

Overtaking on the right on the motorway

When is «passive overtaking on the right» allowed?

With its ruling of 3 March 2016 (6B_374/2015), the Swiss Federal Supreme Court has clarified its case law concerning «passive passing on the right». The ruling applies to slow-moving traffic on motorways.



Slow-moving traffic on multi-lane motorways (image: Gaetan Bally / Keystone)

The steadily growing volume of traffic on our motorways continually presents new challenges for drivers and legislators.

«Passive passing on the right in heavy traffic now occurs on an almost daily basis and is virtually impossible to avoid,» wrote the Swiss Federal Supreme Court in its ruling of 3 March 2016 (6B_374/2015).

In contrast to actual overtaking on the right, the vehicle travelling in the right-hand lane in this case does not overtake suddenly and unexpectedly, instead moving ahead at a constant speed. For this reason, the appeal was upheld.

Allowed:

Vehicles in the right-hand lane making no more progress than in the overtaking lane and travelling at nearly constant speed are considered by the Supreme Court to constitute slow-moving traffic. Passing on the right in slow-moving traffic, without accelerating, is now allowed.

Not allowed:

Overtaking on the right **by accelerating, pulling out and pulling back in** remains prohibited in all cases.

Other exceptions related to overtaking on the right

- Vehicles that have merged to the left.
- Passing on the right is permitted when driving **in urban areas** on roads with multiple lanes in the same direction.
- Moving trams, where possible.
- At stops with stationary trams at traffic islands.

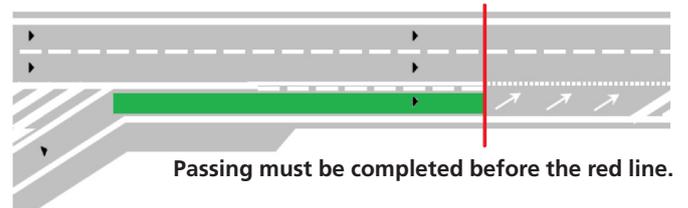
From what point (locally) is passing on the right allowed?

On single-lane stretches, motorways and dual carriageways when different destinations are indicated for each lane.

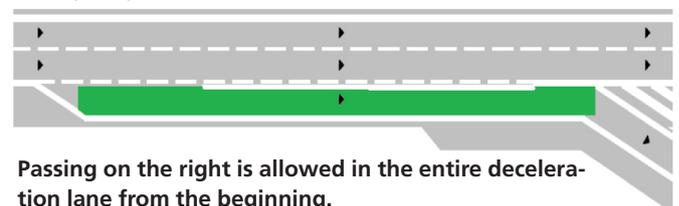


Passing on the right (locally)

In the acceleration lane on motorways and dual carriageways until the end of the double white line:



In the deceleration lane for exits from motorways and dual carriageways:



(Sources: Verkehrsrecht Schweiz and ASTRA (Federal Roads Office))

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