

Motorcycle Action Group (MAG) response to: Consultation on a review of The Highway Code

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Introduction

MAG is the UK's foremost riders' rights organisation. We have 58,000 members and represent the interests of the motorcycling community. We seek to influence outcomes using logical and reasoned argument. MAG has no party political affiliations.

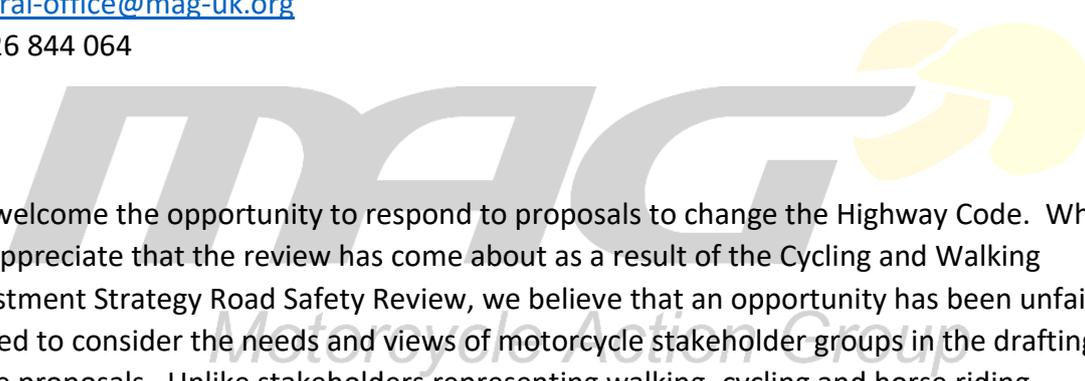
See:

<https://www.mag-uk.org/>

Contact:

Central-office@mag-uk.org

01926 844 064

The logo for the Motorcycle Action Group (MAG) is a large, semi-transparent watermark in the background. It features the letters 'MAG' in a bold, italicized, sans-serif font. To the right of the letters is a stylized graphic of a motorcycle helmet, rendered in shades of yellow and white.

We welcome the opportunity to respond to proposals to change the Highway Code. Whilst we appreciate that the review has come about as a result of the Cycling and Walking Investment Strategy Road Safety Review, we believe that an opportunity has been unfairly missed to consider the needs and views of motorcycle stakeholder groups in the drafting of these proposals. Unlike stakeholders representing walking, cycling and horse riding, representatives of the fourth vulnerable road user group have not been given the opportunity to comment on the formulation of these proposals. We have thus had three months to review the proposals, gather opinions and formulate a response to a set of proposals that other user groups have worked on for two years. We hope that this non-inclusive approach will not be repeated in future.

The current version of The Highway Code applies to England, Scotland and Wales and is described as essential reading for everyone.

We note that Northern Ireland publish a separate version of The Highway Code, which mirrors that for Great Britain with minor additions to highlight differences with the Republic of Ireland (speed limit signage for example). We would urge that consideration is given to the need for both versions to remain aligned.

We believe that an essential requirement of the Highway Code is that it should be simple, unambiguous, easy to understand and, as far as possible, universally applicable to all road user groups. Effort should therefore be made to keep the text as short and free of complexity as possible. This will promote retention and application by all road users.

Further, we believe that the purpose of The Code (to enable all road users to be considerate to each other and discharge their responsibility to cut the number of deaths and injuries) should not be diluted or confused by attempting to achieve any other purpose. It should not, therefore, be used as a tool to encourage nor dissuade the use of any legitimate vehicle. It is clear that the purpose of this review has been to promote walking and cycling. We are opposed to this review being guided by that aim.

These beliefs are the lens through which we have reviewed the proposed changes.

We note that the survey questions do not address all the proposed changes directly. We have therefore attempted to respond to each rule change proposal and also provided alternative and additional proposals that shorten, simplify or add new rules that will increase safety for all.

Key messages of the Highway Code.

We note that paragraph two of the introduction states that “the most vulnerable road users are pedestrians, particularly children, older or disabled people, cyclists, motorcyclists and horse riders.” It states that “it is important that all road users are aware of The Code and are considerate to each other.”

The introduction concludes by stating “Knowing and applying the rules contained in The Highway Code could significantly reduce road casualties. Cutting the number of deaths and injuries that occur on our roads every day is a responsibility we all share. The Highway Code can help us discharge that responsibility.”

The introduction to the section entitled ‘General rules, techniques and advice for all drivers and riders’ states that the rules in The Code “do not give you the right of way in any circumstance, but advise you when you should give way to others”. It further states that you should “always give way if it can help to avoid an incident.”

The Code also includes an entire section entitled ‘Road users requiring extra care’. Rules 204 – 225 give a good explanation of the reasons for and special considerations to be given to these road users.

Do you agree with changes to the Introduction text?

No.

We note with great concern that this question has not been formally asked in the consultation.

We do not agree with the changes to the Introduction text. We are strongly opposed to the introduction of mission creep to The Code. The aim of The Code is to “promote safety on the road”. It is not - and should not become - to promote certain road user groups.

The changes to the introduction text fits our criteria for rejection in terms of making the text longer whilst adding nothing new from a road safety perspective. Further, it fits our second criteria for rejection in that it attempts to add a new aim of The Code.

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

No.

The principle that one road user bears greater responsibility than another unavoidably implies that the other bears less responsibility. This is in direct conflict with the statement “None of this detracts from the responsibility of all road users, including pedestrians, cyclists and horse riders, to have regard for their own and other road users’ safety.”

MAG believes that the concept runs counter to the desired position outlined by Baroness Vere of Norbiton in the consultation Foreword. The stated position is that “Everyone has an equal right to use the road, and we want to make certain they do so in a safe, considerate and responsible manner.” Equality of respect and consideration simply cannot exist in a hierarchy model.

The need for extra care and consideration for vulnerable road users already exists in The Code. Rule H1 therefore fits our criterion for rejection due to introducing an additional rule that, from a safety perspective, adds nothing new. It also fits our second criterion for rejection in that it attempts to introduce advantage and therefore prioritisation for certain road user groups.

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

No.

The rule introduces one material change and also introduces a dangerous contradiction.

The material change is the introduction of the term “waiting” to existing circumstances where pedestrians are crossing roads. The term is not defined. How long does a pedestrian need to be waiting before they are deemed to be waiting? If they are deemed to be waiting as soon as they arrive at the crossing this is equivalent to stating that they have right of way. The Code clearly states that the rules “do not give you the right of way in any circumstance”.

The net effect of the change is thus to introduce confusion and conflict that will, in turn, lead to incidents and casualties. This is a direct contradiction to the stated aim of The Code.

There is a further dangerous contradiction in the last sentence: “Pedestrians may use any part of the road and use cycle tracks as well as the pavement, unless there are signs prohibiting pedestrians” This is a direct contradiction of Rules for pedestrians: 6. Motorways. Pedestrians MUST NOT be on motorways or slip roads except in an emergency.

Rule H2 meets our criterion for rejection on the basis that it adds nothing from a safety perspective (in this case we argue it will reduce safety).

Do you agree with the introduction of new Rule H3 (cyclists’ priorities and right of way)?

No.

The main thrust of this new rule is to compensate for poor road layout design. The rule formalises behaviours that contradict the principle stated in The Code “always give way if it can help to avoid an incident.” As previously pointed out, rules of The Code “do not give you the right of way in any circumstance.”

The proposed rule states “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 is sensible, and is why road layouts are not designed to make such manoeuvres necessary.

A road layout designed as in figure 1a below would not be logically proposed by any road planner. However, road layouts as shown in figure 1b *have* been introduced. The net effect is to encourage vulnerable road users into a position of conflict with other road users.

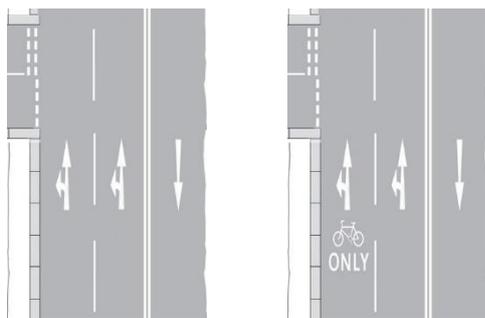


Figure 1a

Figure 1b

Collisions occur when errors are made. The probability of a car or lorry driver failing to observe a cyclist approaching from behind on the left is already highlighted in The Code. Rule 211: “It is often difficult to see motorcyclists and cyclists, especially when they are coming up from behind, coming out of junctions, at roundabouts, overtaking you or filtering through traffic.” Simply re-stating this fact does not reduce the risks. The appropriate response from a safety perspective is “always give way if it can help to avoid an incident.” The cyclist approaching from behind is the one most able to anticipate the incident and

should thus expect to give way. Relinquishing responsibility to the person least likely to anticipate the collision will increase the probability of the collision occurring.

Rule H3 meets our first criterion for rejection on the basis that it adds nothing from a safety perspective (in this case, again, we argue it will reduce safety). It also meets our second criterion for rejection by attempting to favour cyclists in all situations by giving them right of way.

Rules for pedestrians.

Rule 8. Given that the change to the rule is to repeat rule H2 which we reject, we see no justification to change the existing rule.

Rule 13. This rule has been extended by over 60%. The substantive addition is purely to state that pedestrians should not “unnecessarily” obstruct or endanger cyclists.

This meets our criterion for rejection due to making the rule more complex and thus harder to understand without adding anything new from a safety perspective. The suggestion that merely stopping walking to speak to others or view something of interest on a shared route is obstructing a cyclist “unnecessarily” is implied and, in our view, unreasonable.

Rule 19. Given that the change to the rule is to repeat rule H2 which we reject, we see no justification to change the existing rule.

Rules about animals

Rule 52. We support this change.

Rules for Cyclists

Rule 61. This rule has been extended by 80%. There is no substantive addition. The extra words therefore serve only to make the rule harder to understand and thus meets our criteria for rejection.

Rule 62. Reference to rule H2 should be removed as we reject that rule. We oppose the proposal to remove the words “Take care near road junctions as you may have difficulty seeing other road users, who might not notice you.”

Rule 63. See our comment on rule 61, which it is claimed rule 63 is merged with.

NEW Rule 63. The substantive elements of new rule 63 cover use of the bell, and passing pedestrians, horse riders or horse drawn vehicles.

We contest that use of the bell should mirror use of the horn and, as such, should be covered in rule 112 in the section “General rules, techniques and advice for all drivers and riders”.

We would propose that the rule 112 text can be simply changed as follows:

Existing:

The horn. Use only while your vehicle is moving and you need to warn other road users of your presence. Never sound your horn aggressively. You **MUST NOT** use your horn

- while stationary in the road
- when driving in a built-up area between the hours of 11.30 pm and 7.00 am

except when another road user poses a danger.

New:

The horn/bell. Use only while your vehicle is moving and you need to warn other road users of your presence. Never sound your horn/bell aggressively. You **MUST NOT** use your horn/bell

- while stationary in the road
- when driving/riding in a built-up area between the hours of 11.30 pm and 7.00 am

except when another road user poses a danger.

Safe passing is dealt with in other rules so is not necessary here.

Thus new rule 63 meets our criteria for rejection as it is longer, and harder to understand, and adds nothing new.

We would propose that additional guidance on cycle lanes and left turn junctions is added as follows:

“When in a cycle lane and approaching a left turn junction DO NOT undertake vehicles in the motorised traffic lane if they are indicating their intention to turn left. Slow to create a suitable gap for them to make their manoeuvre.”

Rule 65. We propose the following change to the sentence below:

Existing: Do not pass between the kerb and a bus **when it is at a stop.**

New: **Do not pass between the kerb and a bus.**

This simplifies the rule. Where no separate cycle lane is included inside the bus lane the safest place to pass is on the right.

Rule 66. For consistency, the reference to rule H1 needs to be removed as we reject that rule.

The substantive change in this rule is to remove direct and clear advice (“ride in single file on narrow or busy roads and when riding round bends”) and replacing it with subjective and

non-defined comment (“When riding in larger groups on narrow lanes, it is sometimes safer to ride two abreast”). It may or may not be safer, but when is it safer? The proposed rule change is therefore meeting our criteria for rejection as it is making the rule longer whilst adding nothing new.

Rule 67. We agree with the majority of the changes to this rule with the notable exception of the last bullet point (“proceed with caution when passing to the left of large vehicles as the driver may not be able to see you”). The only legitimate solution is to avoid passing on the left.

We would propose that better advice would be “you should not pass to the left of larger vehicles, particularly vans, lorries and buses.”

New Rule 72. We agree with this rule. We do believe that there could be a better way to show that the second bullet under “Ride in the centre of your lane...” is an exception.

New Rule 73. We agree with this rule.

Rule 74. We agree with the majority of this rule.

We reject the statement “It may be safer to wait on the left until there is a safe gap or to dismount and push your cycle across the road.” Encouraging a cyclist to wait on the left to make a right turn will increase risk.

We would suggest the following wording:

“If you do not feel safe waiting in the centre of the road, you should dismount and wait on the pavement to cross, pushing your cycle across the road.”

Please see our comments on **rule 170**

Reference to rule H2 must be removed as we reject that proposed rule.

New Rule 75. We agree with this rule.

New Rule 76. We reject the first sentence as this simply repeats elements of Rule H3 which we reject.

We would replace the sentence “Be particularly careful alongside lorries and other long vehicles, as their drivers may find it difficult to see you.” With “You should avoid being

alongside cars, vans, lorries and other long vehicles as their drivers may find it difficult to see you.” Remaining in another vehicle’s blind spot is not being careful.

Rule 77. Whilst we agree with the message the communication is poor.

Bullet point two is an instruction and should be presented separately. We propose the following wording:

Busy roads. You should wait for a safe gap in the traffic before crossing busy roads, especially on faster roads and dual carriageways. When crossing faster or busy main roads, you may find it safer and easier to

- dismount and push your cycle across
- make use of traffic islands or central reservations to help you

Rule 78. We do not disagree with the message, but see no added value from the lengthier wording.

Rule 79. We do not agree with the suggestion that cyclists should use the left-hand lane when turning right at a roundabout. Applying different rules between cyclists and other wheeled modes will result in confusion and conflict.

This rule should be rejected in its entirety as it meets our first criterion for rejection. It does not add anything to the safety of cyclists and again will decrease the safety of riders.

Old rule 77 should similarly be removed from The Code.

Rules for drivers and motorcyclists

Rule 97. We support this proposal.

General rules, techniques and advice for all drivers and riders

Rule 124. We do not see that the added text adds anything new and thus meets our criteria for rejection.

Rule 125. We see no added value to the inclusion of the sentence “Unsafe speed increases the chances of causing a collision (or being unable to avoid one), as well as its severity. Inappropriate speeds are also intimidating, deterring people from walking, cycling or riding horses.” As such, it merely adds to the length of the text making it harder to read. For this reason we reject that addition.

The second bullet point has been extended. A simpler approach would be to simply state “sharing the road with vulnerable road users”. However we would point out that there is no need or benefit derived from drivers reducing speeds when sharing the road with most motorcyclists. Thus the best solution would be to state “sharing the road with road users unable to match your speed.”

Rule 140. The substantive changes to this rule all relate to the proposed introduction of rule H3. We reject rule H3 and thus reject the proposed changes to rule 140.

Rule 144. The proposed addition to this rule adds nothing new and thus meets our first criterion for rejection. There is a case to be made that the comment is condescending, and it is certainly unnecessary.

Rule 151. We reject the proposed changes to this rule. The only addition here is “allow pedestrians and cyclists to cross in front of you”. This adds nothing new in terms of safety and thus meets our first criterion for rejection. It also meets our second criterion for rejection since it contradicts the position that the rules “do not give you the right of way in any circumstance”. The rule “always give way if it can help to avoid an incident” is sufficient.

Rule 160. The only substantive addition here is “You should give way to cyclists when you are changing direction or lane – do not cut across them.”

The failure to mention motorcyclists here in a paragraph that covers “cycles and motorcycles who may be filtering through the traffic” creates by omission the impression that drivers do not need to give way to motorcycles when changing direction or lane.

This sentence must be re-written as “You should give way to cyclists and motorcyclists when you are changing direction or lane – do not cut across them.”

If it is not to be re-written as we propose then it must be removed in its entirety.

It is disappointing that there is no question directly highlighting this rule which is, in our view, a glaring omission.

Rule 163. There are two substantive changes to this rule.

Firstly the addition of the sentence “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”

This comment must be re-written to include motorcyclists, thus:

“Cyclists and motorcyclists 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”

The second substantive change is an extension of the current text “give motorcyclists, cyclists and horse riders at least as much room as you would when overtaking a car (see Rules 211 to 215).”

We would agree that this guidance should be reinforced, but express concern that the proposed wording is far too long and complex. Given the ability of the average road user to accurately estimate distances expressed in units of measurement, we would propose a far shorter, simpler, wording as follows:

“give motorcyclists, cyclists, horse riders and horse-drawn vehicles at least half a lane width of space when overtaking (see Rules 211 to 215). If more space can be given then give it, particularly when passing at higher speeds, in bad weather or at night.”

Rule 167. There are two additional examples added to this rule. We question the value of these examples vs the inevitable lengthening of the text.

There is also an addition to the penultimate example “Do not cut across cyclists going ahead, including those using cycle lanes and cycle tracks (see Rule H3)”

We reject the reference to rule H3 which we have rejected. We also believe that the entire example - even in the original text - is superfluous, as it is merely an expansion of the first example “approaching or at a road junction on either side of the road”. We would therefore recommend that this example is removed in its entirety.

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Rule 170. Bullet 2: “watch out for pedestrians crossing a road into which you are turning. If they have started to cross they have priority, so give way”

We reject rule H1 and thus the proposed change to this bullet. This bullet should remain unchanged.

New bullet 3: “remain behind cyclists and motorcyclists at junctions even if they are waiting to turn and are positioned close to the kerb”

We reject this bullet on the basis that it is illogical and adds nothing from a safety perspective.

We propose the following alternative:

“On busy roads, you should give way to motorcyclists and cyclists in oncoming traffic that are signalling to turn right across your path. To give way safely, reduce your speed to create sufficient space for the turning motorcyclist or cyclist to complete their manoeuvre.”

This proposal is an expansion of the accepted rule “always give way if it can help to avoid an incident.”

Rule 178. MAG believes that advanced stop lines should apply to all vulnerable road users including motorcyclists. We therefore propose the following changes to the proposed text:

Current consultation proposal:

“Advanced stop lines. Some signal-controlled junctions have advanced stop lines to allow cyclists and motorcyclists to be positioned ahead of other traffic. Motorists, including motorcyclists, MUST stop at....”

MAG proposal:

“Advanced stop lines. Some signal-controlled junctions have advanced stop lines to allow cyclists and motorcyclists to be positioned ahead of other traffic. Drivers MUST stop at....”

Rule 183. We reject this proposed change – see our proposed rules for filtering and cycle lanes.

Rule 186. The proposed changes are rejected on both our criteria. They add to the length of the text and introduce a new right of way that is unnecessary and will increase risk.

Cyclists’ safety will be best served by obeying the same positioning, signalling and priorities as other wheeled road users. On particularly busy roundabouts, if cyclists are not confident to follow those rules then they should, for their own safety, seek an alternative route or dismounting and negotiating the junction as a pedestrian would.

We recommend that rule 55 for animals is highlighted by replacing the entire proposed additional text with the following:

“Horse riders and horse-drawn vehicles may stay in the left-hand lane when they intend to continue across or around the roundabout (see rule 55). Drivers should not cut across horse riders and horse-drawn vehicles in the left-hand lane, who are continuing around the roundabout.”

Rule 187. We reject the proposed change which removes the bullet point “• cyclists and horse riders who may stay in the left-hand lane and signal right if they intend to continue round the roundabout. Allow them to do so.”

We propose that it is amended as follows:

“• cyclists

• horse riders and horse-drawn vehicles who may stay in the left-hand lane and signal right if they intend to continue round the roundabout. Allow them to do so.”

– see our comments on Rule 186.

Rule 192. We reject the proposed change as it meets our first criterion for rejection, adding nothing new and thus making the text longer and less likely to be read.

Rule 195. Whilst we see a need to explain what parallel crossings are, and to slightly amend the text to include the term cyclist for parallel crossings, we believe a more streamlined approach would be appropriate to shorten the text length and thus increase the likelihood of the rules being read.

As previously stated we reject the “waiting to cross” wording.

We would propose the following:

Zebra and parallel crossings. As you approach a crossing

- look out for pedestrians and cyclists waiting to cross and be ready to slow down or stop
- you MUST give way when a pedestrian or cyclist has moved onto a crossing
- allow more time for stopping on wet or icy roads
- do not wave or use your horn to invite pedestrians or cyclists across; this could be dangerous if another vehicle is approaching
- be aware of pedestrians and cyclists approaching from the side of the crossing.

A parallel crossing with a central island is two separate crossings (see ‘Crossings’). Law TSRGD schedule 14 Part 5

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Rule 199. This addition meets our first criteria for rejection – it makes the text longer without adding anything new.

Road users requiring extra care

Rule 204. This proposal meets our criteria for rejection as it adds nothing new beyond re-enforcing rule H1 which we reject.

Rule 206. This proposal (with one exception) meets our criteria for rejection as it adds nothing new beyond re-enforcing rule H1 which we reject.

We do support the proposed addition: “going through roadworks or when passing roadside rescue and recovery vehicles, as there may be people working in or at the side of the road”

Rule 211. We support the first inclusion “waiting alongside you”.

The second inclusion “or moving off from” we would suggest is superfluous so meets our first criteria for rejection.

The third inclusion “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.” we reject. This is an expansion of rule H3 which we reject. Indeed, taken literally, the rule dictates that the presence of a cyclist makes any junction a no left or right turn junction! The text says: “do not turn”, as opposed to “give way”.

We reject the wording of the last paragraph:

“When turning right across a line of slow-moving or stationary traffic, look out for and give way to cyclists or motorcyclists on the inside of the traffic you are crossing. Be especially careful when moving off, turning, and when changing direction or lane. Be sure to check mirrors and blind spots carefully.”

We would propose the following:

“When turning right across a line of slow-moving or stationary traffic, look out for and give way to cyclists and motorcyclists filtering past the traffic you are crossing. Be especially careful when turning, and when changing direction or lane. Be sure to check mirrors and blind spots carefully.”

Rule 212. The proposed changes meet our first criterion for rejection.

We would propose a simpler version:

“When passing vulnerable road users, give them plenty of room (see Rules 162 to 167). If a rider looks over their shoulder it could mean that they intend to pull out, turn right or change direction. Give them time and space to do so.”

Rule 213. The proposed changes meet our first criterion for rejection.

We would propose a simpler version:

“In certain circumstances cyclists may ride in the centre of the lane for their own safety. Allow them to do so.

Motorcyclists, cyclists, horse riders and horse-drawn vehicles may swerve to avoid road defects and other hazards. Give them plenty of room and pay particular attention to any sudden change of direction they may have to make.”

Rule 215. We support the proposed changes to this rule with the one caveat that we would recommend the substitution of “half a lane width” for “2.0 metres”

Waiting and parking

Rule 239. We support these proposed inclusions.

Annexes

Annex 1. You and your bicycle

We would propose the following addition:

You should ensure that lights do not dazzle other road users due to poor alignment or excessive brightness. Do not fit strobing and flashing front lights. Lights should be fitted to the cycle, not the rider.

Additional Proposals

Rules for cyclists

We propose the following amendment to rule 60:

Rule 60. At night your cycle MUST have white front and red rear lights lit. It MUST also be fitted with a red rear reflector (and amber pedal reflectors, if manufactured after 1/10/85). White front reflectors and spoke reflectors will also help you to be seen. Flashing rear lights are permitted but only a steady front lamp should be used.

Rules for motorcyclists

We propose a new rule as follows:

Bus lanes. Many bus lanes may be used by motorcyclists as indicated on signs.

- Watch out for pedestrians around bus stops.
- Do not exceed the prevailing speed limit.
- Do not pass vehicles in the general traffic lane indicating to turn left across your path. Slow down to create space for them to complete their manoeuvre.

Rules for motorcyclists and cyclists

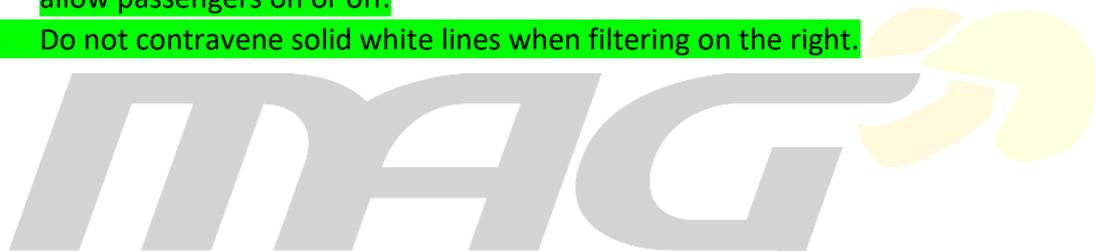
We propose an additional new rule for motorcyclists and cyclists to cover filtering.

This would be best placed as a new section entitled **Rules for motorcyclists and cyclists** to appear just before the current section **Rules for drivers and motorcyclists**.

Proposed rule text:

Filtering. Where space allows, passing slow moving and stationary traffic within or between lanes is permitted. Filtering helps to reduce congestion for all road users. Filtering must be carried out with caution.

- Do not filter at speeds more than 15mph above that of the other traffic. Filtering past stationary traffic must not be undertaken at more than 15mph
- Approaching a junction or entrance, do not filter to the left of any moving vehicle indicating an intention to turn left, or on the right past any vehicle indicating right.
- Do not filter between the kerb and a bus, taxi or other vehicle that has stopped to allow passengers on or off.
- Do not contravene solid white lines when filtering on the right.



Driving in adverse weather conditions

We propose the following additional rule to cover vulnerable road users in the **Driving in adverse weather conditions** section.

Proposed rule text:

Cyclists and motorcyclists. Cycles and motorcycles are not usually fitted with fog lights and are much harder to see in poor visibility conditions. Be extra vigilant and give them more space. Be more prepared to give way to them at junctions.

Motorcyclists and cyclists may suffer additional vision difficulties with rain and misting of visors, goggles and spectacles in adverse weather. Be prepared for them to have difficulty seeing you.

Motorways

We propose the following addition to Rule 268.

Proposed text

Rule 268. Do not overtake on the left or move to a lane on your left to overtake. In congested conditions, where adjacent lanes of traffic are moving at similar speeds, traffic in left-hand lanes may sometimes be moving faster than traffic to the right. In these conditions you may keep up with the traffic in your lane even if this means passing traffic in the lane to your right. Do not weave in and out of lanes to overtake. **In congested conditions with reduced speeds in all lanes, motorcycles may filter between lanes. Riders should not filter at speeds more than 15mph over those of other traffic. Monitor your mirrors for filtering motorcycles and do not deliberately block their progress.**

