



A RESPONSE TO CONSULTATION REPORT

The Highway Code

An executive agency of the

*Department for
Transport*



INVESTOR IN PEOPLE

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Report on the Public Consultation for the new Highway Code - March 2007

Background

The Secretary of State is responsible for revising *The Highway Code* in accordance with the requirements of Section 38 of the Road Traffic Act 1988. Public consultation on the revision was conducted between February and May 2006 in accordance with the principles of the Cabinet Office's *Code of Practice on Consultations*.

Prior to the public consultation

To prepare for public consultation, a draft of the revised *Highway Code* was produced. This included new and revised text. New sections were drafted to include advice for users of powered wheelchairs/powered mobility scooters and a further annex giving advice for new drivers, as they are the group considered to have the highest crash rate.

Other new topics included were vehicle emissions, vehicles prohibited from using roads and pavements, and stopping powers for officers from the Highways Agency and the Vehicle and Operator Services Agency. Further information was added on many other subjects, including Equestrian Crossings, horse-drawn vehicles, merging in turn, driving in tunnels, securing loads, decriminalised parking enforcement, and dealing with road works. Advice on newly introduced schemes such as Quiet Lanes, Home Zones, Active Traffic Management and High-occupancy Vehicle Lanes was also added to the draft *Highway Code*.

Text was revised within existing rules on seat belt use, waiting and parking issues, and appropriate motorway lane usage by vehicles with weight restrictions. To improve clarity, other rules were re-cast, and several were enhanced on the subject of level crossing usage. Many rules were further refreshed and enhanced in several important ways:

- to raise awareness towards the more vulnerable road users such as cyclists, motor cyclists, pedestrians and horse riders
- to further clarify advice on complex issues such as roundabouts, street and vehicle lighting, lane discipline, vehicle towing and loading, fitness to drive, and personal safety/visibility
- to promote better attitudes of courtesy and consideration by all road users for all others on the road

Following preparation of a full draft document, approval was sought from, and subsequently given by, Ministers to proceed to public consultation.

The public consultation process

The public consultation started on 15 February 2006. Key stakeholders were invited to comment on the proposed changes and the consultation paper and draft *Code* were publicised in the media. A website was established for the consultation, which provided access to an electronic response template. Consultees without email or internet access could request a hard copy of the consultation paper and draft *Code*, and were invited to submit comments by post.

Some telephone calls were received from those commenting on single issues. These calls were logged and the comments were added to the database along with all other responses.

Every response was acknowledged and each allocated a unique reference number. The data can be accessed by reference, name or rule number.

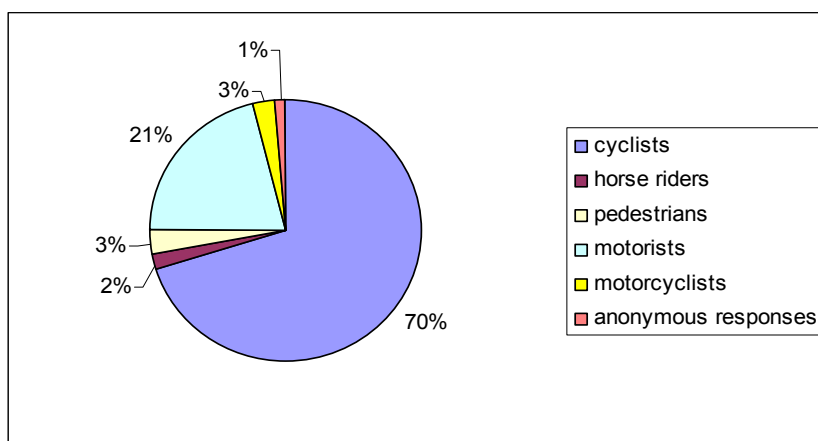
At the end of the consultation period

The consultation closed on 15 May 2006. All responses were recorded on a single database and then evaluated, taking into consideration:

- GB legislation currently in force or known to be due for introduction or amendment in the near future
- current best practice in road safety.

Statistical analysis

The graphic below shows the approximate split of responses by road user type, although many respondents offered comments from different viewpoints, e.g. both as a cyclist and a car driver. Some 211 online comments were submitted anonymously via the electronic website.



By the end of the consultation period, over 4,000 people had offered a total of almost 27,000 comments, ranging from single comments, to several reports covering 40 or 50 rules. For statistical purposes however, each comment was counted singly.

While there was a spread of contributions across all types of road user, by far the largest group to respond were cyclists and cycling organisations. The table below indicates a selection of those organisations representing particular groups.

Organisation Type	Number
Cycle forums, groups and organisations	41
Local Authorities, Councils, Road Safety organisations	41
Members of Parliament, each writing on behalf of several cycling constituents	35
Driving Instructors, Driving Schools, Instructors Associations	28
Charities, disabled organisations and associations	22
Motoring Organisations, Associations, Insurers	17
Police Forces, Ambulance Associations, Fire Brigades	15
Transport/Freight/Rail Companies and Organisations	14
Universities, Solicitors, Town Planners	9
Horse Riding Associations	5
Other organisations concerned with health issues (e.g. ASH, Verderers Association, Central Scotland Road Accident Investigators)	5
Motorcycle Associations and groups	2
Pedestrian Associations	1
Caravan Associations	1

Main areas of comment by consultees

Several new topic areas were particularly welcomed by consultees:

- the new Annex for learner and novice drivers was welcomed by *The Royal Automobile Club (RAC)*, *Royal Society for the Prevention of Accidents (RoSPA)*, *The Motor Schools Association* and *Roadpeace*
- vehicles prohibited from using roads and pavements was supported by *Learn and Live*, *Living Streets*, *RAC*, *Cyclists' Touring Club (CTC)*, *Give Cyclists Room* campaign and more generally by cyclists and pedestrians
- High-occupancy Vehicle Lanes were supported by *RAC* and *British Motorcycle Federation (BMF)*
- Home Zones and Quiet Lanes were supported by the *Living Streets*, *CTC*, plus many cyclists and pedestrians.

Also favourably received were the additions of new text dealing with:

- taking extra care, checking mirrors and blind spots, checking when opening vehicle doors. These were supported by *Road Danger Reduction Forum*, *CTC*, many cyclists and members of the public
- users of powered wheelchairs/mobility scooters. This addition was favoured by *Disabled Persons Transport Advisory Committee (DPTAC)* and *Joint Committee on Mobility of Blind and Partially Sighted people (JCMBPSP)*.

There appeared to be confusion among many road users, about the use of the phrases “**MUST/MUST NOT**” and “**should/should not**”. Many respondents asked for instances of “**MUST**” to be changed to “**should**” and vice versa, within a variety of rules. However, the use of “**MUST/MUST NOT**” identifies rules where legislation is in force, with an abbreviation of the relevant law listed below the rule. Therefore, it would be inappropriate to use this phrasing where rules are advisory only. Taking these issues into consideration, it has been decided to further expand the explanation of the differences between mandatory and advisory rules within the introduction, to help alleviate the confusion.

Result of the public consultation

The Highway Code cannot, in itself, introduce or change any legislation; it can only reflect those laws currently in force. A full list of all revisions to the *Code* will be made available on DSA's Highway Code web site at the same time that the new *Code* is published.

A summary of the most significant comments and revisions is shown below, section by section.

Use of metric equivalents

Metric references were included throughout the *Code*, wherever imperial references occurred. Only a few observations were received, mainly asking that all metric references be removed. The references had been added to provide information to drivers who have been educated primarily in metric units. It has been decided therefore, that the metric equivalents should be retained.

Rules for pedestrians

Following the consultation:

- further advice has been added about looking out for cyclists and motorcyclists, and checking for riders as well as drivers
- existing advice on tactile paving surfaces and routes shared with cyclists has been expanded and enhanced.
- the rules relating to various types of pedestrian crossings have also been expanded, restructured and reworded with new graphic images for further clarity
- a reference has been added, highlighting that once pedestrians have started to cross a road they do have priority and traffic is required to give way. This reference already existed in the “Using the road “ section but has been repeated here to clarify matters for pedestrians.

Rules for users of powered wheelchairs/powered mobility scooters

This new section was well received by various individuals and organisations including *DPTAC*. Following requests from respondents, a more specific explanation relating to the use of these vehicles on dual carriageways has been added.

Rules about animals

Concern was voiced by the *British Horse Society (BHS)* over the correct interpretation of the law concerning use of cycle tracks by horses. As a result, the wording of the appropriate rule has been revised to better reflect current legislation. The following have also been added:

- enhanced advice for horse riders regarding appropriate lighting and reflective clothing
- advice on the need to use both a saddle and bridle at all times.

Several members of the horse riding community asked that the term “Pegasus” be used in preference to “Equestrian”, with respect to crossings. However, because this term does not appear within legislation, it has been decided that “Equestrian” should be retained.

Rules for cyclists

The cycling rules proved to be most contentious during the public consultation, as previously indicated by the co-ordinated response received. The main issues raised are listed below.

The wording on the use of cycle facilities such as advanced stop lines, cycle boxes and toucan crossings - originally, the rule regarding these facilities stated “Use cycle routes where practicable. They can make your journey safer.” New wording was inserted into the consultation document, which contained greater detail with regard to the use of cycle boxes and advanced stop lines where provided. This change was read by many to suggest that their use was mandatory. Many felt this was unfair and unsafe, as they considered the standard of cycle lanes in GB to be very poor and very dangerous, often filled with parked vehicles, debris, drain covers and pot holes.

A large number of respondents also felt that other road users believed cyclists were legally obliged to use these facilities at all times, and therefore expected cyclists to use them wherever available, rather than by free choice, dependent on conditions. This then raised the issue of liability if cyclists did not use the facilities and a road traffic incident occurred.

It was felt that other road users needed to be made aware that the choice to use these facilities remains with the cyclist, and there is no law forcing their use. The phrasing of the rule has therefore been amended to take this into account. The standard of cycle routes remains the responsibility of the relevant highway authorities and so falls outside the remit of *The Highway Code*.

The advice on wearing cycle helmets and high visibility clothing - as many respondents incorrectly believed that the advice to wear cycle helmets and high visibility clothing was mandatory they asked for the recommendations to be completely removed, primarily because it was seen as removing the cyclist's choice of what to wear. However, as this is still considered to be good advice for all cyclists, it has not been changed.

The advice on negotiating roundabouts - *The Highway Code* did state that, when negotiating roundabouts, cyclists should keep to the left when cycling, or dismount and walk round. Many respondents considered the former to be dangerous and contrary to the advice given in cycle training manuals, while the latter discriminated against the cyclist's right to use the road equally with any other road user. However, the advice is still considered to be appropriate and has not been changed, although the order of the wording has been revised for clarity.

To assist further with safety issues for cyclists, more than 30 other rules elsewhere in *The Highway Code* have been revised to strengthen the advice to allow all road users more room and to give them more consideration. Other subjects also benefiting from enhanced advice include

- the dangers of littering from vehicles (e.g. cigarette ends, plastic bags)
- inappropriate use of vehicle lighting which may dazzle others
- cyclists and motorcyclists filtering in slow moving traffic
- approaching and pulling out of junctions
- road surface and weather conditions
- overtaking
- reversing.

Improved images and photographs have been included to aid clarity. However, while encouraging all road users to be aware of those who are more vulnerable, *The Highway Code* also continues to encourage vulnerable road users themselves to be equally aware of their own safety and visibility. To further help with this, a recommendation to undertake cycle training has been added to Annex 1 of *The Highway Code*.

Rules for motorcyclists

In response to requests from respondents, the following clothing advice has been added:

- advice for all riders and passengers of motor tricycles and quadricycles to wear helmets, as this is only a legal requirement for riders of two-wheeled motor cycles.
- a warning against using scratched or poorly fitting eye protection which may limit vision in darkness or in bright sunshine.

Rules relating to daylight riding and filtering have been expanded and enhanced with particular reference to several important areas where road users such as motorcyclists are especially vulnerable:

- appropriate road positioning in order to be seen in the mirrors of other vehicles
- better observation before filtering
- techniques when negotiating junctions
- raising awareness that other drivers might misjudge a motorcyclist's speed and distance.

Further changes have been made elsewhere in the *Code*, to increase road user awareness of motorcyclists (e.g. checking for those who may be travelling on the inside of oncoming traffic, taking proper observation before turning right, and other examples of where road users need to take particular care to look out for motorcyclists). This should:

- raise the awareness of all road users to the vulnerability of motorcyclists
- encourage understanding of motorcyclists' concerns
- encourage considerate attitudes to try to reduce the number of motorcycle casualties.

Rules for drivers and motorcyclists

Additions have been made on:

- what to do if dazzled by bright sunlight
- issues relating to vehicle legality and roadworthiness
- use of mobile phones
- vehicle towing restrictions.

Several other rules have been altered, in small but significant ways, to better promote awareness and safety.

General rules, techniques and advice for all drivers

In general, guidance on courtesy and consideration for all road users has been strengthened. As detailed above, many rules have been amended to raise awareness of the more vulnerable. Many have been amended to refer to "road users" rather than specifying drivers or riders. In response to requests from some local authorities and the road safety organisation *BRAKE*, the word "accident" has been replaced with "collision", "incident" or "crash" as appropriate, throughout the *Code*. Particular issues raised by respondents include:

Flashing of headlights - several respondents raised the issue of the widespread use of flashing headlights to indicate that the driver is giving way. Many wanted *The Highway Code* to adopt this unofficial signal nationally. As flashing headlights are intended only to let other road users know you are there, in the interests of road safety *The Highway Code* cannot promote this unofficial practice. The text has been updated to clarify the advice.

Smoking - smoking had been added to the list of distractions for drivers in the consultation document. While this was believed to be controversial, only four representations were received. Two of these were from individuals who raised issues about restrictions on personal choice; the other two from organisations with differing opinions on the subject.

Although agreeing that drivers should not drive without due care and attention, the *Freedom Organisation for the Right to Enjoy Smoking Tobacco (FOREST)* commented that the addition of smoking to the list of distractions was unwarranted, due to its relative insignificance as a driver distraction. Conversely, the organisation *Action on Smoking and Health (ASH)* gave their full support to the revisions. It has been decided, therefore, that the reference to smoking should be retained.

Stopping distances - many respondents requested that the stopping distance information be updated and reduced. They reasoned that newer, better vehicles can stop far more quickly and in a far shorter distance. However others argued in favour of increasing the stopping and separation distances. Taking these points into account and bearing in mind that

- a) thinking distance remains the same regardless of vehicle technology
- b) stopping distances are dependent on the condition of the road surface, the vehicle and tyres, the weather and the driver's concentration

it was decided that, in the interests of safety, no change would be made to the stopping or separation distances. A caveat had previously been added to the consultation to show that the distances are a general guide, and that many different factors can and will affect them.

Other stopping powers and procedures - the proposed new rule, covering the stopping of vehicles by officials other than the police, had been further split into two. These now more clearly differentiate between, and give specific details of, the powers given to Highways Agency traffic officers and Vehicle and Operator Services Agency officers.

Updated phraseology - some phrases have been amended to aid clarity and to take account of legislation and common practice. This responded to comments received from members of the public, local authorities and motoring organisations. Some of these changes are listed below:

Current wording used	New wording used
route guidance and navigation systems	satellite navigation systems
in-car technology	in-vehicle technology
elderly people	older people
emergency vehicles	emergency and incident support vehicles
road gritting vehicles (<i>grit no longer used</i>)	vehicles spreading salt or other de-icer

Merging in turn - this was covered within the rules on lane discipline, giving advice on when it is, and is not, appropriate to merge in turn. Some respondents suggested using the term 'zip merging' but, as it is not widely recognised, 'merging in turn' has been retained to reflect wording used on current official signage.

Other issues - in response to requests received, additional information has been added about the temporary green/yellow studs used during road works, and a definition of dual carriageways has also been included.

Using the road

Amendments include the importance of looking out for more vulnerable road users such as cyclists and motorcyclists, while moving off, overtaking, at road junctions and when reversing. Other changes made covered topics such as:

Large vehicles - the *Freight Transport Association* was particularly concerned about other road users driving or riding so close behind a large vehicle, that they could not be seen by drivers of large vehicles. Several rules have been amended to address this point.

Roundabouts - relatively few comments were received but changes were made to the text along with a clearer graphic to clarify the procedure where no road markings appear.

Road users requiring extra care

Enhancements were made to rules on the awareness of, and care and consideration for, other road users:

Deaf/blind indicators - *DPTAC* and several individuals expressed concern that the visual indicators for deaf/blind people were not specified. Deaf/blind people may not be able to either see or hear instructions or signals so all road users need to be more aware of their special needs. In response to this, information has been included which describes both the red and white striped sticks and red and white checked guide dog harnesses used to indicate that the person is both deaf and blind.

Horses and horse-drawn vehicles - horse riders, including *BHS*, requested further emphasis on the correct and safest way for other road users to proceed in the presence of horses and horse-driven vehicles. The appropriate rules have been amended to accommodate this request.

Opening vehicle doors - in response to many requests from organisations such as the *Road Danger Reduction Forum* and *CTC* plus many members of the public, several rules have been extended to include further warnings on taking extra care, checking mirrors and blind spots, and checking when opening vehicle doors.

Home Zones and Quiet Lanes - many respondents, including *Living Streets*, *CTC*, cyclists and members of the public, welcomed the inclusion of information on these schemes which are now becoming more common.

Emergency vehicles - concern existed over how to react in the presence of emergency vehicles. Bearing in mind the introduction of new legislation and Active Traffic Management schemes involving Highways Agency Traffic Officers, this rule has been expanded to include incident support vehicles, and a better description given of what constitutes an emergency or incident support vehicle. Advice on how to deal safely with these vehicles has been further expanded and clarified. This subject is covered in greater detail within other driving manuals, but basic advice on encountering these vehicles is now clearer.

Driving in adverse weather conditions

Additions made in this section, following concerns of respondents, included

- advice on showing extra care for vulnerable road users, particularly in high winds, rain or icy conditions
- advice on better preparation before undertaking any journey in ice, snow or fog
- the dangers of being dazzled by bright sunshine.

Waiting and Parking

The parking rules have been revised to better reflect current legislation. Throughout the parking section, emphasis has been placed on consideration for others and additional information has been included in the Annexes on personal safety and security when parking.

Motorways

A number of respondents indicated frustration about poor lane discipline, where some drivers travel in the middle lane of a motorway, despite the left-hand lane being empty. To address this point, the appropriate rule has been reworded to encourage drivers to return to the left-hand lane when it is safe to do so.

The opportunity has also been taken within this section to raise awareness with regard to motorcyclists filtering, and better use of all mirrors.

Advice was included about Highways Agency Traffic Officers and the use of warning lights and signals by those who may be responding to road traffic incidents.

Road works

Several respondents, including the organisation *Roadsafe*, requested inclusion of information concerning the safety of road workers. As a result, and in the interests of safety, this rule has been expanded to give more explicit instructions regarding awareness, care and consideration when driving near road works.

Tramways

Concerns were raised about the need for advice for cyclists needing to cross tram tracks that it is safer for them to do so at right angles, in order to avoid loss of traction on the rails, especially in wet conditions. The rule has been revised to include advice to all road users about allowing more room for cyclists and motorcyclists in those situations.

Signs pages and Annexes

In response to requests made from groups such as local authority road safety officers, insurance advisers and the *Killspills* campaign, the following subjects have been added or expanded:

- advice on motor insurance
- information for holders of non-European driving licences while resident in the UK
- information and advice on the dangers of spilt diesel fuel.

A few respondents queried the current text in Annex 6 (Vehicle maintenance, safety and security) advising against using mobile phones in petrol stations, saying that there was no statistical information available to confirm this danger. However, in the absence of contradictory evidence, the decision has been taken to leave the statement in place as a precaution.

Annex 7 of the *Code*, dealing with First Aid advice, has been amended in line with text provided by *British Red Cross* in association with *St John's Ambulance*. Further additions include a photograph showing the recovery position, and basic information about emergency treatment of bleeding and burns. The recommendation to undertake first aid training remains.

General issues

Many respondents supplied suggestions for specific wording which they felt could be used in certain rules. Whilst these suggestions were appreciated, the available space precluded the addition of large amounts of text.

Following the consultation period, the design for the *Code* was updated by including a series of new photographs and enhanced graphics. The intention was to give maximum clarity to the subject matter, via both the context of the images themselves and the message any particular image was trying to convey. These are considered to be a valuable aid in clarifying some points without the need for large amounts of text.

The Highway Code is not a comprehensive driving manual; its function is to provide clear and concise rules to enable all road users to comply with relevant legislation and best practice. While many comments received during the public consultation have not been taken up within *The Highway Code*, many of the generic points raised are being considered for use within lifelong learning aids such as *The Official DSA Guide to Driving - the essential skills*.

Favourable comments

The following are a selection of comments received:

"Well produced document and our organisation fully agrees with all its contents." Drivers' Action Movement.

"The Code has improved and is very readable" J Chandler, member of the public

"RoSPA supports the changes to The Highway Code.....Pleased to see new advice for users of powered wheelchairs, advice on in-vehicle devices and warnings against using mini-motos on roads." RoSPA

"We very much welcome the contents of this consultation and congratulate the authors on a job well done." John Lepine, Motor Schools Association.

Conclusion

The single issue attracting most comment from respondents was the need for a general improvement in the attitude of all road users, particularly regarding the levels of courtesy and consideration shown to other road users, but especially to those who are most vulnerable.

A publicity campaign is planned, to encourage all road users to obtain and read the revised *Highway Code* when it is published later this year, to bring themselves up to date with the latest advice.

The Department for Transport has striven to reflect the public's and stakeholders' concerns to the benefit of road safety. *The Highway Code* is recognised as a cornerstone of the wide range of media and lifelong resources aimed at reducing road casualties at a time when there are more road users than ever before.

To view the draft Highway Code which has been laid before Parliament for approval, click [here](#)