

EXPLANATORY MEMORANDUM TO

THE M60 MOTORWAY (JUNCTIONS 8 TO 18) AND THE M62 MOTORWAY (JUNCTIONS 18 TO 20) (VARIABLE SPEED LIMITS) REGULATIONS 2017

2017 No. 793

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 These Regulations enable the operation of variable speed limits on the M60 and M62 motorways between the M60 junctions 8 to 18 and the M62 junctions 18 to 20.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 These Regulations have been made under section 17(2) and (3) of the Road Traffic Regulation Act 1984, which empowers the Secretary of State to make regulations with respect to the use of special roads generally and, as in this case, with respect to particular lengths of motorway. These Regulations allow for the operation and enforcement of variable mandatory speed limits in relation to the specified roads set out in the Schedule to the Regulations.
- 4.2 Section 134(2) of the Road Traffic Regulation Act 1984 requires the Secretary of State to consult with representative organisations as he sees fit prior to making regulations under that Act.
- 4.3 The Motorways Traffic (England and Wales) Regulations 1982 (S.I. 1982/1163) have been amended to provide for the use of emergency refuge areas (S.I. 2015/392).
- 4.4 The Traffic Signs Regulations and General Directions 2016 (S.I. 2016/362), enable certain traffic signs to be used to convey information applying to the use of variable mandatory speed limits on motorways.
- 4.5 In addition, traffic signs authorised by the Secretary of State under section 64 of the Road Traffic Regulation Act 1984 will be placed on or near the specified roads set out in the Schedule to the Regulations to indicate to drivers that vehicles are entering, have entered or are exiting a road covered by the Regulations.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is England and Wales.
- 5.2 The territorial application of this instrument is England. Only those sections of motorway specified in the Schedule to these Regulations will be affected, all of which are in England.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

- 7.1 Following the Spending Review announcement in 2010 a review of the proposals for managed (now 'smart') motorway provision on the M60 and M62 concluded that a corridor approach which included introducing a managed motorway operational regime between M60 junction 8 and M62 junction 20 would address the key congestion points. Ministerial approval for this single scheme approach was given on 21st February 2013.

This Manchester Smart Motorway Scheme ("the scheme") includes a combination of controlled motorway and all lane running. The only part of the scheme provided for in this instrument is the introduction of variable mandatory speed limits on the M60 junction 8 to the M62 junction 20. The introduction of all lane running on the M62 junction 18 to 20 section needs no further new legislation. The scheme will utilise variable mandatory speed limits throughout which will be set in response to the prevailing traffic conditions and will be clearly displayed on advanced motorway indicator signs above each lane of the main carriageway, mounted on overhead gantries, on verge mounted variable message signs and on post mounted advanced motorway indicators.

Once in force, the Regulations will restrict driving at a speed exceeding that displayed on the signs. When no speed is displayed on the signs then the national speed limit will be in force. Within the scheme, variable mandatory speed limits will be introduced firstly on the M62 between junctions 18 to 20. It is intended that variable mandatory speed limits will be fully operational on this section of the M62 from 21st September 2017 but for testing purposes the Regulations need to be in force earlier and before the end of August.

- 7.2 Highways England is committed to building upon the success of the existing smart motorway schemes which have been implemented on a number of busy motorway sections across the country. It is expected that the scheme will:

- Increase motorway capacity and reduce congestion;
- Smooth traffic flows;
- Provide more reliable journey times;
- Increase and improve the quality of information for the driver.

8. Consultation outcome

8.1 The 12 week consultation period took place between 11th November 2013 and 3rd February 2014. The consultation document M60 Junction 8 to M62 Junction 20 Smart Motorway was:

- posted directly to 118 stakeholders;
- published on the Highways England website and made open to public consultation (in addition scheme information was made available through the media and through Public Information Exhibitions held through October and November 2013).

8.2 The consultation received responses covering all aspects of the scheme as a whole.

8.3 Responses to the consultations were as follows:

- 20 responses were received within the consultation period;
- 6 responses were in favour but all expressed reservation on some aspects of the scheme;
- 1 response was not in favour;
- 4 responses from Statutory Undertakers provided no comments on proposals;
- 3 responses made no comment;
- 6 responses were neither in favour nor against the proposal.

8.4 Detailed responses raising a number of concerns were received from a range of stakeholders. Specific concerns relating to the introduction of a variable mandatory speed limit were:

- How the variable speed limit would be enforced and whether adequate resources are in place to deal with enforcement.

The Highways England response stated that speed limits will be enforced by Greater Manchester Police (GMP) at various locations throughout the scheme using the latest Highways Agency Digital Enforcement Compliance (HADEC) equipment. The matrix signals over each lane will display a mandatory speed limit (with a red roundel) to suit road conditions or in response to an incident.

These cameras are paid for and installed by Highways England. GMP are responsible for enforcement and Highways England pays GMP to carry out enforcement. The payment model is structured to ensure that the GMP ticketing office actual costs are fully met and that there are sufficient resources available to process offences captured by the HADEC cameras.

- Safe distance between vehicles must be ensured and regulated, to prevent accidents due to adapting to changing speeds.

The Highways England response noted that variable mandatory speed limits reduce the speed of traffic to smooth out the flow of vehicles. This ensures that vehicles are all travelling at a consistent speed. When the system is in operation the speed limit is displayed on overhead gantries. These gantries are spaced and sighted to allow drivers sufficient time to adjust their speed to comply with the mandatory speed limit displayed on the overhead gantry. This ensures that there are no sharp breaking movements when the speed limits change. There are no abrupt changes to the speed limit when variable mandatory speed limits are in operation. As variable speed limits come into operation the maximum speed limit will be reduced incrementally.

- 8.5 Highways England has considered all the responses to the consultation and carried out an analysis of those responses. Highways England continues to work closely with the emergency services and local authorities on the scheme to address the concerns raised.

The majority of the people who responded to the consultation is in favour of or is neutral in respect of, or provided no comments on, the proposal to introduce variable mandatory speed limits on the M60 and M62. The supporting groups represent Local Authorities, business, representative organisations, emergency services and members of the public. Only one respondent objected which was on the grounds that the scheme provides only a short term solution to a much wider problem.

It is considered that the issues raised relating to the introduction of a variable mandatory speed limit during the consultation have been addressed.

9. Guidance

- 9.1 The consultation packs issued by Highways England to stakeholders contained information on the operation of variable mandatory speed limits. These consultation packs were also published on the Highways England or the Gov.uk websites. Stakeholders included local authorities, members of the emergency services, road user groups and vehicle recovery operators. Stakeholders will continue to receive updates and news on the scheme implementation, with particular consideration given to the effects of the scheme on local residents, the travelling public and businesses. Prior to the commencement of the scheme operation road users will be made aware of it through the media and press releases.

10. Impact

- 10.1 The impact on business, charities, voluntary bodies and the public sector is that variable speed limits will benefit the motorist by helping to reduce congestion and provide more reliable journey times. Their introduction aims to reduce the severity of accidents, increase and improve the quality of driver information and reduce driver stress.
- 10.2 The impact on the public sector is the same as the impact on business, charities and voluntary bodies.
- 10.3 An impact assessment has not been prepared for these Regulations as no impact on the costs of business, charities, voluntary bodies or the public sector is foreseen.

11. Regulating small business

- 11.1 The legislation applies to activities that are undertaken by small businesses.
- 11.2 The introduction of variable mandatory speed limits will not have an adverse effect on small businesses. The Regulations do not impose any new or increased burden. Highways England will continue to provide targeted information on the scheme as a whole to organisations within the surrounding area, including small businesses.

12. Monitoring & review

- 12.1 The operation of the scheme will be monitored and assessed to establish its effectiveness on traffic flows, accidents and environmental factors. There will be a Post Opening Project Evaluation (“POPE”) of the scheme 1 year and 5 years after it has opened. The purpose of the POPE is to measure the business case aims and

benefits of the scheme against what it is actually delivering 1 and 5 years after opening.

13. Contact

- 13.1 Mabel Wanogho at the Department for Transport Telephone: 07342 092471 or email: mabel.wanogho@dft.gsi.gov.uk can answer any queries regarding the instrument.