

Cycle Lanes

A Peloton of Issues

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Cycle lanes: good, bad & microscopic



Users of Cycle Lanes

- ▶ Professional Cyclists
- ▶ Commuters
- ▶ Leisure cyclists
- ▶ Boris Bikes/Similar Schemes

Should Cycle Lanes Actually Be Used?

- ▶ The range of cycle lanes/segregated facilities
- ▶ The temptations not to use them
- ▶ Breaks within Cycle Lanes

The Highway Code and Cycle Lanes Some Context

- ▶ The Highway Code advice as to cycle lanes can usefully be placed in a degree of context.
- ▶ In 2007 a draft new version was prepared. The old rule 47 stated:
 - ▶ “Use cycle routes when practicable. They can make your journey safer.”
- ▶ The draft stated
 - ▶ “Use cycle routes when practicable **and cycle facilities such as advanced stop lines, cycle boxes and toucan crossings where they are provided**, as they can make your journeys safer.”

That Would Put a Burden on Cyclists

The cycling charity CTC feared that this added wording would strengthen the argument that cyclists should use cycle facilities.

2007 – A New Highway Code

- ▶ In 2007 a new draft was laid before Parliament. By that stage the wording had changed only slightly, instead of '**where they are provided**' it now recommended '**where possible**'. This was still deemed to be an inappropriately strong wording by CTC members, and more pressure was exerted. In June 2007, a new Highway Code was laid before Parliament, the relevant wording now being:
- ▶ “Use cycle routes, advanced stop lines, cycle boxes and toucan crossings **unless at the time it is unsafe to do so. Use of these facilities is not compulsory and will depend on your experience and skills**, but they can make your journey safer.”

That wording remains. BUT:

Section 63 of the Highways Code

“Although not compulsory, you **should use** the **lanes** whenever practical as they can make your journey safer. If **you need** to leave the **cycle lane**, always check that it is safe to **do** so and signal to other road users. Something that confuses many **cyclists** is whether or not they are allowed to **cycle** on the pavement.”

2020 DVSA Consultation

- ▶ Change is afoot: the 2020 DVSA consultation proposes this wording:
- ▶ “Cycle lanes are marked by a white line (which may be broken) along the carriageway (see Rule 140). Use facilities such as cycle lanes and tracks, advanced stop lines and toucan crossings (see Rules 62, 63 and 73) where they make your journey safer and easier. This will depend on your experience and skills and the situation at the time. Whilst such facilities are provided for reasons of safety, cyclists are not obliged to use them and may exercise their judgement.”
- ▶ A new Rule 77 is also proposed:
- ▶ “When crossing faster or busy main roads, you may find it safer and easier to
 - ▶ – dismount and push your cycle across
 - ▶ – wait for a safe gap in the traffic before doing so, especially on faster roads and dual carriageways
 - ▶ – make use of traffic islands or central reservations to help you where appropriate”

Other DVSA Proposals

- ▶ Rule 140 to include a reference to cycle tracks and new text which reads: “You should give way to any cyclists in a cycle lane, including when they are approaching from behind you – do not cut across them when turning or when changing lane (see Rule H3). Be prepared to stop and wait for a safe gap in the flow of cyclists before crossing the cycle lane. Cycle tracks are routes for cyclists that are physically protected or located away from motor traffic, other than where they cross side roads. Cycle tracks may be shared with pedestrians. You should give way to cyclists approaching or using the cycle track when turning into or out of a junction (see Rule H3). Be prepared to stop and wait for a safe gap in the flow of cyclists before crossing the cycle track, which may be used by cyclists travelling in both directions. Bear in mind that cyclists are not obliged to use cycle lanes or cycle tracks.
- ▶ Rule 151 on slow moving traffic to advise drivers and riders to allow pedestrians and cyclists to cross in front of them.

Where Does Vehicle Technology Fit In?

- ▶ A new rule is proposed: that the driver of a car ensures 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).
- ▶ That refers to the semi-autonomous systems that legislation is increasingly requiring and which presently are something of a hotchpotch. So a car may have an audible warning if the car strays out of lane, or it may have one of the newer systems that not only sounds an alert for that but actively keeps the car in lane, if, for example, a lane change is being executed without indication. Vehicles may also have technology to warn of pedestrians or large animals or stationary vehicles and autonomously brake and/or steer. The more sophisticated systems use camera input as well as a form of lidar (laser radar), the simpler systems only lidar type systems. They can be disabled, and sensitivity can be adjusted to preset levels.
- ▶ Those elements will come together to augment cycle safety where a cycle lane is not being used or is not available, but also affect the situation which is all too common, where cycle lanes temporarily cease at pinch points, and where motorists have to cross cycle lanes. For the moment there is an absence of cases looking at non-use of a cycle lane, mirroring the relative lack of cycle helmet cases: litigation risk explains that.

An Example of Litigation Risk re Non-Use of Cycle Lanes

- ▶ X was doing his usual cycle ride back from work. He was wearing a high visibility top, and a helmet.
- ▶ He was riding along an A road that bifurcated into an A road and a motorway, the A road in the cyclist's direction of travel being two lanes to the offside, the motorway slip road being to the nearside. The National Speed Limit applied.
- ▶ A car drove into collision with the cyclist. There was a cycle lane, it involved dismounting and crossing the slip road.
- ▶ The car driver's explanation was that a lorry had obscured her view of the cyclist, the lorry inferentially moving over into the motorway slip road.
- ▶ The car driver's insurers maintained that there was contributory negligence for not using the cycle lane – essentially by staying on the A road with its potentially dangerous junction not least given the bike/dual carriageway/merge into motorway speed differential the cyclist was putting himself into reasonably avoidable obvious danger.

Contributory Negligence/Litigation Risk

- ▶ D argued for substantial contributory negligence
- ▶ Settlement was reached on the basis of a 5% discount



Who Is Responsible for a Bad Cycle Lane Design?

- ▶ Tune in to Dan Tobin

Cars cutting across cycle lanes?

- ▶ Clenshaw v Tanner
- ▶ Richards v Quinton
- ▶ Contra-flow

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Cars stationary in cycle lanes

- ▶ Foster v Maguire & Irwell Construction

Cycle Lanes and Helmet Use

- ▶ When a helmet is regarded as particularly useful, ie under 12-14mph.
- ▶ Helmet cases involving cycle lanes
 - ▶ Issues to consider:
 - ▶ encouraging cyclists to use bicycles,
 - ▶ lack of provision of helmets for spur of the moment rides – Boris Bikes? Lime / Uber Bikes
 - ▶ Cyclist vs cyclist
 - ▶ Contra-flow
- ▶ Food for thought:
 - ▶ If it is 95% segregated cycle lane, do I need a helmet?
 - ▶ If it is 10% segregated cycle lane, do I need a helmet?
- ▶ Panel seminar on helmets

Pedestrians v Cyclists

The Civil Sphere

- ▶ Brushett v Hazeldean
- ▶ Fletcher v Chancery Lane Supplies
- ▶ The 46 Bus Route?

The Criminal Sphere

- ▶ R v Alliston

What about pavements?

- ▶ Kotula v EDF

A Case in Point with William Audland QC

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