

Living Streets

Policy Briefing 03/09

Pedestrians and Cyclists



Living Streets is the national charity that stands up for pedestrians. With our supporters we work to create safe, attractive and enjoyable streets, where people want to walk.



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Executive Summary

Walking and cycling are healthy, environmentally friendly, and inexpensive modes of transport. Living Streets believes that getting more people walking and cycling is a solution to many of our urban transport problems. Additionally both can help to address other public policy concerns such as obesity, air pollution, quality of life, and climate change. However they are also highly vulnerable to, and restricted by, motor traffic.

We want to see more people cycling, and there is more that unites cyclists and pedestrians than divides them. However, we need to work towards a transport system and built environment that prioritises the needs of pedestrians over all other modes, including cyclists – a principle firmly established in *Manual for Streets*¹.

The main points of this paper can be summarised as follows:

- Pedestrians and cyclists share many common objectives when it comes to urban planning – both forms of transport have been marginalised at the expense of motor vehicles;
- Pavement cycling is illegal and the law must be better enforced;
- Off-carriageway provision for cyclists must never come at the expense of pedestrian space, safety, or amenity.

Recommendations & policy calls

National action

- The approach to our transport system and built environment must be overhauled, taking inspiration from the *Manual for Streets* and *Designing Streets*, to prioritise the needs of (in this order): pedestrians, cyclists, public transport users, and motor vehicles;
- Extension of pavement cycling FPN powers to Community/Neighbourhood Wardens in Scotland;
- A default speed limit of 20 mph in built-up areas of the UK;
- National education campaign to address all anti-social behaviour (including cycling) on pavements;
- Shared use signage (figure 1) should be amended to emphasise pedestrian priority.

Local action

- Greater enforcement by local police forces of cycling offences, particularly pavement cycling, including targeted crackdowns where appropriate;
- When designing off-road routes for cyclists, segregated, as long as sufficient width is available, is generally preferable to shared use;
- Our parks and canal towpaths should be safe, welcoming places for enjoyment and relaxation – for everybody.

¹ Government guidance on street design, downloadable from <http://www.dft.gov.uk/pgr/sustainable/manforstreets/>

Introduction

The post-war rise of motor traffic, coupled with an associated decline in cycling (which is now showing signs of reversing) has increased the pressure felt by cyclists on the streets of Britain. This has been worsened by approaches to street design focused disproportionately on the use of motor vehicles. Not only have cars now vastly outnumbered bicycles on most of our streets, but as motorists' familiarity with cyclists decreases, the likelihood of collisions and near-misses increases. This pressure has resulted in many cyclists feeling safer avoiding motor traffic altogether: a minority currently achieve this illegally by riding on the pavement, with potentially serious consequences for pedestrians.

Over the past thirty years, cycling away from the carriageway has been encouraged and legitimised all over the country by increased off-road provision for cyclists, often taking the form of cycle routes located on new 'greenways', former pavements, or other pedestrian paths.

Pedestrians and cyclists share many common objectives when it comes to urban planning. Slower motor traffic speed, driver liability, reallocation of road space (for example wider pavements and advanced stop lines), and greater enforcement of driving offences are key examples. However it must be recognised that they remain two very different modes: mixing them together inappropriately can cause fear, anxiety, insecurity and even serious injury or death. Therefore Living Streets believes that promoting modal shift to cycling through urban design should not be achieved at the expense of pedestrian space and amenity – but rather through the reallocation of space away from motorised traffic.

As the national charity that stands up for pedestrians, this paper explains Living Streets' policy position on pedestrians and cyclists. It begins with some definitions.

Glossary

Footway (commonly known as the pavement)

As opposed to a public footpath away from normal roads, a footway is:

“a pedestrian right of way within the boundary of an all-purpose highway”²

Under the 1835 Highways Act it is an offence to:

“wilfully ride upon any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot-passengers or shall wilfully lead or drive any carriage of any description upon any such footpath or causeway.”

A bicycle is deemed a carriage for the purpose of this legislation.

Shared use

There is some confusion about the various engineering terms prefixed with ‘shared’. This paper is concerned only with shared *use*. Shared use describes a route over which there is no segregation between cyclists and pedestrians. It differs fundamentally from shared *space*³ in two respects:

- Firstly, motor vehicles are not involved. On shared use paths pedestrians, including wheelchair and mobility scooter users, are sharing only with cyclists.
- Secondly, shared use is about movement: that is, getting from A to B along defined linear routes. This is in contrast to shared space, which is generally implemented in specific ‘destinations’ – for example on high streets, public squares, or important town centre crossroads.



Figure 1

Prominent examples of shared use implementation include parts of the Bristol-Bath Railway path and the *Greenways* project in London. However, shared use can be found on a smaller scale in many local authorities throughout the UK.

² **Department for Transport**, *Draft LTN 2/04 - Adjacent and Shared Use Facilities for Pedestrians and Cyclists*. 2004

³ For more information please see Living Streets policy paper 01/09, *Naked Streets*

Adjacent, or segregated use

Adjacent, sometimes known as segregated, use refers to shared routes where a cycle track is located parallel to the pedestrian space. The amount of segregation can range from a white line to a traditional kerb, or even railings and bollards. In situations where a formerly pedestrian-only path has been converted to segregated use by means of a white line, pedestrians retain the right to walk on the “cycle track”.



Figure 2

Government Policy

Pavement cycling

Pavement cycling is illegal throughout the United Kingdom. The 1835 Highways Act, sections 72 (“wilfully ride on any footway or footpath”) and 78 (“hinder or obstruct the free passage of a footway or passage”) being the relevant legislation in England and Wales, the Roads (Scotland) Act 1984 section 129 (5)⁴ applying in Scotland, and the Road Traffic Regulation (NI) Order 1997 (Article 3) applying in Northern Ireland.

However it is one thing to create an offence and another to enforce it effectively. Therefore in recognition of increasing evidence of the problem, cycling on the pavement was made a fixed penalty notice (FPN) offence in 1999 – currently £30.

As well as the police, Police Community Support Officers (PCSOs) in England and Wales now have the power to tackle pavement cycling via FPNs. Further Home Office clarification on FPNs stated:

“...the issue is about inconsiderate cycling on the pavements. The new provisions are not aimed at responsible cyclists who sometimes feel obliged to use the pavement out of fear of the traffic, and who show consideration to other road users when doing so. Chief Officers recognise that the fixed penalty needs to be used with a considerable degree of discretion and it cannot be issued to anyone under the age of 16.”⁵

In Scotland the equivalent to PCSOs are *Community* (sometimes *Neighbourhood Wardens*). They have powers for issuing FPNs for dog fouling and littering, but do not currently have the power to enforce pavement cycling laws. No equivalent role exists in the Police Service of Northern Ireland.

Wanton or Furious?

This somewhat archaic phrase dates from the 1861 Offences Against the Person Act – a law usually only invoked when a cyclist causes serious injury or death by cycling (although the Act refers to it as ‘driving’, in this case it means cycling as well) irresponsibly. A recent case, from 2008, involved a pavement cyclist in Dorset colliding with a pedestrian on a blind bend. The pedestrian suffered major head injuries and died two weeks later in hospital. The death and resulting conviction of “wanton and furious driving causing bodily harm”⁶ led to a jail sentence of seven months.

4 “Subject to section 64 of this Act, a person who, in a footway, footpath or cycle track, as the case may be drives, rides, leads or propels a vehicle or horse, or any swine or cattle, commits an offence:

Provided that the foregoing provisions of this subsection do not apply—

(b) in relation to a pedal cycle which is either not being ridden or is being ridden on a cycle track;”

5 Letter to Mr H. Peel from John Crozier of The Home Office, reference T5080/4, 23 February 2004

6 <http://news.bbc.co.uk/1/hi/england/dorset/8197430.stm>

The relevant text, S35 of the Offences Against the Person Act 1861 (as amended by the Criminal Justice Act 1948 (c. 58), s. 1(2)) is as follows:

“35. Drivers of carriages injuring persons by furious driving whosoever, having the charge of any carriage or vehicle, shall by wanton or furious driving or racing, or other wilful misconduct, or by wilful neglect, do or cause to be done any bodily harm to any person whatsoever, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years.”

Our Policy

People-friendly streets

Our transport system and built environment must be overhauled, taking inspiration from the *Manual for Streets*⁷, to prioritise the needs of (in this order): pedestrians, cyclists, public transport users, and motor vehicles. A major cause of pavement cycling is the perceived risk to cyclists from fast-moving motor traffic. We believe that the best way to make all our streets safer for everyone is to introduce a default speed limit of 20 mph in built-up areas. A built-up area speed limit of 20 mph, at which the risk of collision is reduced drastically, and 97% of collisions that do happen result in survival⁸, should underpin all future transport planning. For more information about our 20 mph policy, please see Policy Briefing 02/09, *20 mph brings streets to life*.

Addressing illegal and anti-social cycling

All road users, including cyclists, must obey current road traffic laws. As noted earlier, despite the similar vulnerability of cyclists and pedestrians, they do also have differing needs, and often the pedestrian experience can be spoilt by a significant minority of cyclists choosing to flout the law. This serves only to antagonise other road users, and does little to win respect from motorists or pedestrians. Pavement cycling, disregarding red lights at pedestrian crossings, and failing to stop at zebra crossings are of particular concern to Living Streets: we expect local police forces to clamp down in problem areas. For example the City of London Police regularly target illegal cycling specifically, and we applaud this approach to highlight the dangers, both to other road users and themselves, that illegal cycling poses.

Pavement cycling

In general

On our busier roads, pavements can be seen as representing a safe haven for cyclists from faster moving road users, but pavement cycling is illegal and must remain so. While we believe that “naked streets” ideas (see *Policy Briefing 01/09, Naked Streets*) have a large part to play in improving conditions for pedestrians in high streets, public squares, and residential streets, if a pavement exists it must do so for the sole use of pedestrians.

If cyclists are fearful of driving on the carriageway, it is wrong then to cause disruption or anxiety to pedestrians on the pavement. The anxiety that pavement cycling creates can deter people from using public space. Even if someone is not actually hit by a pavement cyclist, the surprise and shock of a silent approach, or fear of injury, can be sufficient to put some people off walking entirely.

⁷ Government guidance on street design, downloadable from:

<http://www.dft.gov.uk/pgr/sustainable/manforstreets/>

⁸ http://www.rospa.com/roadsafety/advice/driving/speed_policy.htm

Therefore we want to see pavement cycling properly enforced and more FPNs issued. Throughout the United Kingdom, police forces must take the law more seriously and demonstrate that they are enforcing it. Additionally, in England and Wales properly trained PCSOs have an important role to play, and we want to see Community/Neighbourhood Wardens in Scotland given the same powers to enforce pavement cycling.

We would expect all police officers and PCSOs on routine patrol to stop pavement cyclists in built-up areas as a matter of course, whether or not they are considered to be showing “consideration to other road users”. Of course, if a cyclist takes flight to the pavement because they are in immediate danger, greater discretion could be shown. First offenders should be issued with a FPN, with arrest and prosecution under the 1835 Act for all subsequent offences. There should also be an option, in lieu of their first FPN, of sending errant cyclists on cycle training courses to improve confidence and ability to cycle safely on the road rather than resorting to pavements.

We want greater publicity given to the intimidation, particularly to vulnerable pedestrians, caused by pavement cycling, and we want improved cycle training to ensure cyclists understand better their rights and responsibilities. We want to see a national “pavement education” campaign, addressing all anti-social behaviour on pavements – which would cover pavement cycling as well as other behaviours such as dog fouling and pavement parking.

We think that the Home Office guidance above is not strong enough. A pavement cyclist, by definition, is not showing “consideration to other road users” through the very fact that they are invading the space of the most vulnerable. While intimidation is the biggest problem and serious collisions are extremely rare⁹, we do believe that the law needs to be tightened to ensure that those cyclists who seriously injure or kill pedestrians while on the pavement receive a sentence appropriate to the crime. That the Crown Prosecution Service can only resort to an archaic act from the nineteenth century demonstrates the current problem with the law. While the offence of *dangerous cycling* exists, it does not currently extend to *causing death by dangerous cycling* – this would be a logical step to take to bring it in line with legislation affecting motorists.

Responsible cycling should be encouraged and made safer: it is healthy, environmentally friendly, and presents far less danger to pedestrians than does motor traffic. We believe, further, that drivers should be encouraged more to behave responsibly in the vicinity of cyclists – not least in relation to the width afforded to cyclists being overtaken – in order to encourage cyclists to cycle on the road, where they belong.

Children

Many pavement cyclists are children. We recognise that novice cyclists can feel intimidated on busy roads – and indeed that parents may prefer their younger children to learn to cycle away from motor traffic. It is up to parents and schools to educate and train children to become safe, assertive, and responsible cyclists from an early age. In most cases this training should take place in school playgrounds, in parks, or on quiet residential streets. We recommend that “Bikeability” training is used. For more information, visit <http://www.bikeability.org.uk/>.

⁹ Illegal cycling and road safety, CTC. www.ctc.org.uk/resources/Campaigns/0810_CP_RLJ-pavement_brf.pdf

Further practice may well result in young children cycling occasionally on the pavement. *We therefore accept this behaviour only in the presence of a responsible adult, riding alongside the child on the carriageway or, at slower speeds, walking alongside on the pavement.*

Children over the age of ten (the age of criminal responsibility)¹⁰ cycling on the footway at all other times are committing an offence. This should be enforced, in a manner sensitive to the situation, by the police, PCSOs, or Community/Neighbourhood Wardens.

¹⁰ The age of criminal responsibility is currently being raised from 8 to 12 in Scotland

Design and engineering recommendations ¹¹

Pedestrians and cyclists *can* be catered for jointly away from the carriageway, but appropriate design and engineering is essential to avoid creating conflict. Everyone, but particularly more vulnerable people and those with hearing impairments, can feel intimidated by cyclists in the confines of a shared use path – whether or not a cyclist has collided with them in the past. As a result they can be put off from using such facilities. Therefore our recommendations focus on avoiding such conflicts in the first place.

Route planning

In built-up areas where, naturally, pedestrians are more prevalent, it is rarely acceptable to increase cycling provision to the detriment of pedestrian space. Therefore when considering routes for cyclists, the first priority should always be on-road solutions. The Department for Transport, in conjunction with the CTC, has devised the following *Hierarchy of Provision*, which we endorse fully:

Consider first	Traffic reduction
	Speed reduction
	Junction treatment, hazard site treatment, traffic management
	Reallocation of carriageway space (<i>e.g. bus lanes, widened nearside lanes, cycle lanes</i>)
	Cycle tracks away from roads
Consider last	Conversion of footways/footpaths to shared use cycle tracks for pedestrians and cyclists

To find out more about this approach, visit:

<http://www.ctc.org.uk/DesktopDefault.aspx?TabID=4923>

There are often quieter residential streets ideal for a promoted cycle route away from busy traffic. However, poorly designed shared or adjacent use on footways, often implemented in a token effort to increase the local lengths of cycling ‘provision’, are welcomed by neither cyclist organisations nor pedestrians and must become a thing of the past.

Shared use is inappropriate on paths used by large numbers of pedestrians. This includes cases where “suppressed demand” is realised – i.e. if improvements to a path lead to a marked increase in pedestrians such that conflict with cyclists becomes more likely, consideration should be given to accommodating cyclists on another parallel route.

¹¹ With regard to Scotland and these design recommendations, under the Land Reform (Scotland) Act 2003, pedestrians, cyclists (and horse riders) have an equal right of responsible access to most land, including paths. Nonetheless, we believe the principles and good practice laid out in Local Transport Note 2/08 are still of relevance.

Parks

Any changes to pedestrian or cycle use of parks should ensure that the primary use of parks is as a recreational space. Our parks must remain a quiet haven for all, rather than cheap “easy wins” for cycle routes. While we don’t call for a blanket ban on cycling in parks, provision should never be at the expense of pedestrian space, safety, and enjoyment. Therefore *once all options outside a park have been exhausted*, any promoted cycle routes through a park should be on new alignments or substantially widened paths.

Signs

We would like to see more of an “educating cyclists” approach. If a shared use option is chosen, road markings, signs, and information must make it absolutely clear that **pedestrians have priority**. The current government standard signage¹² (figure 1) and guidance on infrastructure design is unsatisfactory in this respect: it currently places the cycle symbol on top of the pedestrian, at a similar size. The implication is that it signifies a cycle route where pedestrians may also be encountered, as opposed to a shared route upon which pedestrians in fact have priority. We would like to see it redesigned to resemble the example from British Waterways (figure 4 below), where pedestrians are clearly placed at the top of the hierarchy¹³.

Space

If it is deemed absolutely necessary to mix pedestrians and cyclists in the absence of motor traffic¹⁴, space is crucial. We prefer separate, or at least segregated paths – particularly where cycle use is likely to be high – so as to mitigate the worst aspects of intimidation by inconsiderate cycling. Therefore urban off-carriageway cycle routes should be implemented only where there is sufficient width (five metres) to segregate effectively. A prominent raised white line separating the cycle track from the footpath can be used to provide guidance for visually-impaired pedestrians. Shared use paths should be a last resort, and should always be at least three metres in width. In quieter rural areas less space may be acceptable, but again all on-road solutions should be exhausted first. In these respects we are in agreement with Local Transport Note 2/08, *Cycle Infrastructure Design*.

¹² Not applicable in Scotland

¹³ The Scottish Outdoor Access Code

¹⁴ Our support for “shared space” principles on normal streets is based on there both being a high sense of ‘place’, and the presence of motor traffic. These situations are fundamentally different from most promoted cycle routes

Sightlines

Blind bends should be avoided. In situations where this is unavoidable (for example before bridges on canal towpaths), signs, mirrors and physical measures to encourage cyclists to dismount and/or use their bell should be employed.

Segregation should never channel cyclists into conflict with pedestrians. This may seem obvious, but a quick glance at Warrington Cycle Campaign's "facility of the month"¹⁵ shows that poorly engineered segregated use, often merely lines painted arbitrarily on pavements, is unfortunately commonplace throughout the UK.



Figure 3. Courtesy of Warrington Cycle Campaign (Steve Bowater)

Towpaths

The Regents Canal experiment in London has not been an overall success for pedestrians. Quieter, rural towpaths may well be suitable for shared use, but in densely populated areas where the canal towpath provides a welcome quiet green haven away from motor traffic, pedestrians should be able to enjoy the space without fear of intimidation from inconsiderate cyclists.

However, while we have concerns with shared use on narrow, busy urban canal towpaths such as this, British Waterways have at least made efforts to promote courteous behaviour through their "Two Tings" campaign. Nevertheless in this particular example we believe that far more should be done to promote the parallel cycle routes available away from the towpath.

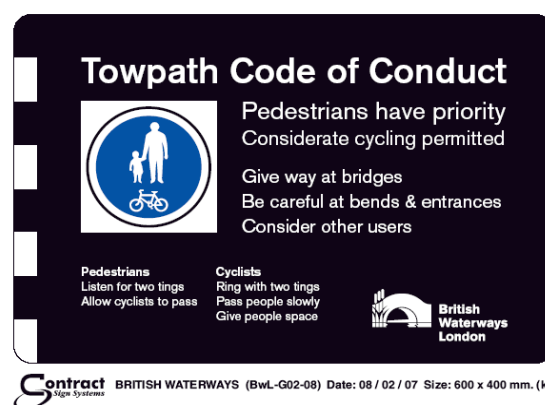


Figure 4

Codes of conduct should be backed up by enforcement in identified problem areas. The consultation process for this paper revealed that many people feel intimidated by cyclists in the confines of shared use paths. Tackling this issue requires not only that the pedestrian priority is upheld, but also that cyclists are encouraged to ride more considerately and appreciate that they are *guests* in pedestrian space.

¹⁵ <http://www.warringtoncyclecampaign.co.uk/>

In Scotland, the Land Reform (Scotland) Act 2003 sets out a different code of conduct, via the Scottish Outdoor Access Code¹⁶, for an equal right of responsible access for those on foot, horseback or bicycle. The three key principles of the Scottish Outdoor Access Code contend that access can be taken responsibly if all users respect the interests of others; take responsibility for their own actions and care for the environment. Users contravening this code stand to lose their right of access.

Maintenance

Finally, it is important to maintain shared and segregated paths properly if conflict or injury is to be avoided. For example, such conflict can arise when segregated paths have cycle sides obstructed with vegetation in the summer or pedestrian sides covered with ice in the winter. Local authority maintenance programmes should afford the same attention to these facilities as enjoyed by the rest of the highway network.

¹⁶ <http://www.outdooraccess-scotland.com/>

References and useful links

Department for Transport (2008) Local Transport Note 2/08, *Cycle Infrastructure Design*
Available from www.dft.gov.uk

Department for Transport (2007) *Manual for Streets*
Available from www.dft.gov.uk/pgr/sustainable/manforstreets/

Jones, P. and Boujenko, N. and Marshall, S. (2008) *Link & place: a guide to street planning and design*. Landor Publishing, London, UK

Living Streets (2009) Policy Briefing 01/09: *Naked Streets*
Available from: www.livingstreets.org.uk/resources

Living Streets (2009) Policy Briefing 02/09: *20 mph brings streets to life*
Available from: www.livingstreets.org.uk/resources

Bikeability training
<http://www.bikeability.org.uk/>.

CTC, the national cyclists' organisation
<http://www.ctc.org.uk>

Department for Transport
<http://www.dft.gov.uk/>

London Cycle Campaign
<http://www.lcc.org.uk>

Ramblers
<http://www.ramblers.org.uk>

Sustrans
<http://www.sustrans.org.uk>

Warrington Cycle Campaign
<http://www.warringtoncyclecampaign.co.uk>

Spokes: The Lothians Cycle Campaign
<http://www.spokes.org.uk>