

**THE ROYAL SOCIETY FOR THE PREVENTION OF ACCIDENTS  
RoSPA**

**RESPONSE TO THE DEPARTMENT FOR TRANSPORT  
CONSULTATION PAPER: PROPOSED AMENDMENT TO  
THE ROAD VEHICLE LIGHTING REGULATIONS 1989  
AND  
REGULATION 37 OF THE ROAD VEHICLES (CONSTRUCTION AND USE)  
REGULATIONS 1986**

**4 APRIL 2003**

## **Proposed Amendment to the Road Vehicle Lighting Regulations 1989 and Regulation 37 of the Road Vehicles (Construction and Use) Regulations 1986.**

This is the response of the Royal Society for the Prevention of Accidents (RoSPA) to the Department for Transport's consultation on the Proposed Amendment to the Road Vehicle Lighting Regulations 1989 and Regulation 37 of the Road Vehicles (Construction and Use) Regulations 1986.

This response has been prepared following consultation with RoSPA's National Road Safety Committee.

### **A. Safety of breakdown operators**

There are increasing concerns about the safety of recovery operators and members of the public at the scene of an accident or breakdown, particularly on the hard shoulder of motorways. One of the recommendations of The Survive Report, produced by the Hard Shoulder and Roadside Safety Group, was that vehicle lighting should distinguish between recovery or emergency vehicles and other vehicles fitted with warning beacons. This regulatory measure would introduce lighting that uniquely identifies breakdown vehicles and warns of the danger of personnel in the road. The police already use red flashing lights so there may be a need to clarify when these are permitted to be used.

**Option A1:** Do nothing. This will not improve road safety on hard shoulders.

**Option A2:** Allow breakdown operators to use red flashing lamps when stationary at the scene of a breakdown in a hazardous situation, such as a hard shoulder or "live" carriageway. Research carried out by ICE Ergonomics for the Department recommended using red flashing lamps with amber beacons to signify breakdown vehicles. This is expected to improve safety on the hard shoulder of motorways.

### **RoSPA Response**

RoSPA supports Option A2 which would allow breakdown operators to use red flashing lamps when stationary at the scene of a breakdown in a hazardous situation, such as a hard shoulder or "live" carriageway. Accident data and research clearly demonstrate the need to improve safety for people whose work involves using the hard shoulder. Research by ICE Ergonomics has recommended allowing breakdown operators to use flashing red and amber warning lights.

RoSPA agrees that the lights used by breakdown operators should be distinct from those used by the Police, and therefore, they should be red and amber (as opposed to red and blue). Clear conditions on the use of red and amber flashing lights by breakdown operators should be set as described in the consultation document so that breakdown vehicles are only permitted to use their flashing lights when stationary at the scene of a breakdown or when manoeuvring at low speed (below 10 mph) in a live carriageway. We support the use of an interlock in breakdown vehicles to physically prevent the flashing red lights to be used at other times.

We also support the requirement that only one matched pair of lamps per vehicle be fitted, that they must flash alternately to avoid confusion with traffic signs which utilise red lights and for amber beacons to operate in close proximity to the red flashing lights to differentiate from police red and blue flashing lights.

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### **Police Use of Flashing Lights**

The consultation also proposes to clarify the conditions of usage for the police to ensure their usage is controlled, although no details of the proposal appear to have been provided.

### **B. Conspicuity of pedal cyclists**

Government policy is to encourage the use of pedal cycles, but the current regulations offer cyclists very little freedom of choice in lighting devices to improve their conspicuity and ensure their own safety. There are certain constraints, such as battery life, that restrict the performance of pedal cycle lighting, compared to lighting on powered vehicles. The use of flashing front and rear lamps on pedal cycles is becoming commonplace, despite these not being permitted by the Regulations. The research carried out by ICE Ergonomics Ltd concluded that flashing lamps neither improve pedal cycle conspicuity nor impair it. Although the general proliferation of unusual forms of lighting is undesirable, it is recognised that pedal cyclists are one of the most vulnerable and least conspicuous groups of road users.

- Option B1:** Do nothing. This will not address the concerns cycling groups have with the current law and will not allow pedal cyclists to take advantage of new technology.
- Option B2:** Amend the regulations to allow the use of optional flashing position lamps, in addition to the obligatory steady front and rear position lamps, and to allow optional steady lamps (of unknown performance) in the locations (wheels and pedals) where currently only approved reflectors are permitted. The pedal reflectors would continue to be obligatory. The colours of the optional lamps would be restricted to the colours already used by the obligatory lamps and reflectors in the same locations.
- Option B3:** Further relax RVLRL by implementing Option B2 but in addition, allowing flashing or steady lamps as well as the obligatory pedal reflectors, and allowing optional flashing lamps in the wheels and tyres. This goes a step further than option B2 by allowing flashing lamps in more locations. This allows more freedom for cyclists but the increased number of flashing lamps may cause confusion for other road users.
- Option B4:** Further deregulate the RVLRL by allowing flashing lamps of the correct colour to replace any of the obligatory lamps or reflectors on the pedal cycle. However a pedal cycle without any steady lights may be harder to see in some situations and a profusion of flashing lamps could be distracting for other road users. In addition the removal of minimum requirements may result in a deterioration in pedal cycle conspicuity, in the absence of a performance standard for flashing lights.

### **RoSPA Response**

RoSPA supports Option B2.

Flashing lights are already common on pedal cycles and anecdotal evidence suggests that they help to distinguish cyclists from other road users. The type of LED flashing lights in current use have distinct advantages over normal filament bulb bicycle lights, in that they are

- smaller and lighter and therefore easier to remove from a parked bike and carry about (to avoid them being stolen from the bicycle)

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- the batteries last significantly longer than filament bulb lamps.

However, they do not usually conform to the British Standard for bicycle lamps (BS 6102/3) and often emit light in a direct line but not in a wider cone. This means that they are highly visible directly in line with the cyclist but not from even a slight angle. RoSPA also believes that front LED flashing lights are very ineffective at lighting the road ahead for the cyclist.

Therefore, RoSPA believes that flashing lights should be permitted to be used in addition to front and rear lamps that conform to BS 6102/3 (or an equivalent standard) which should remain an obligatory requirement. RoSPA opposes option B4.

RoSPA also believes that permitting flashing lamps to be used in wheels and tyres may cause confusion to other road users and so opposes option B3.

**C. Safety of Customs and Excise personnel.**

Customs and Excise have requested to be allowed to fit and use flashing blue lights or rotating beacons and sirens to their surveillance vehicles, for Health and Safety reasons, both for the public and for Customs officers. Customs are the lead enforcement agency on matters such as drug trafficking. This would bring them into line with surveillance vehicles used by the National Crime Squad. The lights and sirens would only be used in serious offence cases, under circumstances such as making ground in heavy traffic when required to respond urgently to intelligence or in "knock/strike" situations where officers' vehicles need to change from being covert to overt in order to be clearly identified as Law Enforcement.

Also under blue lights, the former functions of the Royal Air Force Armament Support Unit are now performed by a body known as the Defence Logistics Organisation - Nuclear Weapons Movement Group, so an editorial amendment to reflect this needs to be made.

**Option C1:** Do nothing

**Option C2:** Allow Customs and Excise to use blue lights and sirens when in pursuit of serious crime. This should improve the safety of Customs and Excise and the public.

**RoSPA Response**

RoSPA has concerns about Option C2.

RoSPA recognises that there are times when Customs & Excise personnel are conducting dangerous duties very similar to the Police, in a way which involves a risk to the staff involved and to other road users. The use of flashing emergency lights and sirens would be beneficial and reduce the risk in some situations.

However, it would also create risk. This is very clearly shown by the fact that deaths during police chases have been increasing.

RoSPA is concerned that the proposals do not specify obligatory blue light training for Customs and Excise personnel. Customs and Excise have undertaken to set internal guidelines, including minimum driver training standards, and to keep records of when the blue lights are used. RoSPA believes there should be a requirement (if this

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proposal is implemented) for Customs and Excise personnel to undergo the same training required of other blue light users, such as the Police.

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We agree that the affects of the proposal (if implemented) should be reviewed after one year. The review and its results should be made publicly available.

If this proposal is implemented the situations when blue lights could be used would need to be very clearly defined, so that they were not used during normal operations.

It would also be important for Customs & Excise to implement management systems to control situations when blue lights and sirens were being used, ensuring that the officers on the ground were not making strategic decisions about the pursuit, but were in constant communication with a controller, who could if necessary call a halt to the pursuit or activity for public safety reasons.

Customs & Excise would have to balance the need to respond to emergency situations (which may involve a threat to the public) with their duty under health and safety law to protect their own employees and members of the public they may encounter while responding, especially vulnerable road users such as pedestrians, pedal cyclists and motorcyclists.

**Defence Logistics Organisation**

RoSPA supports the editorial amendment to "blue light" legislation to reflect the fact that the former functions of the Royal Air Force Armament Support Unit are now performed by the Defence Logistics Organisation.

The Society thanks the Department for Transport for the opportunity to comment on the proposed Regulations. We have no objections to the contents of our response being reproduced or attributed.

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