

Comments on Highway Code consultation document.

Name/Organisation	Cambridge Cycling Campaign PO Box 204 Cambridge CB4 3FN
E-mail address	contact@camcycle.org.uk

By way of introduction, Cambridge Cycling Campaign is a local voluntary organisation with over 750 members. We work closely with local government and others to improve conditions for cyclists in Cambridge. Government statistics show that in Cambridge more than 25% of local people cycle to work and that this is much the highest figure for the UK.

General points

- The code needs to give a much stronger emphasis to the need for all road users to have consideration for each other, as is much more the case on the continent. This is a cultural change which should be adopted elsewhere within government, but its inclusion within the Highway Code is fundamental.
- There are too many cases where wording could unnecessary lead to claims of contributory negligence against cyclists. Rules 56 and 58, which we comment on below, are particularly problematic in this regard. Cyclists already face a barrage of hurdles, both infrastructural and legal, when exercising their right to ride, and such rules will only harm any chance of increasing levels of cycling in the UK.
- The code does not emphasise strongly enough that the key source of road danger is from motor vehicles, especially when travelling at inappropriate speeds. That motorists should expect to see increased use of speed/safety cameras (which are not even mentioned at all in the draft!) and lower, more appropriate speed limits, should be included.

Rule 58

Our responses to individual points are in the table below. However, we wish to draw special attention to the proposed rule 58, which we feel is totally unacceptable as it stands. Cyclists across the country have reacted in uproar at this proposed change.

Were it the case that cycle facilities were constructed to the high quality of continental standards, then this might be a reasonable clause. However, the fact is that probably the vast majority of UK facilities are inadequate, inconvenient or downright dangerous. Articles published on our own website, at <http://www.camcycle.org.uk/newsletters/>, catalogue time after time how local authorities have failed to implement cycle facilities to even basic standards.

Under the proposed new rule, if you don't use a 'facility' (however badly designed or inappropriate for your needs it might be) then, in the event of a crash, a driver's insurance company might claim that your going against the highway code was contributory negligence and reduce your claim. This is patently absurd. Cyclists have a right to use the road.

We have been copied a letter by a local resident, Mr Alasdair Massie, the contents of which we would endorse most strongly. We do not propose to rehash the well-made arguments set out there, but would strongly encourage you to note the contents of that letter. The photographs alone demonstrate why the rule would be extremely counter-productive and act as yet another weapon against cyclists, this time in the courts and in insurance resolutions.

Rule / page no	Suggested change	Reason
Rule 58	<p>This rule should either be <u>scrapped or heavily reworded</u> along the lines of the principles noted to the right.</p>	<p>There is little evidence that cycle facilities generally make cycling safer and much evidence that in many cases cycle facilities are less safe than use of the general highway.</p> <p>Rule 58 should instead:</p> <ol style="list-style-type: none"> 1. Warn inexperienced cyclists of the unexpected hazards they may encounter on a cycle route. They may well be safer using the road. 2. Make clear to drivers that cyclists have a right to remain in the road whether or not a cycle path / lane / track has been provided. It should also make clear that the cyclist's decision to ride in the road in no way justifies inconsiderate, impatient or belligerent behaviour towards that cyclist. The driver owes the same duty of care to the cyclist whether or not a cycle sign has been painted on the pavement. 3. Educate drivers as to the good reasons why a cyclist may choose to ignore elements of "cycle infrastructure", and ride in the road with the traffic instead.
Rule 56	<p>Change the helmet clause to "Consider wearing a cycle helmet. Remember that cycle helmets are not designed to give protection in collisions with motor vehicles, and can be dangerous if fitted incorrectly."</p> <p>Also move it to a later part of the cycling section.</p>	<p>It is misleading to make the first cycling recommendation something that has never been shown to reduce overall cycle casualties. It must be made clear to insurers that they cannot claim contributory negligence on the grounds of not wearing a cycle helmet.</p> <p>In contrast to the current UK government approach, the Netherlands has the lowest cyclist head injury rate in the world despite a much higher cycling rate, and cycle helmet use being extremely rare. This demonstrates quite clearly that helmets are not a safety panacea, but that the source of danger is what needs to be tackled.</p> <p>It sends entirely the wrong message for any mention of helmets to be near the start of any section on cycling. The way to increase cycle safety lies in better training, lower speeds, better motorist behaviour and better standards of construction of any facilities.</p>
Rule 60	REMOVE "Keep within the lane wherever possible."	This has no basis in law. A mandatory cycle lane means that it is mandatory for motorists not to enter it. Advice to keep within cycle lanes may lead cyclists open to contributory negligence claims.

		Cyclists have the right not to use such lanes, and many chose not to because of the often poor standard of such lanes.
-	<p>ADDRESS SERIOUS OMISSION</p> <p><u>Cycle training</u> is not discussed. Add a clause such as:</p> <p>“Cycle training can help increase road handling skills and increase safety. Many Local Authorities run cycle training schemes, which cyclists are encouraged to use.”</p>	Cycle training, above all, can help increase cyclist skills, adherence to road user law, and increase safety. It is arguably far more effective than promoting helmet use.
Rule 74		This does not make clear that a disproportionately high number of cycle collisions take place due to left-turning lorries.
Photograph next to Rule 157	Move image of cyclist further away from kerb.	The cyclist is depicted riding in a position which is frowned on elsewhere in the text. The cyclist should, for their own safety, be further away from the kerb.
Rule 179	Add these words to the clause on reaching a roundabout: “Watch out in particular for cyclists. They may be difficult to see if they are riding near the edge of the roundabout. Cyclists on the roundabout have the same priority as other traffic and you should give-way.”	The current advice should be strengthened to make clear that cyclists can experience difficulties when traversing roundabouts.