



# Department for Transport

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by email  
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Dear Roger,

## **Parking in Mandatory Cycle Lanes**

Thank you for your draft letter of 25 January 2019, setting out your concerns about mandatory cycle lanes, and further email of 15 February. You will appreciate that it was a long letter covering a range of issues, and as such my reply cannot deal with all of them.

I should first say that the Department is unable to give legal advice, or a definitive view of the law, as that is a matter for the courts. This letter aims to summarise our views on the issues you raise.

Mandatory cycle lanes are prescribed in the Traffic Signs Regulations and General Directions 2016 (TSRGD). They are defined as an area of carriageway reserved for pedal cycles, and indicated by a white line to diagram 1049B. The restrictions on their use are set out in Schedule 9, that drivers must not drive or ride in them during hours of operation.

Until TSRGD 2016, they were subject to a requirement to have an associated Traffic Regulation Order (TRO). This order may have prohibited waiting and driving, but it was not clear if this should be indicated solely by the cycle lane markings, or by the use of additional waiting restriction signs and markings. Any TRO must be clearly signed on street to enable drivers to comply, and we have been made aware of adjudications in which the parking adjudicators ruled that a Penalty Charge Notice given for parking in a mandatory cycle lane without yellow lines was not valid, as it was not clear to the driver that there was a waiting restriction in place.

I should state that the parking adjudicators are independent of the Department for Transport. We are unable to provide you with specific cases or further information regarding the reasoning of the adjudicators in such cases. You may therefore wish to contact the Traffic Penalty Tribunal or London Tribunals directly to discuss your concerns.

TSRGD 2016 was drafted to clarify this and make mandatory cycle lanes consistent with bus lanes. Any driver may enter a bus lane to stop, load, or unload, where this is not

prohibited. Bus lane signs and markings only ban driving, not parking, and separate waiting restrictions must be applied where necessary.

Under TSRGD 2016, a mandatory cycle lane only bans driving within the lane. If waiting and loading are also required to be banned, separate waiting and loading restrictions will be needed. These must be indicated by relevant signs and markings, and be backed by a TRO. It is worth noting that in many places, a cycle lane will be placed where an existing parking restriction is already in force.

You ask about the impact of the change in definition of mandatory cycle lanes on existing lanes. TSRGD 2016 includes a general saving, which effectively states that signs, signals and markings in place when the 2016 regulations came into force are deemed to be lawful provided they meet the requirements of the law as it stood when they were installed. In our view, this means that any mandatory cycle lane installed under previous versions of TSRGD is still valid. It is up to local authorities to consider if those lanes are fit for purpose and whether any changes are required.

We are aware that parking in cycle lanes creates problems, and we believe TSRGD 2016, combined with the updated advice in Chapter 3 of the Traffic Signs Manual, and Cycle Infrastructure Design, gives authorities the tools and advice to restrict this as necessary, in a way that is clear to road users.

The CWIS safety review included a commitment to clarify this issue in guidance, and in the Highway Code. We also undertook to allow CCTV enforcement of parking offences within cycle lanes, to make it easier for local authorities to keep cycle lanes clear.

I trust this clarifies the Department's position and reassures you that the Department is committed to improving conditions for cyclists.

Yours sincerely,

**Sally Gibbons**