

POLICY NOTE

THE M90/A90 TRUNK ROAD (ADMIRALTY INTERCHANGE TO DALMENY) (VARIABLE SPEED LIMITS, ACTIVELY MANAGED HARD SHOULDER AND BUS LANE) REGULATIONS 2017

SSI 2017/129

The above regulations are made in exercise of powers conferred by sections 17(2), (3) and (3A) of the Road Traffic Regulation Act 1984. The Regulations are subject to negative procedure.

Policy Objectives

The regulations provide for the operation of variable speed limits on sections of the M90/A90 Edinburgh – Fraserburgh Trunk Road between Admiralty Interchange and Dalmeny. The regulations also create an actively managed hard shoulder across the Queensferry Crossing which in certain circumstances may be driven on, such as if the Forth Road Bridge is closed to high sided vehicles and create a bus lane on a section of southbound off slip road from the M90 motorway at Ferrytoll Junction.

Background

The regulations are connected to the Forth Replacement Crossing project. Construction of the Forth Replacement Crossing project was authorised with the Bill for the Forth Crossing Act 2011 being passed by the Scottish Parliament on 15th December 2010 and subsequently receiving Royal Assent on 20th January 2011. Consultation on the Bill was undertaken in 2009. The Policy Memorandum which was produced for the Bill advised that the project would include an Intelligent Transport System (ITS) and that the powers to operate the ITS would be pursued by means of existing legislation. The ITS will use technology and infrastructure provided as part of the project to manage the flow of traffic to reduce congestion and increase safety.

Variable speed limits keep traffic moving by controlling the flow of vehicles when a road is becoming congested. As traffic levels increase, lower speed limits reduce the build-up of traffic and the resulting negative effects on traffic flow. Mandatory variable speed limits will be indicated by means of signing above the road on gantries or signing in the verge.

The regulations make provision for an actively managed hard shoulder permitting the use of the hard shoulder on the Queensferry Crossing on the M90 by specified buses in certain circumstances. This will typically be when the Forth Road Bridge, which will become a public

transport corridor following opening of the Queensferry Crossing, is closed to high sided vehicles which can occur due to high winds. To allow the actively managed hard shoulder to operate effectively, the following roads will have an actively managed hard shoulder:

- In the southbound direction:
 - part of the on slip road from Ferrytoll Junction onto the M90 on the north side of the Forth estuary;
 - the Queensferry Crossing; and
 - the off slip road to the A904 at Queensferry Junction on the south side of the Forth estuary
- In the northbound direction:
 - the on slip road from the A904 onto the M90 at Queensferry Junction on the south side of the Forth estuary;
 - the Queensferry Crossing; and
 - the off slip road to Ferrytoll Junction on the north side of the Forth estuary.

This will effectively turn the relevant lengths of hard shoulder on those roads into a temporary bus lane. It is intended that the hard shoulder will be available for use by permitted buses when indicated by traffic signs.

The regulations restrict use of the hard shoulder as a traffic lane to buses which can carry more than 23 seated passengers. This will control the number and type of buses that can use the bus lane and allow the operation of the bus lane to be monitored to ensure that it is operating safely and in accordance with its design. This restriction may be relaxed if it can be demonstrated from ongoing monitoring and evaluation of the bus lane that it would be safe and effective to do so.

Other classes of traffic will continue to be permitted to use the actively managed hard shoulder as a hard shoulder or otherwise in accordance with the Motorways Traffic (Scotland) Regulations 1995. This includes, for example, use by emergency vehicles or by other traffic in emergencies and construction traffic involved in working adjacent to the motorway. If the hard shoulder requires to be used in accordance with the 1995 Regulations while the actively managed hard shoulder is in operation, signing will be activated on gantries to indicate the hard shoulder is closed as a bus lane and the use of the actively managed hard shoulder is suspended.

The regulations make provision for a bus lane on the southbound off slip road on the M90 at Ferrytoll Junction. The bus lane is a full-time, permanent bus lane and will aid the passage of buses to the park and ride facility at Ferrytoll and to the B800 Hope Street in Inverkeithing. The bus lane will cater for buses which can carry more than 23 seated passengers. As with the actively managed hard shoulder across the Queensferry Crossing and the actively managed hard shoulders covered by previous regulations for the Forth Replacement Crossing project (SSI 2012/145, SSI 2012/147 and SSI 2012/343), this restriction may be relaxed if it can be demonstrated from ongoing monitoring and evaluation of the bus lane that it would be safe and effective to do so.

Consultation

Consultation on the provisions to be included in the regulations was undertaken in accordance with section 134(2) of the Road Traffic Regulation Act 1984 and a consultation report prepared. The report is available on the Transport Scotland website at <https://consult.scotland.gov.uk/transport-scotland/m90-a90-trunk-road/>.

The consultation on the variable speed limit and actively managed hard shoulder provisions was issued to 33 organisations. The consultation was also available on Transport Scotland's Forth Replacement Crossing website and the Scottish Government website.

The consultation period commenced on 31 March 2016 and ended on 23 June 2016. Fourteen responses to the consultation were received. All responses were considered in finalising the regulations.

The general feedback was supportive of the proposed mandatory variable speed limits and intention to operate an actively managed hard shoulder.

On the matter of mandatory variable speed limits, a need for the enforcement of the posted speed limit was highlighted in a number of the comments received.

In respect of the actively managed hard shoulders various feedback was received including that motorcycles be permitted to use the facility; that the permitted bus requirements be changed; and that the actively managed hard shoulders not be implemented on safety grounds. Clarification

was also requested regarding the measures to be put in place to warn buses of the road conditions ahead in the event of the hard shoulder being occupied; the speed limit to be implemented in such a scenario; and the bus lane enforcement strategy to be implemented.

It was explained in the consultation information and in response to the consultation feedback that it was intended to restrict the types of buses permitted to use the bus lane to allow the operation of the bus lane to be monitored and that the restriction may be relaxed if it could be demonstrated from ongoing monitoring and evaluation of the bus lane that it was appropriate to do so.

This is the same approach that was taken for previous regulations for the Forth Replacement Crossing project (SSI 2012/145, SSI 2012/147 and SSI 2012/343). In response to the consultation on those regulations the restriction on buses, originally proposed as those buses which could carry more than 28 passengers, was reduced following consideration of consultation feedback to those which could carry more than 23 seated passengers.

In view of the consideration given to the consultation feedback for previous regulations for the Forth Replacement Crossing project and the desire to maintain a consistent approach across the Forth Replacement Crossing project, no change to the restriction on buses is proposed at this time, although monitoring will be undertaken to determine if the restriction can be relaxed in the future.

Safety for road users was considered when developing the actively managed hard shoulder proposals and systems will be in place for the road operator to monitor the hard shoulders and give warning to any bus drivers using the actively managed hard shoulder as a bus lane should a vehicle be in the hard shoulder. Signage will also be displayed in the gantries above the road to indicate the hard shoulder is closed as a bus lane and operation as an actively managed hard shoulder has been suspended.

It is not considered appropriate for motorcycles to be permitted to use the actively managed hard shoulder. Such an arrangement would be highly unusual for a motorway and is not considered safe.

With due consideration having been given to the views of those who responded, it was not considered necessary to amend the proposed content of the regulations. However, and with specific reference to the operation of the hard shoulder on the Queensferry Crossing and its approaching slip roads as a bus lane, the Scottish Ministers have committed to monitor the effectiveness of this facility, making any necessary amendments to the regulations to cater for buses that can carry a different number of passengers, including all buses, if it can be demonstrated that it will be safe and effective to do so.

Consultation on the full time bus lane on the southbound off slip road at Ferrytoll Junction was carried out between 22 December 2016 and 20 January 2017. No responses to the consultation were received.

Impact Assessment

An equality impact assessment was not considered necessary given the nature of the regulations.

Financial Effects

The Cabinet Secretary for Economy, Jobs and Fair Work has confirmed that a Business and Regulatory Impact Assessment is not necessary as the regulations have no financial effects on the Scottish Government, local government or business and the policy was assessed and consulted on as part of the Forth Crossing Bill. The regulations are enabling provisions to allow certain restrictions to be placed on traffic once the relevant parts of the Forth Replacement Crossing project have been completed.

Transport Scotland

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