



# Review of the Highway Code

## Living Streets' response

October 2020

### Introduction

We are Living Streets, the UK charity for everyday walking. We want walking to be the natural choice for everyday journeys, free from congested roads and pollution, reducing the risk of preventable illnesses and social isolation. Our ambition is to get people of all generations to enjoy the benefits that this simple act brings and to ensure all our streets are fit for walking. We are members of the Walking and Cycling Alliance (WACA).

We have 33,666 active supporters and 55 local groups. We asked our supporters their views on proposals in the Highway Code Review and 5005 people responded to our survey.

### Background

This review of the Highway Code was promised by the Government in response to its Cycling and Walking Investment Strategy Safety Review (2018). The proposed amendments were developed in partnership with a working group representing the Walking And Cycling Alliance (WACA)<sup>1</sup>. The working group consulted a wide range of organisations, including motoring groups, on proposals to improve the safety of people who walk and cycle, and ride. Pedestrians, cyclists and horse riders (and horses) are vulnerable road users. The review marks the beginning of an important discussion about how we can make all roads safer for everyone.

### Summary

Living Streets welcomes this opportunity to respond to the Review of the Highway Code to improve safety for people who walk, cycle and ride horses. Last year, pedestrians accounted for 27% of road deaths (compared to motorcyclists 19% and pedal cyclists 6%)<sup>2</sup>; 18% of pedestrian fatalities and 24%

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<sup>1</sup> Living Streets is a member of the Walking and Cycling Alliance and part of the Highway Code Working Group. Other members of the Alliance include: Bicycle Association, Cycling UK, the Ramblers, British Cycling and Sustrans.

<sup>2</sup> Department for Transport (2020). 'Reported Road Casualties Great Britain 2019 Annual Report' [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/922717/reported-road-casualties-annual-report-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/922717/reported-road-casualties-annual-report-2019.pdf)

of all pedestrian casualties occurred on or within 50m of a pedestrian crossing<sup>3</sup>. The inclusion of stronger priorities for pedestrians is a positive step towards increasing active travel. Walking accounts for a quarter of all the journeys we make. It is the most accessible – and environmentally sustainable – form of travel and the most likely way for people to get more active, improving their physical and mental wellbeing.

We welcome the newly stated aim of the Highway Code to ‘promote safety on the road, whilst also supporting a healthy, sustainable and efficient transport system’. The most important changes are:

- A new hierarchy of road users (Rule H1) which recognises that while all road users must be responsible for their behaviour, those with potential to cause the most harm bear the greatest responsibility.
- Stronger priority for pedestrians waiting to cross the road at zebra crossings and junctions (new Rule H2). This does not encourage risk taking behaviour. It does get rid of the ‘catch 22’ situation in which pedestrians have to risk stepping into the road before other traffic has to give way. Rule H2 also states clearly that pavements are for pedestrians – who may have impaired sight, hearing or mobility, and may not be able to see or hear you.
- New Rule H3 which gives cyclists priority when they are going ahead at junctions. After pedestrians, people who cycle are the most vulnerable road users.

We support all these changes. We asked our supporters their views on the new rules H1 and H2 and the emphasis on slower speeds (e.g. Rule 125):

- 94% agree to pedestrians at top of the hierarchy of road users
- 98% agree that drivers should give priority to people waiting to cross at zebra crossings
- 86% agree that drivers should give priority to people waiting to cross at junctions
- 93% agree that a greater emphasis on slower speeds

The Coronavirus lockdown reminded us all that walking is a vital part of our lives; we all walked more. As noted by Government, we have a window of opportunity to ‘embed those changes in people’s travel behaviour, increase active travel, and transform permanently how many people move around, particularly in towns and cities’<sup>4</sup>. These changes to the Highway Code do not provide all the answers to encouraging people to feel safer and walk more, but they are a significant part of the solution.

## Rules H1, H2 and H3

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

Living Streets welcomes the introduction of Rule H1 which shifts the focus from road user vulnerability to road user responsibility. 94% of the respondents to our survey agreed with a hierarchy of road users that puts people who walk at the top.

Road casualty statistics highlight the need for this important update to the Highway Code. Last year, pedestrians accounted for 27% of road deaths (compared to motorcyclists 19% and pedal cyclists

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<sup>3</sup> Department for Transport (2020). Table RAS30027.

<sup>4</sup> Department for Transport (2020). ‘Gear Change: A bold vision for cycling and walking’

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904146/gear-change-a-bold-vision-for-cycling-and-walking.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904146/gear-change-a-bold-vision-for-cycling-and-walking.pdf)

6%). This is a 3% increase on 2018<sup>5</sup> and 11% increase on the 2010-14 average<sup>6</sup>. Just under a quarter (24%) of the 21,770 pedestrian casualties in 2019 were children (0-15 years; *ibid.*) and the risk of injury is four times higher for disabled people than non-disabled people<sup>7</sup>. While all road users must behave responsibly, the most vulnerable road users are disproportionately affected by motorised transport. This new hierarchy of road users clarifies the people who are most at risk from road traffic are people walking – particularly children, older and disabled people, followed by people cycling, horse riders and motorcyclists. Those with most responsibility are people who drive heavier vehicles, vans and cars.

### **Is the proposed wording easy to understand?**

Yes.

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

Living Streets welcomes new Rule H2.

Currently, Rule 170 informs drivers that they must “watch out for pedestrians crossing a road into which you are turning. If they have started to cross, they have priority, so give way”. Similarly, Rule 195 of the Highway Code says that a driver MUST stop to give way to a pedestrian when they have stepped onto a zebra crossing. However, the advice to pedestrians is not to step onto the crossing until all traffic has halted. Drivers are advised to ‘watch out for people waiting to cross’, but not told what to do next. This is the dangerous Catch 22: traffic must stop when you step onto the crossing, but a pedestrian should not step onto the crossing until the traffic has stopped.

The new rule H2 requires drivers and riders to give way to pedestrians at junctions – who are crossing or waiting to cross a road into which or out of which they are turning – and at zebra crossings. Maintaining the current rule at zebra crossings that pedestrians should not step out into the road until traffic has stopped (Rule 19) safeguards against pedestrians putting themselves at risk.

- 98% of respondents to our survey agreed that drivers should give priority to people waiting to cross at zebra crossings, and
- 86% agree that drivers should give priority to people waiting to cross at junctions

Placing the onus on drivers and riders to stop is crucial because pedestrians bear the brunt of road casualties, and the most common place for collisions is at road junctions – last year (2019) 18% of pedestrian fatalities and 24% of all pedestrian casualties occurred on or within 50m of a pedestrian crossing<sup>8</sup>. The sense of danger when crossing the road can make people fearful of walking altogether, especially if they are older or have an impairment. The new Code adds the important advice: ‘Always remember that the people you encounter may have impaired sight, hearing or mobility, and may not be able to see or hear you.’

Rule H2 also clarifies that pedestrians have priority when on parallel crossings or light controlled

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<sup>5</sup> Department for Transport (2020). ‘Reported Road Casualties Great Britain 2019 Annual Report’ [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/922717/reported-road-casualties-annual-report-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/922717/reported-road-casualties-annual-report-2019.pdf)

<sup>6</sup> Department for Transport (2018). ‘Reported Road Casualties Great Britain 2017 Annual Report’ [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/755698/rrcgb-2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/755698/rrcgb-2017.pdf)

<sup>7</sup> Aldred, R. (2018). ‘Inequalities in self-report road injury risk in Britain: a new analysis of National Travel Survey data, focusing on pedestrian injuries’, *Journal of Transport & Health*, <https://www.sciencedirect.com/science/article/pii/S2214140517306308>

<sup>8</sup> Department for Transport (2020). Table RAS30027

crossings when they have a green signal. In keeping with new Rule H1, cyclists should give way to pedestrians on shared use cycle tracks.

We also welcome that statement that pavements are for pedestrians: “Only pedestrians may use the pavement. This includes people using wheelchairs and mobility scooters.” However, our supporters often remind us that a persistent minority cycle on pavements. E-scooters trials are also proving that inconsiderate and illegal behaviour is putting pedestrians at risk – the e-scooter trial in Coventry was shut down after 5 days because of users scooting on the pavement<sup>9</sup>. Raising awareness of the advisory changes to the Highway Code through a public campaign must be accompanied by the enforcement of the law. Visible roads policing is a highly effective road safety measure. Future revisions of the Highway Code will need to address the role and safety of powered (and unpowered e.g. adult kick scooters) micromobility vehicles.

**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)?**

Living Streets supports the introduction of new Rule H3 that drivers and motorcyclists 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”. After pedestrians, people who cycle are the most vulnerable road users. Applying the hierarchy of road users (or as we would call it the hierarchy of responsibility) in new Rule H1 requires road users who have the potential to cause the more harm (drivers and motorcyclists) to bear more responsibility towards those who are more vulnerable.

## Rules for pedestrians

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

- junction?
- zebra crossing?

Yes. Living Streets welcome the clarification within the proposed rules that drivers and riders should give way to pedestrians waiting to cross at a junction or at a zebra crossing, and must give way to pedestrians who have stepped onto the zebra crossing.

**Is the proposed wording easy to understand?**

Yes.

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

No.

## Rules about animals

**Do you agree to the proposed change to Rule 52?**

We support the changes to increase the safety of horse riders, horses and people driving horse

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<sup>9</sup> See <https://ebiketips.road.cc/content/news/coventry-suspends-e-scooter-trial-after-five-days-because-of-concerns-about-pavement>

drawn vehicles.

## Rules for cyclists

Living Streets' response does not address the changes to Rules for cyclists. However, we were involved in developing all the proposals for updating the Highway Code in partnership with members of the Walking and Cycling Alliance and the Department for Transport. **Living Streets fully endorses all the proposed changes.**

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

Living Streets' position is that shared use paths should be a last resort, where there is sufficient space and low pedestrian traffic. However, where spaces are shared, Rule 63 encourages considerate behaviour towards pedestrians. The proposed changes remind people cycling that not all disabilities are visible and clearly states that cyclists must not pass pedestrians closely or at high speed. Rule 63 also applies to shared use paths in the countryside and, for example, tow paths. We support this change.

### **Is the proposed wording easy to understand?**

Yes.

## Rules for drivers and motorcyclists

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

Rule 97 (and Annex 6, vehicle maintenance) has been amended to include additional text which states that before setting off you should ensure that:

"any fitted audible warning systems for other road users, and camera and audio alert systems for drivers are all working and active (and should be used appropriately on the road)."

Living Streets support this amendment because the use of audible alert systems on electric vehicles is essential for blind and partially sighted people who may not otherwise hear them.

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

### **Is the proposed wording in Rule:**

- **123 easy to understand?**
- **124 easy to understand?**

Yes and this brings the Highway Code up to date with the introduction of local 20mph speed limits.

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

- **lane?**
- **track?**

Yes, we support the changes.

**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?**

No further comment.

## Using the road

The consultation asks whether respondents agree with passing distances and slower speeds for passing cyclists, horse riders and horse drawn vehicles. However, there are changes that benefit pedestrians too – bringing relevant rules in line with the new hierarchy of road users (H1) and priority at junctions (H2). Amendments to Rules 163 and 167 clarify when drivers and motorcyclists may overtake other road users safely and when they must not overtake and changes to Rule 170 introduces the obligation to give way to pedestrians waiting to cross the road at junctions:

- Rule 163 – allow at least 2.0 metres space where a pedestrian is walking in the road (where there is no pavement) and pass at slow speed; and give more space in poor weather (e.g. high winds)
- Rule 167 – do not overtake: on the approach to crossing facilities; where a vehicle is slowing to stop for a pedestrian crossing from a pedestrian island.
- Rule 170 – give way to pedestrians crossing or waiting to cross a road into which you are turning or from which you are turning.

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

Yes, we support the changes to Rule 163.

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

We support the amendment to Rule 195 which brings it into line with new Rule H2 and explains clearly the new priority given to pedestrians and cyclists. The new text states that as you approach a zebra crossing you should give way to pedestrians waiting to cross. The rule explains that a parallel crossing includes a cycle route alongside the black and white stripes and that you (drivers and riders) should give way to pedestrians or cyclists waiting to cross.

**Is the proposed wording easy to understand?**

Yes.

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

No further comments.

## Road users requiring extra care

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

Living Streets supports other changes to the Highway Code, such as:

- Rule 204 – instead of saying ‘the most vulnerable road users’ this rule now lists those ‘most at risk from road traffic’ as pedestrians, followed by cyclists, horse riders and motorcyclists – as stated in Rule H1. Additional text reminds that in any interaction, those with the potential to cause the most harm bear the most responsibility to reduce the danger they pose to others.
- Rule 206 – repeats the new obligation on giving way to pedestrians waiting to cross the road into which or from which you are turning.
- Rule 212 – give pedestrians walking in the road (where there is no pavement) as much room as you can when overtaking.

## Waiting and parking

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

Living Streets supports the introduction of the ‘Dutch Reach’. As well as being safer or passing cyclists and motorcyclists in the carriageway, this approach is safer for ‘people on the pavement too’. When using an electric vehicle charge point, drivers are reminded to reduce the danger to pedestrians from tripping over cables.

### **Is the proposed wording easy to understand?**

Yes.

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

Yes, we have a comment on how the existing law is explained Highway Code Rule 244 to send a clear message on pavement parking. This is particular a problem for people with mobility or visual impairments, neurodiverse conditions, children and older adults, who are forced to walk in the carriageway.

We have suggested an amendment to Rule 244, cross-referencing Rule 145 ‘you MUST NOT drive on or over a pavement’ and Rule 242 (both included below for reference). Rule 242 addresses obstruction of the public highway which includes the road (carriageway) and the pavement (footway). The review of the Highway Code also provides an opportunity to update to Rule 244 with the new law on pavement parking in Scotland. The suggested new text is in red:

#### **Rule 244**

You ~~MUST NOT~~ park partially or wholly on the pavement in London, and should not do so elsewhere unless signs permit it.

You **MUST NOT** drive on a pavement except for access or in an emergency (Rule 145) and you **MUST NOT** obstruct it (Rule 242). Parking on the pavement is a specific offence in London and all of Scotland (from *date*). You should only park on the pavement where signs permit it.

Parking on the pavement can obstruct and seriously inconvenience pedestrians, people in wheelchairs or with visual impairments and people with prams or pushchairs.

**Rule 145**

You **MUST NOT** drive on or over a pavement, footpath or bridleway except to gain lawful access to property, or in the case of an emergency.

Laws [HA 1835 sect 72](#) & [RTA 1988 sect 34](#)

**Rule 242**

You **MUST NOT** leave your vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road.

Laws [RTA 1988 sect 22](#) & [CUR reg 103](#)

## Annexes and final comments

**Do you have any comments about the changes proposed to:**

- annex 1?

- annex 6?

No.

**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?**

We welcome the addition to the introduction of the Highway Code which states that its aim 'is to promote safety on the road, whilst also supporting a healthy, sustainable and efficient transport system'. With the increase in active travel following the pandemic, we have an opportunity now to encourage and sustain this positive behaviour change and this statement helps to frame that purpose.

There are number of other welcome changes proposed, such as in Rule 125, placing emphasis on unsafe speeds increasing the risk of collisions, inappropriate speeds deterring people who walk, cycle or ride, and, the importance of reducing speed when sharing the road with pedestrians '*particularly children, older adults or disabled people*'. 93% of the people who responded to our survey supported greater emphasis on slower speeds.

A public-awareness campaign will be necessary to provide all road users with appropriate knowledge, skills and attitudes to use roads in a responsible manner. However, it is essential that both new and experienced drivers are informed of changes to the Highway Code. Collaboration with, for example, the insurance industry could be used to incentivise drivers to renew their knowledge of the Highway Code in exchange for reduced premiums.

**Any other comments?**

No.

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