



## Changes to The Highway Code - Response from the Ramblers

### Summary

The Ramblers is Britain's largest walking charity, working to protect, expand and promote walking for health and pleasure.

We support the proposed changes to the code, in particular the introduction of a hierarchy of road users; clarification of where pedestrians have a right of way; encouraging safer speeds; and updating guidance for cyclists on shared routes.

We would like to propose further changes to increase walker safety and make the code easier for everyone to understand, namely:

- clarify the apparent discrepancy concerning road walking between proposed Rule 2 (walk on the right) and proposed Rule 5 (large groups walk on the left)
- include a glossary of terms and ensure consistent usage
- highlight the dangers of new technology (i.e. electric vehicles and e-scooters) for pedestrians
- refer to national laws on pavement parking

Communication and education about the revised code are essential for the code to have an impact. We urge the government to set out a plan for promoting to code. The Ramblers would be pleased to work with government to publicise changes to the code.

Our responses to consultation questions are below.

### 1. Hierarchy of Users

We agree with the introduction of rule H1, establishing a hierarchy of road users.

We agree with the introduction of rule H2, clarifying the right of way and stronger priorities for pedestrians.

We agree with the clarification of rule H3, setting out cyclists' priorities and precedence.

### 2. Rules for pedestrians

We agree with the proposed change to introduce a responsibility for drivers and riders to give way to pedestrians waiting to cross a junction or side road and at a zebra crossing.

### ***Walking in large groups***

Several of our members have raised a concern about the rules relating to walking in large groups, in particular the apparent discrepancy concerning road walking between Rule 2 (walk on the right) and Rule 5 (large groups walk on the left).

Many Ramblers' led walks occasionally require groups to walk along trafficked roads where there is no safe or convenient off-road alternative route. Normally walkers go on the right, except at right-hand bends, to allow them to see oncoming vehicles. We understood the "large groups walking on the left" rule to apply where it is more like a procession, or protest-type march, or parade, where the police will have been notified of it and will probably be providing an escort. Without an escort there is more danger of people at the back being hit by a vehicle (since they won't see it coming) than if they were all on the right hand side. We believe this rule should be clarified to say that large groups walking on the left means escorted, police-aware processions and apply Rule 2 to all led group walks of any size, with a proviso that when approaching a sharp right bend, groups should cross to the left or send a scout ahead to watch for traffic.

### ***Clear and consistent use of terms***

The new code should contain a glossary of terms including 'large groups'; 'parades'; 'organised walks'; 'pavements'; 'footways'; 'footpaths'; 'parallel crossings'.

It also appears that many terms are used interchangeably when they should not be. The new version of the code needs to use terms consistently.

We think there is a particular issue around the terms 'footway' and 'pavement'. For example, the term footway is used in Rule 1 for pedestrians but the last two paragraphs of proposed rule H2 only use the term pavement. Similarly, rule 62 for cyclists only uses the word pavement. We suggest the code should use the term 'footway' instead of 'pavement'.

Several of our members were unaware of the term 'parallel crossing'. It appears that this term is not used in the existing online version of the Highway Code (see rules 19-25, dates August 2019), and so it should be defined in the updated version.

We strongly recommend that all terms must be clearly defined – both when they are first used and in an accompanying glossary - and used consistently throughout the code.

The code should also be clear about the use of the term "right of way" which in the legal context is used to mean different things. For example, a footpath is a right of way, but in the code, the term right of way is sometimes used to mean "precedence", as in the sense of a right of way *over* somebody else.

In our view the expression "precedence" is preferable to "right of way" wherever "right of way" is used in the sense of one user having "the right of way *over*" another user. "Right of way" has a second, entirely separate meaning, i.e, the physical entity of a footpath, bridleway, easement, etc; and it has a third, also entirely separate meaning, i.e, the right to be on a particular highway in the first place, like where one says "the right of way on a road extends to motor-vehicles and horse-drawn carts as well as riders and pedestrians". These second and third meanings and contexts have nothing to do with precedence or hierarchy, so we recommend that the term "right of way" where it means precedence *over* another user" is best avoided.

### ***Wording for Rule 5***

Rule 5 for pedestrians speaks of walking "down a road" implying that it does not apply "up a road". We suggest it would be better to say "along a road".

### **3. Rules for cyclists**

We agree with the proposed change to Rule 63 and welcome the inclusion of the following wording: *'Remember that pedestrians may be deaf, blind or partially sighted and that this may not be obvious'*. Nine million people in the UK are deaf or hard of hearing so it must be emphasised that not all walkers will hear the bell or warning.

We should not generally create new shared paths and should where possible create dedicated space for walkers and cyclists to avoid conflicts. However, where spaces are shared, Rule 63 will encourage considerate behaviour towards walkers.

We agree with the proposed change to Rule 76, which clarifies priorities when cyclists are travelling straight ahead.

### **4. General rules, techniques and advice for all drivers and riders**

We support the changes to Rules 123 and 124 to reduce speed limits.

We agree with changes to Rule 195 to include reference to parallel crossings and to advise drivers to give way to pedestrians and cyclists waiting to cross at a zebra crossing or parallel crossing. However, we believe this could be explained more clearly. This change is first mentioned in proposed Rule H2 but is only fully defined in Rule 195. We suggest it is defined more fully in Rule H2, or a reference to Rule 195 is added to Rule H2.

#### ***Education of motorists***

For many years, the Ramblers have called for more to be done to educate motorists about their responsibilities under the Highway Code. There is very low awareness amongst motorists that pedestrians have a right to be on roads and have to use the roads where there is no footway. Most motorists seem to think that use of roads by pedestrians is somehow "concessionary", and that it is the duty of pedestrians to keep out of the way of vehicles.

The code should explain that there is no system of "precedence" and that a pedestrian being on a road in order to walk down it is not the same kind of thing as a pedestrian stepping into the road without looking in order to cross it. They are different things; but drivers think the one is as bad as the other. The "kerb drill" that has been drilled into small children to make them not step into the road if a vehicle is coming has made everybody think that pedestrians rarely have any business being in a carriageway at all. This erroneous impression needs to be corrected in the Highway Code and promoted by government to make roads safer for walkers.

#### ***Electric vehicles and e-scooters***

Increased prevalence of new electric forms of transport are likely to increase road danger for walkers in years to come because they are very quiet and can travel at speeds which can cause serious injury or death. The revised Highway Code should include rule for new technologies, given the potential hazard they present to other road users. Trials of e-scooters are on ongoing in England so we would urge the government to incorporate any new rules about e-scooter usage in the

Highway Code, or if the Code is published before the trials end, to commit to update the code with rules when the trial is finished.

***Pavement parking***

The Highway Code should be updated to say that you ‘must not’ park on pavements in Scotland, because it’s against the law. The code should also reflect recent changes in Wales, where local authorities are being given powers over pavement parking, and any forthcoming changes in England, where there is currently a government consultation on pavement parking.