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Filtering Perceptions, the risks and the law

The evenings are getting lighter, and summer is finally on its way, which only means one thing in the biking world- perfect conditions for riding!

With the UK roads becoming increasingly busier, one of the main benefits to riders is the ability for motorcycles to cut through the traffic by filtering. Although legal in the UK, the Highway Code states, “when filtering in slow-moving traffic, take care and keep your speed low”. As such, if there is a queue of traffic that’s stationary or moving slowly, then you are able to filter past as long as there’s space to do it safely, you are aware of your surroundings and are riding reasonably. However, filtering certainly is not without risk!



british motorcyclists federation





What is classed as “riding reasonably” though?

If a biker is hit whilst filtering traffic, they essentially will need to prove that they were not riding dangerously and instead, they were “riding reasonably” - i.e. how a reasonable person would have ridden in the circumstances. The questions to consider are:

- ✓ What was the speed limit?
- ✓ Was the biker travelling within that speed limit?
- ✓ Was that speed appropriate in the circumstances, considering; the level of traffic, the road conditions, the weather conditions, the speed of the other vehicles etc.



Speed when filtering

Unfortunately, everyone wants to blame the biker. This is why you need a specialist solicitor who will fight your corner if the worst does happen. Bikes are usually loud machines, and they are often perceived to be travelling much faster than they are and, there is no doubt that bikers are perceived to have “a need for speed”! Whilst it may be the case that bikers do tend to be adrenaline junkies, that doesn't necessarily mean that they are all speeding when they shouldn't be, does it?

But, when an accident has occurred and a biker is lying on the ground, it is the witnesses surrounding them that will report their speed to the police and often, the lower the speed differential, the better. Motorcyclists are safest when travelling within a speed that they can stop at quickly in the event that something goes wrong and therefore, not too much faster than the vehicles they are overtaking.

Filtering speeds should be altered depending on the circumstances. So, for example, the speed you filter in a busy town centre, should be different to filtering on a dual carriageway. For example, if you overtake slow moving traffic travelling at 25 or 30mph, at 40mph, this might not seem too unreasonable to the vehicle driver or any witnesses. If, you overtook at 60mph however, this may become unreasonable, even if you are still travelling within the speed limit. It is all dependent upon the road and circumstances. As such, when approaching a bend, a junction, entrances or exits, overtaking will be deemed unsafe and unreasonable, even if it is as slow as 10mph and you should hold back and wait until it is clear of risk and danger, as it is reasonably foreseeable that a vehicle may approach.





Pros and cons of filtering

Filtering undoubtedly improves traffic flow by allowing smaller vehicles to get through the queues or traffic and in doing so, saves motorcyclists burning unnecessary fuel and decreasing pollution.

However, filtering can also lead to other drivers feeling a sense of frustration, that motorcyclists are “jumping the queue” for example, which can lead to road rage and thereafter, accidents on the road.

Both car drivers and motorcyclists should be aware of blind spots - for example, filtering closely down the side or just in front of a large lorry often puts a motorcyclist in the lorry’s blind spot.

Motorway speed filtering is often referred to as dangerous. Filtering above 30mph increases the risk of an accident because other motorists aren’t expecting this kind of manoeuvre to happen

What’s the law on filtering?

So, what happens if you are involved in an accident whilst filtering? Each case is fact sensitive and some of the case law below demonstrates this, but a common accident scenario is a motorcycle decides to filter on the outside of a queue a slow moving or stationary line of traffic and a driver decides to turn right and across the path of a filtering motorcycle. In this scenario, a motorcyclist has a duty to filter at a reasonable speed and in a reasonable manner and not on approach to a junction (marked or unmarked). Whereas the driver has an obligation to look in his mirrors and signal before turning right out of the queue, but also be aware of the traffic conditions and the possibility of a vulnerable motorcyclist approaching.

POWELL V MOODY (1966)

A motorcyclist was filtering past stationary traffic on the offside. Meanwhile, a vehicle in the queue of traffic left a gap in the traffic and signalled to a car driver to emerge from a side road on the nearside. In doing so, the car driver pulled out of the side road into the main road to turn right and collided with the motorcyclist. The motorcyclist was found 80% to blame for filtering on approach to a side road, the car driver was found 20% to blame.

BEASLEY V ALEXANDER (2012)

The driver of a Volkswagen Golf was stuck in a queue of traffic and decided to execute a U turn and return home. Unfortunately, at the same time, a motorcyclist was overtaking the same line of cars at a speed of approximately 45mph and a collision occurred between the two vehicles. Visibility was good at the time and despite a number of witnesses being critical of the motorcyclist’s speed, the judge found that even at a “safe speed” of 35mph there would nonetheless have been a collision and the motorcyclist would still have sustained a serious injury. The car driver was therefore 100% to blame.

DAVIS V SCHROGIN (2006)

A motorcyclist was overtaking a queue of stationary traffic on a long stretch of road with one lane in each direction. A car driver in the queue decided to execute a U-turn and as a result, collided with the motorcyclist. The driver was found 100% to blame.

JONES V LAWTON (2013)

Jones was filtering up the offside of two lanes of slow moving/stationary traffic when Lawton pulled out of a side road to his left and a collision occurred. Evidence suggested Jones was travelling at around 30mph and a gap had been left in the traffic for Lawton to exit the side road. The judge found that the car crossing the path of the motorcyclist, created the hazard and secondly, the Highway Code notes “motorcyclists are vulnerable road users” and therefore, it is the motorcyclist who is likely to suffer significant injury, not the driver. Therefore, road users should be aware of the possibility of a motorcycle proceeding along the outside of slow-moving lanes of traffic as this is expected in such traffic conditions. The car driver was found Two thirds to blame and the motorcyclist, one third to blame.



Tips for filtering

✓ Ride in groups

The fewer bikes around, the riskier filtering becomes. If, as a driver of a vehicle I notice a biker coming up behind me and filtering past traffic, I am then alerted to the possibility of more motorcyclists approaching. See our last article "Riding Season is here! But stay safe in groups by Lee Martyniak" for more tips on riding in groups.

✓ Watch the speed differential

The greater the speed differential, the higher the risk.

✓ Ride to suit circumstances

Sudden downpour of rain? Uneven ground? Slow moving traffic? A busy high street? Reduce your speed accordingly and ride to suit the situation.

✓ Help yourself to be seen

Make yourself as visible as possible from the side as well as the front and rear. You could wear a light or brightly coloured helmet or fluorescent clothing or strips (Rule 86 of The Highway code) and at night, wear reflective clothing to improve visibility in the dark (Rule 87, The Highway Code).

✓ Don't filter near to the kerb

Car drivers won't expect you to be there and there's not usually enough room.

✓ Don't filter at junctions

As you approach a side road, you will be hidden from other vehicles' blind spots and therefore, you risk someone pulling out in front of you.

Bikers beware!



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