

IHE Response to HIGHWAY CODE Consultation

26 October 2020

This is the official response of the Institute of Highway Engineers to the government's *Consultation on a review of The Highway Code*. Black text is that from DfT's consultation form. Red text is our response.

As from: IHE, Floor 4, Euston House, 24 Eversholt Street, London NW1 1DB

Rules H1, H2 and H3

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

No. This muddles the otherwise clear practical advice of the Highway Code. Given that it (rightly) says that all road users have responsibility for their own safety and that of others, what does 'greater responsibility' for some road users mean? Is it telling you how to behave of a road user, or is it alluding to who will found at fault in a subsequent civil or criminal action? If the latter, it has no place in the Highway Code, which should be exclusively about how to avoid collisions, not what might happen in Court afterwards.

Does the 'hierarchy' apply to all roads, even motorways? As written, even on a motorway a driver has a 'greater responsibility' than a pedestrian or cyclist who is breaking the law by being there. If not motorways, what about fast rural dual carriageways? The proposed wording might be read as saying that a pedestrian can amble slowly across a 70 mph dual carriageway on the grounds that drivers have a greater responsibility to avoid a collision than they do.

Is the proposed wording easy to understand?

No, see above. We do not understand what 'greater responsibility' means in terms of how it should change what we do as road users.

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

No, whilst it is well intentioned and codifies what courteous drivers normally do anyway, it could lead to more collisions because of misunderstandings between drivers and pedestrians as to whether a driver had seen them and was intending to give way. It needs to make clear that if a driver is part way through a right-turning manoeuvre (for example) and in the path of other traffic, they should not be expected to stop for a pedestrian still on the footway, as this could lead to a vehicle-vehicle collision.

At a very minimum the message "You should give way to pedestrians waiting to cross a zebra crossing, and pedestrians and cyclists waiting to cross a parallel crossing" needs to be qualified by "when it is safe to do so". Otherwise, it implies that a good driver should slam on the brakes if he/she only just spots a pedestrian waiting when close to the crossing. That could lead to rear-end shunts and other collisions.

The text "Pedestrians may use any part of the road and use cycle tracks as well as the pavement, unless there are signs prohibiting pedestrians" is problematic. It could be read as legitimising jaywalking or

obstruction of the highway. It could lead to more cycle-pedestrian collisions. We suggest it is prefaced by “When necessary,”.

Is the proposed wording easy to understand?

Yes

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

Yes

Is the proposed wording easy to understand?

Mainly, but the second paragraph repeats the message of the first one. We suggest deleting the first paragraph, and truncating the second one to: “Do not turn at a junction if to do so would cause a cyclist going straight ahead to stop or swerve”. This is more succinct and easier to understand. The second part of this sentence is slightly ambiguous. “just as you would do with a motor vehicle” could be read as saying that it is normal to force a motor vehicle to stop or swerve!

Rules for pedestrians

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

- junction?

No. The proposed Rule 8 telling pedestrians they have priority if they have started crossing a side road is dangerous and wrong in law. It is only *advice* to drivers to give way to them, not a mandatory requirement. Pedestrians should not assume that vehicles will stop, as they may not have been seen or the driver might not be aware of these HC changes.

- zebra crossing?

Only if it is reworded as suggested advice (rather than something drivers *should* do), as it may not be practical in all situations (such as where there is a near continuous flow of pedestrians outside a railway station), and could be dangerous, as discussed above.

Is the proposed wording easy to understand?

Yes

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

Rules about animals

Do you agree to the proposed change to Rule 52?

Yes

Rules for cyclists

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

Yes

Is the proposed wording easy to understand?

Yes

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

- in the centre lane of your lane on quiet roads?
- in the centre lane of your lane in slower moving traffic?
- in the centre of your lane when approaching junctions?
- at least 0.5 metres away from the kerb on busy roads?

No. It is generally good advice, but riding in the centre of a lane could be dangerous in some situations (such as on a left-hand bend or a single-track or narrow rural road).

Is the proposed wording easy to understand?

Yes

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

- special cyclist facilities?
- no separate cyclist facilities?

Yes, but many cyclists prefer to put their left foot on the kerb when possible when stopped for a period, such as at lights, as this is more comfortable and is an easier position to start off from.

Is the proposed wording easy to understand?

Yes

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

Yes

Is the proposed wording easy to understand?

Yes

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

Rules for drivers and motorcyclists

Do you have any comments about the proposed change to Rule 97?

General rules, techniques and advice for all drivers and riders

Is the proposed wording in Rule:

- 123 easy to understand?

No. The provision about 20mph limits (“in some local authority regions or in built up areas”) creates uncertainty. Suggest this sentence is changed to: “Signs or the presence of frequent traffic calming measures can indicate a 20mph limit.” And be ready to add to a future edition of HC: “In Wales the presence of street lighting indicates a 20 mph limit unless signs show otherwise”. But both of these suggestions might be better in 124.

- 124 easy to understand?

No. This paragraph that should be only about keeping to the limit and the default urban/vehicle limits (i.e roads where there is no signing or only NSL diagram 671 signs). The proposed additional text adds confusion. HC can’t list all the places where a different speed limit might be signed, so its message should be *read the signs*. The new text should be removed as it adds confusion and distracts from the main message.

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

- lane?
- track?

Yes

Is the proposed wording easy to understand?

Yes

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

Using the road

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

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

- motorcyclists?
- cyclists?
- horse riders?
- horse drawn vehicles?

Do you agree with the proposed passing distances detailed at Rule 163 for overtaking:

- motorcyclists?
- cyclists?
- horse riders?
- horse drawn vehicles?

Yes to both the above, but suggest adding: "On single-track and other narrow roads where the above distances are not possible, pass slowly giving as much clearance as you can."

Is the proposed wording easy to understand?

Yes

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

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

Yes

Is the proposed wording easy to understand?

Yes

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

No, not unless it is modified or qualified. (See comments above for H2).

Is the proposed wording easy to understand?

Yes

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

Road users requiring extra care

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

Yes, subject to any changes made to rule 72 above.

Is the proposed wording easy to understand?

Yes

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

Waiting and parking

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

Yes

Is the proposed wording easy to understand?

It could be improved. We suggest:

“You should open the door using whichever hand is on the opposite side to the door you are opening...”

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

Annexes and final comments

Do you have any comments about the changes proposed to:

- annex 1?
- annex 6?

We support these proposals.

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?

Any other comments?

Rule 151. The new text “allow pedestrians and cyclists to cross in front of you” is possibly unnecessary, and could be interpreted by some drivers as asking them to give some kind of signal to the pedestrian or cyclist to cross. This could be dangerous, as other drivers might not be ceding priority.

Rule 170. See comments above for H2. The reference in this rule to H1 should probably be to H2.

Rule 178 After “junctions” insert “and crossings”. We prefer the original “cycles” to “cyclists”. It is the cycle that corresponds with “other traffic” later in the sentence. “Cyclist” corresponds with “driver”.

Rule 192 (keeping crossings and ASLs clear). The proposed rule will be difficult to follow at many urban signalled junctions where there is a cycle reservoir, followed immediately by pedestrian crossing studs, followed by a yellow box junction (possibly followed by more pedestrian crossing studs). If all of these are to be kept clear, there could be a long stretch of road which drivers shouldn’t stop in. It may be so long that drivers (particularly of long vehicles) cannot accurately judge whether there is space beyond for their vehicle to fully clear. With the proposed extension of civil enforcement to box junctions throughout England, drivers will inevitably give priority to obeying box junctions to minimise the risk of being penalised.

Will drivers understand that the term “Advanced Stop Line” means the cycle reservoir, not just the transverse white line itself? We consider this rule is so difficult for drivers to follow that the additional requirement to keep ASLs clear should be dropped, to give priority to keeping crossings clear.

Rule 199 should not refer to pelican crossings as its benchmark, as these are being phased out and are no longer in TSRGD. Rule 196 may need revising to indicate this and to remove the reference under it

to: “ZPPPCRGD reg 26”, which has been revoked (but continues to have effect under the ‘savings’ provision in TSRGD 2016).

Rule 244 (Pavement parking) should mention impending legal changes in Scotland, and possibly Wales.

The **illustrations of traffic signs** as on-line links towards the back of the HC (and in the separate document: www.highwaycodeuk.co.uk/uploads/3/2/9/2/3292309/the-highway-code-road-traffic-signs.pdf) are many years out-of-date and incorrectly categorise some signs. Some illustrations are badly drawn using the wrong font. The whole section needs complete revision.

Eight of the signs illustrated under “Information signs” are actually regulatory signs that must be obeyed. Four signs under “signs giving orders” are four or more years out-of-date, showing either an upper-case “T” for tonnes, or having an “Only” plate under a blue bus or tram (953 series) roundel.

Explain and illustrate the road marking “BUS GATE” that was introduced in 2016 and which is not familiar to many drivers, or add text to mention this marking to the illustration of the blue ‘bus only’ (953) sign.