



## **Unite submission to Department for Transport consultation on: A review of The Highway Code – October 2020**

### **Introduction**

This submission is made by Unite, the UK's largest trade union with over one million members across all sectors of the economy, including manufacturing, financial services, transport, food and agriculture, construction, energy and utilities, information technology, service industries, health, local government and the not for profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our union.

In the arena of transport Unite represents over a quarter of a million members in all transport modes, making it the largest transport union in the UK. Unite's current membership in the Passenger Transport and Road Transport Commercial, Logistics & Retail Distribution sectors Unite's membership is 145,000.

Unite has obtained the views of our members through our lay member committees at national and regional level. Therefore Unite is in a unique position to submit a response to the Department for Transport consultation on 'A review of The Highway Code'. Unite is providing this response on behalf of our members in the road and passenger transport sectors including tens of thousands of professional drivers and we are also factoring in the experiences and safety needs and of all road users as all our members are road users as pedestrians, wheelchair users, motorists, horse riders, motorcyclists and cyclists.

# **1. Rules H1, H2 and H3**

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

**Amendment:** *The 'Hierarchy of Road Users' is a concept which places those road users most at risk in the event of a collision at the top of the hierarchy. The road users most likely to be injured in the event of a collision are pedestrians, in particular children, older adults and disabled people, followed by cyclists, horse riders and motorcyclists. The hierarchy does not remove the need for everyone to behave responsibly. The following H rules clarify this concept.*

*Everyone suffers when road collisions occur, whether they are physically injured or not. But those in charge of vehicles that can cause the greatest harm in the event of a collision bear the greatest responsibility to take care and reduce the danger they pose to others. This principle applies most strongly to drivers of large goods and passenger vehicles, followed by vans/minibuses, cars/taxis and motorcycles*

Unite is supportive of road safety measures which promote shared responsibility but is very concerned that rather than improving road safety this measure will be used to discriminate against professional drivers. Unite strongly supports important measures to ensure roads, pavements, positioning, timing and shared road spaces are designed and marked to maximise safety and clarity for all road users.

While Unite accepts that heavy vehicles are involved in more severe accidents than lighter vehicles due to their weight and size, we are concerned that the addition of hierarchy of road users to The Highway Code as is proposed in Rule H1 will translate to increased culpability, discriminate against HGV, coach and bus drivers and add to the already strained working conditions for this group of professional drivers.

Unite as the biggest union representing transport workers as well as workers across a range of industries who as motorists, cyclists and pedestrians are all road users, takes road safety very seriously and we strongly believe that the Government should be legislating on road safety in a more proactive way by concentrating improving, monitoring and enforcing regulations on working hours for professional drivers in the passenger and road/haulage transport sectors as well as adopting measures to address on-the-job stress through working with unions to improve working conditions and ensuring operators are providing road-worthy vehicles for this group of key workers.

The gig-economy in the road haulage sector is creating a growing trend of race to the bottom on pay and conditions in the distribution sector with a proliferation of so called 'owner drivers' which is culminating into a dangerous model of unregulated, unlicensed delivery drivers specifically in parcel delivery sector.

Recent research by University College London commissioned by the Road Safety Trust found gig economy drivers and riders at greater risk of traffic collisions<sup>1</sup>. The research also identified 63% of gig economy delivery drivers who were interviewed reported they had not been provided with safety training on managing risks on the road, while one in ten reported someone had been injured in a crash while they had been working. This should not mean that this group of workers should bear greater responsibility on the road, but rather that the Government should mandate stronger enforcement and regulation in the gig economy so that companies who sub-contract such workers share a degree of responsibility and accountability to include regulating driving hours for gig economy workers whose low rates of pay are placing a perverse and dangerous reliance on working well beyond driving hours restrictions.

Professional drivers such as road haulage, coach and bus drivers are under immense pressures from their employers for quicker journeys and turn round times which result in sustaining the long hours culture in the sector which are proven to contribute to road accidents and fatalities<sup>2,3</sup>. Last year Unite carried out a survey of our members in the passenger transport and road haulage sectors to measure the extent and impact of fatigue and long hours on professional drivers. Our survey received just under 10,000 responses and overwhelmingly the respondents stated they worked in excess of 50 hours, 73% working 50 plus hours over five days and 20% stated their typical rest period between starting and finishing shifts was 10 hours; which falls under the 11 hour break period as prescribed in the European Union driver hours regulations (Directive 2012/15/EC)<sup>4</sup>.

The tables below capture the Unite driver fatigue survey responses and illustrate the scale of the problem and impact this is having on the health and wellbeing of professional drivers as well as the danger this poses to road safety:

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<sup>1</sup> <https://www.ucl.ac.uk/news/2018/aug/gig-economy-drivers-and-riders-heightened-risk-traffic-collisions>

<sup>2</sup> <http://www.brake.org.uk/news/15-facts-a-resources/facts/485-driver-tiredness>

<sup>3</sup> <https://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/fatigue-litreview.pdf>

<sup>4</sup> <https://www.gov.uk/drivers-hours/eu-rules>

Table 1: Unite Lorry drivers' long hours survey 2019

<b>Lorry driver responses</b>	<b>Percent</b>
<i>Work more than 50 hours do you work a week</i>	<b>54%</b>
<i>Usually sleep in their cabs at truck stops between shifts</i>	<b>63%</b>
<i>Usually sleep in their cabs at a lay-by between shifts</i>	<b>61%</b>
<i>Felt that long hours affected their physical health</i>	<b>74%</b>
<i>Felt that long hours affected their mental health</i>	<b>49%</b>
<i>Regularly feel fatigued due to long working hours</i>	<b>80%</b>
<i>Fallen asleep while driving?</i>	<b>4.3%</b>
<i>Had to stop driving due to excessive tiredness?</i>	<b>56.6%</b>
<i>Made errors while driving due to tiredness?</i>	<b>30.8%</b>
<i>regularly work overtime as part of normal duties</i>	<b>76%</b>
<i>Did <b>NOT</b> have sufficient breaks during the working day</i>	<b>81.1%</b>
<i>Did <b>NOT</b> get adequate time between shifts in order to relax, sleep, eat and see family and loved ones</i>	<b>51.4%</b>

With respect to lorry/road haulage drivers, Unite is concerned over the post-Brexit implications on the sector and road safety in the case of a no deal Brexit. Unite is seeking assurances from the Government that EU drivers' hours regulations will be transposed and protected under UK law as driving times involve the safety of drivers and road users.

Additionally Unite is worried over the findings reported in a recent leaked government document which confirmed the likelihood of 7,000 lorries in Kent being locked in 2 day queues immediately at the end of the transition period and the potential for chaos at other ports across the UK as computerised post-Brexit customs systems are still under development leaving hauliers with insufficient time to become accustomed to complex new border arrangements. Unite is also seeking detailed information of the locations and facilities of the proposed 29 parking areas the Government is planning to build across the UK as a part of the post-Brexit arrangements. Our members in the road haulage sector are anxious they will be stuck in their cabs for hours and hours without any access to clean and accessible toilets, washing, food or rest facilities, all of which are needed to better enable lorry drivers to drive safely.

Table 2: Unite Passenger drivers' long hours survey 2019

<b>Bus, Tram &amp; Coach driver responses</b>	<b>Percent</b>
<i>Work more than 50 hours do you work a week</i>	<b>16%</b>
<i>Get <b>10 hour break</b> between starting and finishing shifts</i>	<b>38%</b>
<i>Get <b>8 hour break</b> between starting and finishing shifts</i>	<b>12%</b>
<i>Felt that long hours affected their physical health</i>	<b>76%</b>
<i>Felt that long hours affected their mental health</i>	<b>58%</b>
<i>Regularly feel fatigued due to long working hours</i>	<b>83%</b>
<i>Fallen asleep while driving?</i>	<b>10%</b>
<i>Had to stop driving due to excessive tiredness?</i>	<b>26%</b>
<i>Made errors while driving due to tiredness?</i>	<b>79%</b>
<i>regularly work overtime as part of normal duties</i>	<b>36%</b>
<i>Did <b>NOT</b> have sufficient breaks during the working day</i>	<b>46%</b>
<i>Did <b>NOT</b> get adequate time between shifts in order to relax, sleep, eat and see family and loved ones</i>	<b>65%</b>

In March, just before the national lockdown, Unite called on Konectbus – a bus operator in Norfolk - to work with the union to address long hours as our members had reported working 14 hour days, often driving for five and a half hours before getting just the legal minimum break of 30 minutes which was taking a toll on their physical and mental health, as well as their work life balance. Currently, UK law limits local bus drivers' hours on local routes of less than 50 km to 10 hours of driving a day, with no weekly or fortnightly limit, except that in any two consecutive weeks there must be at least one period of 24 hours off duty. That means it is entirely legal for a local bus driver to drive 130 hours over two weeks. Unite is also aware of bus companies exploiting a loophole which allows them to split routes into 3 to avoid complying with 50km regulations, resulting in the same driver continuing to work on that route and as such working well beyond the 50km restriction.

UK drivers' hours' legislation sets maximum limits to give the bus industry "some flexibility". Bus operators, as employers, have a legal duty under health and safety legislation to manage risks from fatigue, irrespective of any individual's willingness to work extra hours or preferences for certain shift patterns for personal reasons. But as we have seen from persistent reports of long hours and fatigue in the sector employers are not meeting their health and safety obligations in that regard. What we would like to see in the bus sector are regulations that mimic EU regulations on drivers' hours which exist for UK lorry and long distance coach drivers. These limit drivers' driving

hours to 56 hours a week-and no more than 90 hours over any two consecutive weeks. To that end Unite supports MP Matt Western's proposal for Rowan's Law, a Bill for the bus sector which proposes moving to EU regulations that cover total hours worked which are in place for HGV and long distance coach drivers, and includes proposals to bring changes to mandatory breaks that would ensure a break of no less than 45 minutes would be taken after no more than four and a half hours of driving<sup>5</sup>.

Last year Unite participated in a series of ILO (International Labour Organisation) tripartite meetings of experts to adopt guidelines on the promotion of decent work and road safety in the transport sector<sup>6</sup>. Unite urges the UK Government to adopt the measures set out in the document.

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

There are contradictions in wording in the proposed H1 amendment. While primarily stating; *"the hierarchy does not remove the need for everyone to behave responsibly."* The amendment goes on to prescribe that *"those in charge of vehicles that can cause the greatest harm in the event of a collision bear the greatest responsibility to take care and reduce the danger they pose to others"*. This makes it difficult to understand both the intent and the purpose of the amendment.

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

**Amendment:** *You should give way to pedestrians waiting to cross a zebra crossing, and pedestrians and cyclists waiting to cross a parallel crossing*

Unite agrees in part with this amendment but are concerned with the 'waiting to cross' insertion. Under the current Highway Code (Rule 8) if a pedestrian has started to cross a road at a junction and a driver wants to turn into that road the pedestrian has priority and the driver should give way. The proposed amendment extends the priority to pedestrians crossing or ***waiting to cross the road***. This puts an added onus on cyclists and motorists to predict pedestrian behaviour, it could be the case that the pedestrian has stopped to use his/her mobile phone and has no intention of crossing.

The numbers of cyclists and electric scooters on public roads are rapidly increasing, making roads busier and more congested. Motorists have the heavy duty of care to watch out for cyclists, motorcyclists, powered wheelchairs/mobility scooters, electric scooters and pedestrians, in the interest of road safety all road users including pedestrians, who are the most vulnerable of all road users must take additional care at crossings. All professional drivers must be vigilant and take care and Unite is working with employers to ensure adequate training is provided to professional drivers.

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<sup>5</sup> <https://you.38degrees.org.uk/petitions/limit-local-bus-drivers-working-hours-rowan-s-law>

<sup>6</sup> [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---sector/documents/meetingdocument/wcms\\_716127.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_716127.pdf)

If pedestrians are given this additional priority it may facilitate a false sense of security which will put them at risk at busy crossings.

**Amendment:** *You MUST give way to pedestrians on a zebra crossing, and pedestrians and cyclists on a parallel crossing.*

Yes – Unite agrees to these amendments. Parallel crossings enable cyclists to cross a road safely and with the same level of priority as a zebra crossing gives a pedestrian, making cyclists' journeys easier and safer through giving cyclists priority over all traffic on the road. However consideration must be given to who between the pedestrian and the cyclist would have the greater priority at a parallel crossing.

**Amendment:** *Horse riders and horse drawn vehicles should also give way to pedestrians on a zebra crossing, and pedestrians and cyclists on a parallel crossing.*

Yes – Unite agrees to these amendments.

**Amendment:** *Pedestrians have priority when on a zebra crossing, on a parallel crossing or at light controlled crossings when they have a green signal.*

Yes – Unite agrees to this amendment.

**Amendment:** *Cyclists should give way to pedestrians on shared use cycle tracks. Only pedestrians may use the pavement. This includes people using wheelchairs and mobility scooters.*

Yes - Unite agrees to this amendment. Shared use cycle paths provide a safe space for people to travel, relax and play and are shared by many people including young children, older people and people with a range of disability including the blind and mobility impaired. As cyclist tend to be the fastest movers on these paths, they should be extra vigilant and give way to pedestrians.

**Amendment:** *Only pedestrians may use the pavement. This includes people using wheelchairs and mobility scooters.*

Yes - Unite agrees to this amendment. The wording of this must state that electric scooters are excluded from this group.

**Amendment:** *Pedestrians may use any part of the road and use cycle tracks as well as the pavement, unless there are signs prohibiting pedestrians.*

Yes - Unite agrees to this amendment. However pedestrians must be aware of The Highway Code as it applies to pedestrians and their obligations to be vigilant when using the road and be particularly careful at junctions, bends, or any other 'blind spots'.

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

Yes, however the added amendment in Rule 8 appears to repeat this. Additionally there are many types of junctions and the Rule should make clear if this would apply to all junctions.

**1.5 Do you agree with the introduction of new Rule H3 (cyclist's priorities and right of way)?**

**Amendment:** *You 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. This applies whether cyclists are using a cycle lane, a cycle track, or riding ahead on the road and you should give way to them.*

Yes - Unite agrees to this amendment.

**Amendment:** *Do not turn at a junction if to do so would cause the cyclist going straight ahead to stop or swerve, just as you would do with a motor vehicle.*

Yes - Unite agrees to this amendment.

**Amendment:** *You should stop and wait for a safe gap in the flow of cyclists if necessary. This includes when cyclists are:*

- *Approaching, passing or moving off from a junction;*

Yes - Unite agrees to this amendment.

- *Travelling around a roundabout*

Yes - Unite agrees to this amendment.

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

Yes.

## **2. Rules for pedestrians**

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

*- Junction?*

See answer to question 1.3.

*- Zebra crossing?*

Yes - Unite agrees to this amendment.

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

Yes.

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

No.



### **3. Rules for animals**

#### **3.1 Do you agree to the proposed change to Rule 52? Rules for cyclists**

Unite understands and commends the DfT for working closely with the British Horse Society, to identify some changes to be made to The Highway Code to improve safety for horse riders. Given this Unite agrees with the amendment and has no further comments or reservations to put forward.

### **4. Rules for cyclists**

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

**Amendment:** *Sharing space with pedestrians, horse riders and horse drawn vehicles. When riding in places where sharing with pedestrians, horse riders or horse drawn vehicles is permitted take care when passing pedestrians, especially children, older adults or disabled people. Let them know you are there when necessary e.g. by ringing your bell (it is recommended that a bell is fitted to your bike), or by calling out politely.*

*Remember that pedestrians may be deaf, blind or partially sighted and that this may not be obvious. Do not pass pedestrians, horse riders or horse drawn vehicles closely or at high speed, particularly from behind.*

*Remember that horses can be startled if passed without warning. Always be prepared to slow down and stop when necessary*

Yes. Unite agrees to these amendments.

**Amendment to Rule 59 Clothing (cyclists):** *You should avoid clothes which may get tangled in the chain, or in a wheel or may obscure your lights when you are cycling. Light-coloured or fluorescent clothing can help other road users to see you in daylight and poor light, while reflective clothing and/or accessories (belt, arm or ankle bands) can increase your visibility in the dark.*

**&**

*You should wear a cycle helmet which conforms to current regulations, and is the correct size and securely fastened. Evidence suggests that it will reduce your risk of sustaining a head injury in certain circumstances.*

Yes - Unite agrees to these amendments.

**Amendment to Rule 61:** *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.*

Unite agrees to this amendment in part. Given the amount of investment and planning as well as disruption on the roads that was involved in building new cycle lanes, Unite would have liked to have seen further encouragement within this amendment for cyclists to use cycle lanes as a way of encouraging the safety of cyclists, pedestrians and motorists alike.

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

Yes.

#### **4.3 Do you agree with the proposed change to Rule 72 to ride:**

**Amendment Rule 72 Road positioning:** *When riding on the roads, there are two basic road positions you should adopt, depending on the situation;*

*- In the centre lane of your lane on quiet roads – if a faster vehicle comes up behind you, move to the left to enable them to overtake, if you can do so safely.*

Yes- Unite agrees with this amendment.

*- In the centre lane of your lane in slower moving traffic?*

Yes- Unite agrees with this amendment.

*- In the centre of your lane when approaching junctions?*

Unite is concerned that the width of the road has not been fully considered within this amendment and that this may cause confusion to cyclists and motorists as they attempt to anticipate if the road is wide enough for a motor vehicle or cycle to stay on the left or can be passed.

*- At least 0.5 metres away from the kerb on busy roads?*

Yes- Unite agrees with this amendment.

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

Yes.

#### **4.5 Do you agree with the proposed change to Rule 73 at junctions?**

**Amendment to Rule 73:** *Some junctions, particularly those with traffic lights, have special cycle facilities, including small cycle traffic lights at eye-level height, which may allow you to move or cross separately from or ahead of other traffic. Use these facilities where they make your journey safer and easier.*

**&**

*At junctions with no separate cyclist facilities, it is recommended that you proceed as if you were driving a motor vehicle (see Rules 170 to 190). Position*

*yourself in the centre of your chosen lane, where you feel able to do this safely, to make yourself as visible as possible and to avoid being overtaken where this would be dangerous. If you do not feel safe to proceed in this way, you may prefer to dismount and wheel your bike across the junction.*

**- Special cyclist facilities?**

Yes – Unite agrees with this amendment.

**- At junctions with no separate cyclist facilities?**

Yes – Unite agrees with this amendment.

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

Yes.

**4.7 Do you agree with the proposed change to Rule 76 (clarifies priorities when cyclists)**

**New Rule 76 Going straight ahead:** *If you are going straight ahead at a junction, you have priority over traffic waiting to turn into or out of the side road, unless road signs or markings indicate otherwise (see Rule H3). Check that you can proceed safely, particularly when approaching junctions on the left alongside stationary or slow moving traffic.*

Yes – Unite agrees with this amendment.

*Watch out for drivers intending to turn across your path. Remember the driver ahead may not be able to see you, so bear in mind your speed and position in the road.*

Yes – Unite agrees with this amendment.

*Be particularly careful alongside Lorries and other long vehicles, as their drivers may find it difficult to see you. Remember that they may have to move over to the right before turning left, and that their rear wheels may then come very close to the kerb while turning*

Yes – Unite agrees with this amendment.

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

Yes.

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

No.

## **5. Rules for drivers and motorcyclists**

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

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

**Amendment:** *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).*

- ***You switch off your mobile phone***

In principle for non-commercial or passenger vehicles Unite agrees with this amendment. However Unite is seeking further clarification of how this would apply to professional drivers such as delivery drivers who rely on mobile phones for routing purposes. Consideration must also be given to long distance haulage and coach drivers who spend many hours driving on the road and may need to be able to contact family or emergency services, in this case Unite suggests they should be allowed to have their hands-free mobile phones on.

- ***Any fitted audible warning systems***

Yes- however Unite believes that in the case of commercial and passenger vehicles drivers, this responsibility should rest with the operator as part of ensuring road worthy vehicles. Here drivers should report any faults with the systems to their employers and employers should ensure that the fault is corrected before the vehicle is allowed back on the road.

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

### **6.1 Is the proposed wording in Rule?**

- *123 easy to understand?*

Yes.

- *124 easy to understand?*

Yes.

### **6.2 Do you agree with the proposed changes to Rule 140 on giving way to cyclists using cycle lanes and cycle tracks?**

**Amendment to Rule 140:** *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.*

Unite would like to support this amendment, however this would create the scenario of a bus or lorry just stuck unable to turn left because of a flow of cycles in the cycle lane. The extra time a large vehicle requires to turn could make it almost impossible

to make the manoeuvre. With a change in hierarchy it would then be the drivers fault if there was an incident.

*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.*

Yes – Unite agrees with this amendment. Please note the comments we raised under H2 (page7) with respect to cyclist sharing cycle tracks 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.*

Yes – Unite agrees in part with this amendment. However Unite maintains that for the safety of cyclists and other road users, cyclists should be obliged to use cycle lanes and cycle tracks.

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

Yes.

### **6.4 Do you have any further comments about the changes to the general rules, techniques and advice for all drivers and riders?**

No.

## **7. Using the road**

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

**Amendment:** *Cyclists may pass slower moving or stationary traffic on their right or left, including at the approach to junctions, but are advised to exercise caution when doing so?*

Unite is very concerned at the lack of visibility and vulnerability of cyclists passing on the left and believes that a cycle lane is required to enable this to happen more safely cyclists should only pass on the left if they are in a cycle lane. On a shared road it would be safer for cyclists to pass on the right or on the off-side of the vehicle in line with the current Highway Code under guidance on hand signals which tells us in order to warn the other road user (in this case a cyclist) of pending danger in front<sup>7</sup>. So for this safety to be maintained the safest place for a cyclist to pass would be on the right hand side of the lane.

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<sup>7</sup> <https://assets.publishing.service.gov.uk/media/560aa58be5274a036c00001a/the-highway-code-signals-to-other-road-users.pdf>

**7.2 Do you agree with the proposed speed limits detailed at Rule 163 for overtaking?**

**Amendment:** *You should wait behind the motorcyclist, cyclist, horse rider, horse drawn vehicle or pedestrian and not overtake if it is unsafe or not possible to meet these clearances.*

**Amendment:** *Take extra care and give more space when overtaking motorcyclists, cyclists, horse riders, horse drawn vehicles and pedestrians in bad weather (including high winds) and at night.*

- Motorcyclists?

Yes.

- Cyclists?

Yes.

- Pass horse riders and horse drawn vehicles at speeds under 15 mph and allow at least 2.0 metres space

Yes.

**7.3 Do you agree with the proposed passing distances detailed at Rule 163 for overtaking:**

- Motorcyclists?

Yes

- Cyclists?

Yes.

- Horse riders?

Yes.

- Horse drawn vehicles?

Yes.

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

Yes.

**7.5 Do you agree with the proposed changes to Rule 186 that:**

*You should give priority to cyclists on the roundabout. They will be travelling more slowly than motorised traffic. Give them plenty of room and do not attempt to overtake them within their lane. Allow them to move across your path as they travel around the roundabout.*

- You do not overtake cyclists within their lane?

Yes.

*- You allow cyclists to move across your path?*

Unite believe this is will be both dangerous and may be impractical. Unite is very concerned that there are hazards that need to be addressed in relation to this. For instance; when manoeuvring around a roundabout an articulated vehicle's near side mirror will not be able to pick up cyclists if they are changing lane. It is also very common for long vehicles to have to straddle lanes in order to navigate around a roundabout thereby creating a very serious risk to cyclists who are also changing lanes.

*- Cyclists may stay in the left lane when continuing across or around the roundabout?*

Yes.

*- Horse riders may stay in the left lane when continuing across or around the roundabout?*

Yes

*- Horse drawn vehicles may stay in the left lane when continuing across or around the roundabout?*

Yes

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

Yes.

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

Yes. Unite agrees with this amendment. We would add that pedestrians and cyclist should also wait until the traffic has stopped to cross and cyclists should slow down when approaching this crossing. Additionally cyclists should stay on the cycle side of the crossing and pedestrians should equally stay on the pedestrian side of the crossing.

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

Yes.

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

No.

## **8. Road users requiring extra care**

### **8.1 Do you agree with the proposed changes to Rule 213 (cyclists may ride in the centre of the lane for their safety)?**

**Amendment:** *On narrow sections of road, at road junctions and in slower-moving traffic, cyclists may sometimes ride in the centre of the lane, rather than towards the side of the road. Allow them to do so for their own safety, to ensure they can see and be seen. Cyclists are also advised to ride at least a door's width or 0.5m from parked cars for their own safety.*

Unite agrees in part with this amendment. However we would question this Rule in relation to road junctions where a cyclist in the centre lane wishes to turn and needs to negotiate space and priority with a motorist who may wish to continue forward.

With respect to '*cyclist are advised to ride at least a door's width or 0.5m from parked cars for their own safety*', we believe this should be more clearly mandated in the interest of safety.

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

Yes.

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

**Amendment:** *In any interaction between road users, those who can cause the greatest harm have the greatest responsibility to reduce the danger or threat they pose to others.*

Unite maintains that every road user from pedestrians to HGV drivers should equally take responsibility for the role they can play in reducing the danger and threat they pose to other road users. Motorists and especially professional drivers are under immense and increasing pressures on the road given the increasing numbers of cyclists and now electric scooters on the road. Unite has noted that the proposed amendments in this consultation place additional requirements on motorists who will have to learn and adjust to a significant number of new safety measures as proposed in this document. It will be important that steps are taken that this is recognised.

At the outset of our response under the H Rules section Unite describes the challenges, pressures and working conditions experienced by our members in the road haulage and passenger transport sectors. Unite would like for these issues to be addressed by the DfT in its efforts to support road safety.



## **9. Waiting and parking**

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

**Amendment:** *You should open the door using your hand on the opposite side to the door you are opening, e.g. use your left hand to open a door on your right-hand side. This will make you turn your head to look over your shoulder. You are then more likely to avoid causing injury to cyclists or motorcyclists passing you on the road, or to people on the pavement*

Yes- Unite agrees to this amendment.

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

Yes.

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

**Amendment:** *When using an electric vehicle charge point you should park close to the charge point and minimise the danger to pedestrians from tripping over charging cables. After using the charge point you should return charging cables and connectors neatly to prevent creating an obstacle for other road users.*

No.

## **10 Annexes and final comments**

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

#### **- Annex 1:**

*Cycle training: If you are an inexperienced cyclist or have not ridden for a while, consider taking a cycle training course. Some councils offer national standard cycle training such as Bikeability and in certain areas this is free of charge. It can help build up your skills and confidence.*

*There are three levels to Bikeability, starting with the basics of balancing, stopping and starting safely, through to handling complex and busy junctions. You will also learn about traffic signs and the rules of the road, planning routes, safe road positioning and signalling (particularly at junctions) and basic cycle maintenance.*

Unite commend this addition which provides further advice and support to cyclists so they are able to gain the skills and confidence to ride safely.

**- Annex 6:**

**Amendment:** *Undertake all aspects of the daily walkaround checks for commercial vehicles as recommended by the DVSA and the Fleet Operator Recognition Scheme.*

This amendment should be made clear to fleet operators where a driver is employed or where a driver is 'self-employed' but drives a company vehicle. In the case of genuine 'owner-drivers' then they would be responsible for checking they are driving road worthy vehicles.

**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?**

- Given the complex and wide ranging amendments proposed in this consultation Unite strongly feels that the consultation process should have gone beyond a written consultation and included a series of roundtables and or workshops with stakeholders. This was the approach taken by the Law Commission who held a number of workshops and roundtable discussions with Unite when consulting on new rules for autonomous vehicles. Here the Law Commission heard from our members in the bus and taxi sector who gave their experienced views on the impact of the proposed new rules.
- Unite believes that given the vulnerable groups within the range of road users there should have been an equality impact assessment applied to this consultation.
- Unite agrees that given the increase in the numbers of cyclists and new infrastructure for cyclists on roads, The Highway Code should be updated. Unite also supports efforts to strengthen advice around the value of cycle training including road positioning, expanding the rules on safe riding and crossing busy roads.
- Unite's strategy for transport recognises the need to move towards a transport system based on much greater use of public transport, cycling and walking and the importance of active support for cyclists and pedestrians.
- Unite calls on the Government to concentrate efforts and resources to make real estate and technology available to build and/or improve safe and secure parking areas and welfare facilities so that hauliers are given the adequate facilities to complement rest periods while driving. Unite is repeating our call for the Transport Secretary to boost the resources for the Vehicle and Operator Services Agency (VOSA) and the Traffic Commissioner.

- A culture of long hours and unreasonable routing could be contributing to accidents. Unite is seeing the amount of hours drivers are expected to work continually rise at a time when their terms and conditions are being eroded. Government should legislate and providing adequate resources to enforce operators to comply with driving hours in the interest of road safety. Additionally we need legislative change to the current rules on driving hours for short distance passenger transport drivers. For road haulage and long distance bus and coach drivers Unite are calling for the current EU driving hours working time directive to be transposed and protected under UK law.

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This submission is put forward by Unite's National Officers in the Road Transport and Passenger Transport Sectors:

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