






Regulatory position for the use of vertical light segregation features to separate cycle facilities on the TLRN



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Contents

| | |
|--|----|
| Part One: Executive Summary..... | 5 |
| Key conclusions | 5 |
| Part Two: Supporting Information | 7 |
| 1. INTRODUCTION..... | 7 |
| 1.1 Background..... | 7 |
| 1.2 Purpose..... | 8 |
| 1.3 Project Scope..... | 8 |
| 1.4 Definition of Vertical features and traffic wands | 8 |
| 2. REGULATORY FRAMEWORK..... | 8 |
| 2.1. Legal powers and mandate to introduce features on the highway | 8 |
| 2.1.1. The Highways Act 1980..... | 9 |
| 2.1.2. Road Traffic Regulation Act (RTRA 1984)..... | 10 |
| 2.1.3. Traffic Signs Regulations and General Directions (2016)..... | 10 |
| 2.2. Are vertical features traffic signs? | 11 |
| 2.2.1. Signs defined within the TSRGD | 11 |
| 2.2.2. Traffic signs supported on bollards..... | 13 |
| 2.2.3. Classification | 15 |
| 3. CONSIDERATIONS FOR THE USE OF TRAFFIC WANDS WITH CYCLE FACILITIES | 16 |
| 3.1 Mandatory cycle lanes | 16 |
| 3.2 Advisory cycle lanes..... | 17 |
| 3.3 Cycle tracks..... | 17 |
| 3.4 Enforcement..... | 18 |
| 4. CONCLUSIONS & RECOMMENDATIONS | 18 |

Figures

| | |
|--|----|
| Figure 1 - Typical traffic wands used on the TLRN (A3205 York Road) | 7 |
| Figure 2 - Extract form TSRGD S13-6-6..... | 12 |
| Figure 3 - Greenford Road, LB Ealing Dec 2020: use of TSRGD 7103 cylinders as a vertical light segregation feature (Google Streetview) | 13 |
| Figure 4 - Extract from TSRGD S2-6-2..... | 13 |
| Figure 5 - TSRGD S2-6-2 sign overlapping on TLRN (Google Streetview) | 14 |
| Figure 6 - Signs permitted on traffic bollards (DfT) | 14 |
| Figure 7 - Lightly segregated cycle lane/track using TSRGD 955 positioned on bollards (City of Glasgow) | 15 |

Part One: Executive Summary

This paper summarises the legislative context within which Transport for London (TfL) can introduce vertical features, such as traffic wands, on the highway to protect cycle facilities as a form of “light segregation”.

Light segregation vertical features in the form of traffic wands have been used to date by TfL for temporary, experimental schemes and there is an ambition to use them for permanent schemes owing to potential cost and space efficiencies compared to other forms of segregation.

There have also been some deliberations as to whether traffic wands are traffic signs, as defined in the Traffic Signs Regulations and General Directions (TSRGD 2016), as there is no specific mention of “traffic wands” in TSRGD.

This note seeks to clarify relevant legislation available to introduce wands on the Transport for London Road Network and clarify whether the features are traffic signs.

Key conclusions

- Vertical light segregation features can be traffic signs, posts supporting traffic signs, or not traffic signs, depending on what feature is selected. The traffic wands used by TfL to date would not be considered traffic signs as defined in the TSRGD. It is noted that LTN 1/20 (DfT) states that “light segregation features are not considered to be traffic signs, and therefore require no specific authorisation” however this note seeks to provide further clarification as to which features could be considered to be traffic signs.
- Relevant legislation exists to enable use of vertical light segregation features to protect cycle facilities. In particular Section 62(2) and Section 66(2) of the Highways Act 1980.
- Whilst vertical features can be used, they should not be used in a way that obstructs access to any existing rights of road users. Therefore, if a legal right exists permitting parking and loading, for example, TfL cannot prevent or impede access for anyone wishing to exercise that right.

- Removing rights of access may be achieved by making a more restrictive traffic order to any potential kerbside activity or redesignating the cycle lane as a cycle track (which would inherently be a more exclusive facility for cyclists and pedestrians).
- Alternatively, the vertical features could be introduced in a way that would not remove right of access to the kerbside (if it was permitted), for example, by being spaced more widely, although this may create additional design considerations.

Part Two: Supporting Information

1. INTRODUCTION

1.1 Background

Vertical features, such as traffic cylinders, wands or plastic posts, have been used to provide “light segregation” to a cycle facility and can also be used to restrict access or movement by traffic.

LTN 1/20 *Cycle Infrastructure Design (DfT, 2020)* describes light segregation as “the use of intermittent physical features placed along the inside edge of a mandatory cycle lane to provide additional protection from motor traffic. This can give a greater perception of safety, which is important in encouraging people to cycle.”

Whilst objects used for light segregation are diverse and numerous, vertical post type features, known colloquially as traffic wands, have been the most frequent method used by TfL to date. They have predominantly been used when introducing schemes under the London Streetspace Programme (LSP), The Mayor’s and TfL’s emergency response to the coronavirus pandemic, as temporary measures and have not been used extensively as permanent features.

This note sets out TfL’s understanding of the legal context under which they can be introduced.



Figure 1 - Typical traffic wands used on the TLRN (A3205 York Road)

1.2 Purpose

The purpose of this note is to set out TfL's understanding of relevant legislation to resolve the regulatory position on using vertical features as light segregation for cycle facilities and to clarify whether the features are traffic signs.

1.3 Project Scope

The scope of this note is confined to vertical post type features with specific attention given to traffic wands.

It is intended as a reference for schemes on the Transport for London Road Network (TLRN) however it should not extend to reference for changes in road tunnels where provision of cycle facilities may be influenced by additional statute and guidance.

1.4 Definition of Vertical features and traffic wands

There are a range of vertical features used as light segregation by different highway authorities.

Vertical features are generally used to restrict access to a highway or part of a highway or highlight the edge or other feature in the highway. More specifically to cycle infrastructure, they are often used to physically prevent access or provide visual reinforcement to the facility. The terms light segregation feature and "wand" have recently been used within LTN 1/20 and statutory guidance (Traffic Management Act 2004: network management to support recovery from COVID-19 (30 July 2021)) with "wands" used as an example of a light segregation feature. Further work is being undertaken by TfL to define the specific dimensions and characteristics of a traffic wand suitable for use on the TLRN.

2. REGULATORY FRAMEWORK

2.1. Legal powers and mandate to introduce features on the highway

The following section identifies the relevant legislation available to TfL when considering changes and provision of features in and on the highway focusing on sections relevant to the introduction of traffic wands.

Primary legislation, acts of parliament, provide general enabling powers. Secondary legislation is required to give effect to the primary legislation and usually provides more specific detail to the way the primary legislation would be enacted.

The government also publishes guidance (sometimes statutory guidance) and advisory notes to help interpret the law.

2.1.1. The Highways Act 1980

The Highways Act is an act of parliament dealing with the management and operation of (mainly) the structure of the public highway including maintenance and improvement.

Relevant sections in the Highways Act providing powers to introduce features on the highway include:

- **Section 62** of the Highways Act gives a highway authority general powers to improve a highway

Improvement is defined within the act as the doing of any act under powers conferred by Part V of the Act and includes the erection, maintenance, alteration and removal of traffic signs, and the freeing of a highway or road-ferry from tolls. Note that this is a non-exhaustive description of such improvements.

- **Section 66 (2)** states:

A highway authority may provide and maintain in a highway maintainable at the public expense by them which consists of or comprises a carriageway, such raised paving, pillars, walls, rails or fences as they think necessary for the purpose of safeguarding persons using the highway.

Section 66 (8) identifies that a highway authority or council shall pay compensation to any person who sustains damage by reason of the execution by them of works under subsection 66(2) or 66(3).

- **Section 65** provides powers to create cycle tracks, Section 21 of the Road Traffic Act 1988 applies to cycle tracks making it an offence (with noted exceptions) to drive or park a mechanically propelled vehicle either partially or wholly on a cycle track.

A clear rationale is needed to ensure the installation of the feature is for legitimate safety purposes and that the feature does not become an unlawful obstruction or nuisance.

2.1.2. Road Traffic Regulation Act (RTRA 1984)

The RTRA 1984 gives powers to regulate or restrict traffic.

Section 122 of the RTRA places on TfL a duty to secure the expeditious and safe movement of vehicular and other traffic (including pedestrians and cyclists), and to provide suitable and adequate parking facilities on and off the highway.

Various sections (such as sections 6 and 9) provide TfL with the authority to make orders to regulate traffic including access to part of a carriageway by certain classes of vehicle, and for varying times if needed.

Section 64 defines the meaning of traffic signs in the RTRA and that a traffic sign is as defined in the relevant regulations made by the Secretary of State (i.e. the TSRGD) or one that is specifically authorised.

Any feature or intended sign that is not included in the TSRGD or individually authorised would not be regarded as a traffic sign within the RTRA. Therefore, if the vertical feature/ traffic wand is not a prescribed sign it would have no regulatory standing in this regard.

2.1.3. Traffic Signs Regulations and General Directions (2016)

The TSRGD is the statutory instrument detailing signs, sizes and illumination for signs defined as such in the RTRA S.64.

There has been some deliberation as to whether vertical features used as light segregation are defined signs.

Further discussion of this is found in section 2.2 below.

2.2. Are vertical features traffic signs?

LTN 1/20 states that “Light segregation features are not considered to be traffic signs, and therefore require no special authorisation. As with other types of street furniture, Local Authorities will need to satisfy themselves as to the balance of benefits and risks.” It should be noted that this guidance would not legally override the primary legislation of the RTRA.

Contrary to LTN 1/20 it is plausible that some vertical features used as light segregation may fall under the definition of traffic signs listed in the RTRA:

“any object or device (whether fixed or portable) for conveying, to traffic on roads or any specified class of traffic, warnings, information, requirements, restrictions or prohibitions of any description—

(a) specified by regulations made by the relevant authority, or

(b) authorised by the relevant authority, and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions.

There are therefore three broad categories of vertical features:

1. Traffic signs (as defined in TSRGD)
2. Posts supporting traffic signs
3. Not traffic signs and not supporting traffic signs

Depending on the design detailing used, some light segregation features could therefore be defined as a traffic sign contrary to LTN 1/20. These categories are discussed further below.

2.2.1. Signs defined within the TSRGD

Diagram 7103 (S13-6-6) is a sign, typically seen as a vertical delineator and known as a traffic cylinder, used to divide traffic flows. This sign is mentioned as it has been observed being used as a method to reinforce the separation of a cycle lane in the same way as wands in other non-TfL schemes.

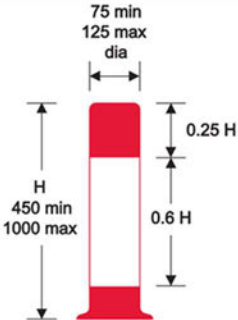
| (1) Item | (2) Description | (3) Sign diagram | (4) Permitted variants | (5) Applicable requirements in Part 7 | (6) Schedule 13 General Directions |
|-------------|---|---|---------------------------|--|---------------------------------------|
| 6 | Diagram 7103 Line of division of traffic flows on one carriageway, or to indicate the edge of a route for vehicular traffic through or past a temporary obstruction, or to mark a boundary between two carriageways of a dual carriageway road which may not be crossed except for fire and rescue authority, Scottish Fire and Rescue Service, ambulance or police purposes |  | | | |

Figure 2 - Extract form TSRGD S13-6-6

The sign falls within Schedule 13 of the TSRGD which is concerned with signs only for use in temporary situations. Whilst the definition is that of a temporary sign there appears to be no limitation given within the TSRGD as to how long the temporary situation could last. TfL would need to be able to demonstrate that the sign's use in a given situation is indeed 'temporary'.

The sign is described as one that marks the edge of a route that "may not be crossed" (except emergency vehicles).



Figure 3 - Greenford Road, LB Ealing Dec 2020: use of TSRGD 7103 cylinders as a vertical light segregation feature (Google Streetview)

2.2.2. Traffic signs supported on bollards

Diagram 560 S2-6-2 can be mounted on posts to indicate the edge of carriageway and/or where a road narrows, although usually these are at points of danger/hazard.

| Sign table — Schedule 2, Part 6 | | | | | |
|---------------------------------|---|----------------|--|--|--------------------------------------|
| (1) Item | (2) Description | (3) Diagram | (4) Variants | (5) Applicable provisions in Part 7 | (6) Schedule 2 General Directions |
| 2 | Diagram 560 Edge of carriageway or obstruction near that edge (Alternative types) | | 1. The colour of the circular sign or the rectangular sign may be varied to white or amber 2. The surface of the rectangular sign may be curved | 4 | 5 |

Figure 4 - Extract from TSRGD S2-6-2

If used and mounted on a post, the post has specific requirements as set out in the TSRGD.



Figure 5 - TSRGD S2-6-2 sign overlapping on TLRN (Google Streetview)

Traffic Advisory Leaflet 2/13 provides some information for traffic bollards used to support signs permitted to be mounted on a bollard and highlights which ones would also place additional requirements on the post if used in this way.

Signs permitted to be placed on a bollard are shown below (taken from TAL 2/13).

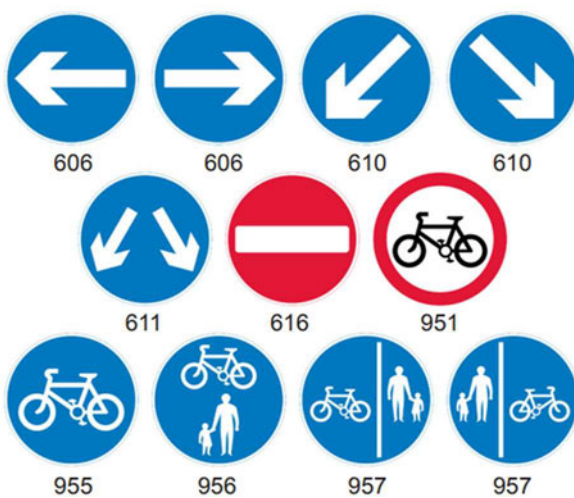


Figure 6 - Signs permitted on traffic bollards (DfT)

Some examples of lightly segregated cycle lanes have used traffic signs placed on bollards which would require them to conform to the TSRGD (particularly the illumination requirements), such as by City of Glasgow.



Figure 7 - Lightly segregated cycle lane/track using TSRGD 955 positioned on bollards (City of Glasgow)

2.2.3. Classification

In summary a vertical feature used as light segregation can be either:

1. A traffic sign if defined as such in the TSRGD, and must conform to TSRGD
2. A supporting structure to a defined traffic sign and must conform to TSRGD
3. Not a traffic sign or supporting sign structure.

The “traffic wands” typically used on the TLRN do not support corresponding TSRGD signs and are not a prescribed TSRGD sign.

3. CONSIDERATIONS FOR THE USE OF TRAFFIC WANDS WITH CYCLE FACILITIES

3.1 Mandatory cycle lanes

Mandatory cycle lanes are intended for the sole use of cyclists.

The Cycle Lane marking prescribed in the TSRGD Schedule 9 Part 6 Item 7 (Diagram 1049B) is a solid white line marking and described as:

“Boundary of a mandatory cycle lane or division of a route into that part reserved for pedal cycles and that part reserved for pedestrians conveying the requirements at paragraph 12 of Part 7”

The requirements at Part 7 paragraph 12 states that the

(2) Subject to sub-paragraphs (3) to (5), the marking conveys the requirement that a vehicle, other than a pedal cycle, must not be driven, or ridden, in the cycle lane during the cycle lane’s hours of operation (which may be all the time).

Other exemptions to the cycle lane are included in the TSRGD such as the ability to use the cycle lane if passing a stationary vehicle and for emergency services.

TSRGD 2016 removed the previous requirement for a traffic order when implementing a mandatory cycle lane when the cycle lane is in the same direction as traffic in the carriageway. This is reinforced by the Statutory Guidance Traffic Management Act 2004: network management to support recovery from COVID-19 (30 July 2021) which states:

“Some interventions, including new lightly-segregated cycle lanes, will not require TROs”.

The requirements in Part 7 paragraph 12 do not wholly exclude entry into the cycle lane. An example would be entry for the purpose of parking/loading which would need to be managed using waiting/loading restrictions and respective orders. LTN 1/20 also advises of this.

If vertical features are used, they may prevent access to the kerbside where some form of activity is permitted. Permitted kerbside activity is reduced on the red routes although there are exemptions even where there are no prescribed stopping/waiting/loading facilities, for

example for taxis and setting down of disabled passengers. Additionally, outside of single red line hours of operation, all waiting is usually permitted.

If a legal right exists permitting parking/loading/stopping, TfL cannot block access to cycle lanes by anyone wishing to exercise that right.

Provision of an order to reinforce the mandatory cycle lane removing some of the exemptions or enhancing the kerbside restriction to effectively remove the need for kerbside access could be considered. Provision of vertical features with a sufficient gap to maintain kerbside access is another consideration.

A more effective method could be to create a cycle track (see section 3.3).

3.2 Advisory cycle lanes

Advisory cycle lanes can be used by anyone but advise that the space allocated is for cyclists. They are shown on the carriageway by a dashed white line marking to TSRGD 1004 (or 1004.1).

As anyone can use an advisory cycle lane the use of vertical features obstructing it would appear to increase the likelihood that the features would be a hazard to free passage on the carriageway.

Use of traffic wands with advisory cycle lanes is therefore not supported.

3.3 Cycle tracks

Authorities have the power to introduce cycle tracks under Section 65 of the Highways Act.

The Highways Act defines a cycle track as:

“a way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988 with or without a right of way on foot.”

Section 21 of the Road Traffic Act 1988 makes it an offence to drive or park a motor vehicle wholly or partly on a cycle track without lawful authority (essentially for emergency vehicles).

Unlike cycle lanes, there is no definition of how a cycle track can be physically delineated.

Depending on the design layout they may appear identical to cycle lanes but would likely require a sign to TSRGD 955 (S3-2-28).

Cycle tracks are two-way unless made one-way, covered by a Traffic Order, and would require additional signage to indicate that they are one-way.

It would appear straightforward, from a legislative perspective, in using traffic wands to segregate a cycle track owing to the inherently more exclusive nature of the facility.

3.4 Enforcement

Section 36 of the Road Traffic Act is applicable if driving occurs in a cycle track or a mandatory cycle lane contrary to any exemptions.

Enforcing driving in cycle lanes is complicated when kerbside restrictions do not comprehensively prohibit kerbside activity as the features should not obstruct another person's right of access.

Features should not be placed to de-legitimise any other traffic sign, so that the features should not be placed directly on a mandatory cycle lane marking. DfT guidance is that they are placed on the inside / cycle side of the marking (LTN 1/20).

LTN 1/20 also references that without an appropriate traffic order the space would not be protected from motor vehicles in law (para. 6.3.4).

4. CONCLUSIONS & RECOMMENDATIONS

- TfL considers that it has powers under the Highways Act to install vertical features such as 'traffic wands' on the highway.
- This will include as a means of "improvement" to the highway intended for safety or as a delineating feature to reinforce a cycle lane and protect a cycle track.

- Vertical features may be traffic signs (TSRGD), support traffic signs or more commonly not traffic signs, such as the traffic wands used by TfL. The specification of the feature and design choice will determine this.
- However, it is TfL's opinion that use of vertical features on mandatory cycle lanes should not preclude the use of the lane by other road users if permissions, or rights, to do so exist, such as where kerbside restrictions allow for stopping/parking. It is likely to be difficult to fully reconcile this conflict and appropriate design options will need consideration.