

November 23, 2004

Our ref: NA05002  
Your ref:

David Jamieson MP  
Parliamentary Under Secretary of State  
Department for Transport  
Great Minster House  
76 Marsham Street  
London SW1P 4DR



**Cambridge Cycling Campaign**

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Dear Mr Jamison,

### **Mandatory Cycle Lanes**

By way of introduction Cambridge Cycling Campaign is a local voluntary organisation with over 700 members. We try to work closely with local government and others to improve conditions for cyclists in Cambridge and the surrounding area. Government statistics show that more than 25% of local people cycle to work. This is by far the highest figure for the UK.

We are writing concerning national guidance being issued by the Driving Standards Agency which seems to contradict the rules laid down in the Highway Code.

The Highway Code para 119 states:

*Cycle Lanes. These are shown by road markings and signs. You **MUST NOT** drive or park in a cycle marked by a solid white line during its times of operation.*

Some time ago we became aware that driving instructors in Cambridge were advising learner drivers that it was acceptable to enter Mandatory Cycle Lanes (MCLs) in order, for example, to pass a vehicle waiting to turn right. When we asked representatives of the driving instructors about this issue, we were surprised to be told the advice came from the Driving Standards Agency.

A request direct to the Driving Standards Agency failed to extract any relevant information, but, with the help of our local council (Cambridgeshire County Council), we have been provided with a quote from the DSA, which has since been confirmed in an exchange between the DfT and the DSA:

*"Although it is technically illegal for a car to drive in a mandatory cycle lane this would be tolerated (and indeed expected) in a driving test if this was required for cars to make satisfactory progress. However, the onus is clearly on the driver to ensure that it is safe to carry out such a manoeuvre. If the driver encroaches on a mandatory*

*cycle lane and in doing so, impedes the progress of a cyclist or has an adverse effect on the cyclist's safety, the driver would fail his test."*

As a campaign encouraging '*better, safer and more cycling in and around Cambridge*', we were very concerned about this statement as we believe that this advice is contrary to the Road Traffic Law, which gives very few exceptions to the rule as quoted in the Highway Code.

Mandatory Cycle Lanes, which require a Traffic Regulation Order, are often used in Cambridge to protect cyclists at junctions and other locations where they are vulnerable from encroachment by motor vehicles.

In crashes between motor vehicles and cyclists, where the motorist is at fault, the vast majority are caused because the driver fails to see the cyclist. By allowing motorists to enter mandatory cycle lanes when *they* see no cyclist, this 'guidance' risks crashes and conflicts at just the locations where cyclists are known to be vulnerable.

Under the recently passed Traffic Management Bill, Penalty Charge Notices can be issued for motorists contravening MCLs in London, and we believe that this power can be extended to other areas with Local Authority Parking Enforcement from April 2005.

We can see a possible paradox under the current regime, in that a learner driver could pass his test, having entered a MCL, yet later receive a Penalty Charge Notice for a contravention of the same MCL.

It seems that the advice being given by the DSA contradicts both the Traffic Management Bill and the Road Traffic Regulation Act 1984.

If a similar ruling as that suggested by the DSA were applied to cycling on pavement footpaths, it would only be an offence if the action could be shown to endanger a pedestrian. We consider that such paths should be the safe reserve of pedestrians, just as we believe that MCLs should be the safe reserve of cyclists.

As the Minister responsible for the Driving Standards Agency, we would be pleased if you can clarify the situation regarding motor vehicles entering Mandatory Cycle Lanes.

Yours sincerely,  
on behalf of Cambridge Cycling Campaign,

Jim Chisholm

cc Anne Campbell MP  
Rob Marshall English Regions Cycling Development Team  
Roger Geffen Campaigns Manager, CTC  
Brian Smith Director, Environment and Transport, Cambridgeshire County Council