who are turning, give way to riders and walkers travelling straight ahead is taken for granted. Drivers of heavier vehicles, whether cars or lorries, in continental Europe are also expected to take greater responsibility than more vulnerable road users. We are pleased that the latter principle is now being adopted in the UK.

While we support the changes to the Highway Code in principle, we think that some of the wording must be strengthened in order to achieve the government's intention of reducing road danger and improving the clarity of guidance in the Code.

We would also like to see primary legislation introduced to support guidance such as that on giving way to cycles and pedestrians proceeding straight ahead. This would facilitate infrastructure design and enable highway authorities to simplify signalised crossings.

We note that in the absence of legislation that obliges turning motor vehicles to give way to cycles and pedestrians proceeding straight on, and other changes to the Highway Code, the new guidance may take time to embed among road users. We therefore recommend that wide publicity be given to the new guidance once approved.

Furthermore we recommend that consideration is given to the introduction of a mandatory online Driver and Vehicle Licensing Agency (DVLA) theory test being instated as part of a ten yearly driving licence renewal process. There is currently no requirement for drivers to demonstrate that their understanding of driving law is up to date once they have passed their test.

Below we highlight (in tables) the wording in the Highway Code (HC) that we suggest should be changed. Where we have not referred to proposed rule changes that relate to cyclists or motorists it is because we support those changes and find the wording to be sufficiently clear. We have not commented on rule changes relating to animals.

Hierarchy of Road Users

We strongly agree 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.”* (HC consultation p. 8). We therefore support the proposed changes in principle but suggest some changes to the wording to strengthen the guidance:

Proposed DfT text	Suggested change	Reason
Introduction (p10) The aim of The Highway Code is to promote safety on the road, whilst also supporting a healthy,	The aim of The Highway Code is to reduce road danger, whilst also supporting a healthy,	To clarify that the aim is to reduce road danger as opposed to increase

sustainable and efficient transport system	sustainable and efficient transport system	the use of safety equipment.
Rules H1, H2 and H3	No changes proposed	

Rules for pedestrians

We support these changes.

Rules for cyclists

We strongly agree that *“The Highway Code should therefore be updated to include references to cycle tracks, cycle signals and new junction designs, including amending the wording on Advanced Stop Lines to ensure that all road users are aware of these features and that cyclists know how to use them.”* (HC consultation p 20).

Where a rule is not mentioned in the table below we do not propose any changes to the wording and support the new proposals.

Proposed DfT text	Suggested changes	Reason
Rule 59 You should wear a cycle helmet which conforms to current regulations, and is the correct size and securely fastened. Evidence suggests that it will reduce your risk of sustaining a head injury in certain circumstances.	“Consider wearing a helmet. If you choose to wear one make sure it conforms to current regulations, is the correct size and securely fastened.”	The evidence on the benefits or otherwise of helmet wearing remains inconclusive and the Code should not suggest that those who choose not to wear one, for whatever reason, are taking a significantly greater risk.
Rule 60 No DfT change proposed	The requirement for pedal reflectors should be reviewed.	While most clipless cycling pedals do not have reflectors, most of the cycling shoes designed for use with such pedals do have reflectors. This

		should be reflected in the Code.
Rule 66 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	Replace text with: “(cyclists’ should) be considerate of the needs of other road users when riding with another and in groups. Ride in single file if you consider it safer to allow drivers to overtake.”	We suggest a complementary statement for drivers: “When meeting groups of cyclists riding two abreast, they may choose to move to single file if they deem it safer to do so. They are under no compulsion to do so and it can be safer and easier for you to overtake a compact group, when conditions allow, rather than a longer line of cycles.”
New Rule 75 Be particularly careful alongside lorries and other long vehicles, as their drivers may find it difficult to see you. Remember that they may have to move over to the right before turning left, and that their rear wheels may then come very close to the kerb while turning.	"Be particularly careful alongside lorries and other long vehicles, as their drivers may find it difficult to see you. Be aware that left-turning lorries often move over to the right near a junction and may then turn suddenly and sharply left across your path. This is one of the most common causes of serious injury to cyclists. Beware of a gap opening up between a lorry and the kerb."	The revised version repeats the view that the danger from left turning lorries occurs when the rear wheels cut in towards the kerb. The actual collision research suggests that the rear wheel area is involved in less than 10% of injuries. Around 80% occur at the front of the vehicle which can swing suddenly from right to left after the

		vehicle has moved to the right to make space before turning.
Rule 82 Take extra care when crossing level crossings and tramways (see Rule 306). You should dismount at level crossings where a 'cyclist dismount' sign is displayed.	Add: "When crossing tramways make sure you approach at a sharp angle to avoid your wheels being trapped in the tram tracks."	Wheels trapped in tram tracks can cause unexpected falls.

General rules, techniques and advice for all drivers and riders

We share the view expressed in the consultation document that:

"inappropriate speed... can be intimidating and deter people from walking, cycling or riding horses. Increased speed increases the chances of causing a road collision (or being unable to avoid one), as well as its severity."

(6.3 p 34)

While we are aware that the consultation does not propose any changes to speed limits in the UK, we note that if the government is committed to higher levels of active travel in the UK it must address the unsuitable default speed limits on many of the country's roads and notably by changing the default urban speed limit from 30 mph to 20 mph.

It is common for single carriageway roads to have a 60 speed limit even when they have no pavement or cycle track alongside. Such speeds serve to 'intimidate' and endanger both cycle users and pedestrians.

We strongly support the new guidance for drivers on not encroaching onto cycle lanes or tracks.

Using the road

We strongly support the key messages in this section of the Highway Code notably:

“that drivers have a duty of care towards cyclists, pedestrians and horse riders, and that drivers should give way to these road users, and establishes clear priority rules at traffic signal junctions.” (7.2 p 40)

We also welcome the clarifications provided in the recommendations for: *“safe passing distances and speed limits when overtaking” (7.3 p 40)*

Proposed DfT text	Suggested changes	Reason
Rule 167 DO NOT overtake where you might come into conflict with other road users.	“DO NOT overtake other vehicles, including cyclists, where you might come into conflict with other road users.”	Close passing of cyclists at road narrowings and road works is hazardous and common.
Rule 192 In slow-moving and queuing traffic you should keep crossings completely clear, as blocking these makes it difficult and dangerous for pedestrians to cross. You should not enter a pedestrian crossing if you are unable to completely clear the crossing. Nor should you block Advanced Stop Lines for cycles.	“In slow-moving and queuing traffic you should keep all crossings completely clear, as blocking these makes it difficult and dangerous for pedestrians and cyclists to cross. You should not enter a pedestrian or cyclist crossing if you are unable to completely clear the crossing. Nor should you block Advanced Stop Lines for cycles.”	It is common for motor vehicles to obstruct busy designated cycle crossings which do not have yellow box markings. This results in cyclists weaving in and out of cars and puts them in conflict with pedestrians using parallel crossing areas.

Road users requiring extra care

We strongly agree with the proposed changes in this section. The advice to ride a cycle in the centre of the lane on narrower roads has long been taught in government approved Bikeability training in order to minimise road danger to cyclists. Including such guidance in the Highway Code is welcome.

Proposed DfT text	Suggested changes	Reason
Rule 206 (Drive slowly:...)approaching	“approaching zebra and parallel crossings as you MUST give way to	The rule applies to both zebras and parallel crossings.

zebra and parallel crossings as you MUST give way to pedestrians on the crossing (see Rule 195)	pedestrians and cyclists on the crossing (see Rule 195)”	
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Waiting and parking

We welcome the inclusion of “Dutch reach” in rule 239. Many London cyclists will recall the tragic collision of a cyclist on the A1 Holloway Road, which involved a door opening into the path of a cyclist. We note that the vehicle in question had tinted windows.

Enforcement of existing legislation on tinted front side windows needs to be stricter and needs to become part of the regular MOT inspections. This would discourage installation of illegal aftermarket tinted windows.

Whilst we are aware that this does not come within the scope of this consultation, the government should also re-consider the legislation allowing very dark windows on the rear of cars as this prevents cycle riders and other road users from detecting that the driver or passenger of a stopped car may be about to open a door. We also suggest that window tinting becomes part of the regular MOT inspections to prevent incorrect aftermarket tinted windows being installed.

Regarding the section about charging points and charging cables, we note that the growing use of electric vehicles will increase the potential danger from both cables, in some cases connected to homes by crossing the pavement or by using a gantry, and from people and cars accessing charging points. The DfT should review its street design and cycle infrastructure design manuals to take account of charge points, and highway authorities should ensure that the location of charge points does not impact on current, or planned, cycle infrastructure or on pedestrian safety.

Annexes

We note the limited nature of the guidance on adjustment and use of alert systems. Given the increased provision in cars and lorries of camera alert systems guided by AI, radar alert systems, intelligent speed assistance and vulnerable road user detection systems we suggest the DfT review such systems and include relevant guidance in the Highway Code.

We note that the EU General Safety Regulations 2019 https://ec.europa.eu/growth/sectors/automotive/safety_en will come into operation as of 2022 for new vehicles and the Highway Code will need to be reviewed to take account of the changes in vehicle safety features such as ISA and braking systems.

We note and welcome the new guidance to lorry operators to carry out walk round checks in line with FORS requirements and we note that there are readily available apps designed to assist drivers with this task.

Annex 1

Proposed DfT text	Suggested changes	Reason
Make sure that you feel confident of your ability to ride safely on the road. Be sure that • you have the right size and type of cycle for your comfort and safety • the lights and reflectors are clean and in good working order • the tyres are in good condition and inflated to the pressure shown on the tyre • the wheels spin freely • the gears are working correctly • the chain is properly adjusted and oiled • the saddle and handlebars are adjusted to the correct height.	Add <ul style="list-style-type: none"> Your lights are adjusted so as not to dazzle other cyclists and other road users 	<p>Some cycle lights are now capable of dazzling other road users such as cyclists in two way cycle tracks, if not adjusted.</p> <p>We note that some new motor car lights can dazzle other road users even when dipped – this merits examination.</p>

Annex 6

Proposed DfT text	Suggested changes	Reason
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<p>Window tints. You MUST NOT use a vehicle with excessively dark tinting applied to the windscreen, or to the glass in any front window to either side of the driver. Window tinting applied during manufacture complies with the Visual Light Transmittance (VLT) standards. There are no VLT limits for rear windscreens or rear passenger windows.</p>	<p>“Window tints. You MUST NOT use a vehicle with excessively dark tinting applied to the windscreen, or to the glass in any front window to either side of the driver. Window tinting applied during manufacture will be compliant with the Visual Light Transmittance (VLT) standards but any aftermarket tinting may only be used if compliant.”</p>	<p>Clarification that aftermarket tinting must comply with standards. As noted above, we suggest that the absence of any standard for rear windscreens or rear passenger windows creates unnecessary hazard. We suggest setting VLT limits for all windows.</p>
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