

EXPLANATORY MEMORANDUM TO
THE M6 MOTORWAY (JUNCTIONS 16 TO 19) (VARIABLE SPEED LIMITS)
REGULATIONS 2018

2018 No. 717

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 M6 motorway between junctions 16 to 19.

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 The delivery of the M6 between Junctions 16 and 19 scheme was reconfirmed in December 2014 as part of the Roads Investment Strategy.
- 7.2 Smart motorways use the latest technology to improve journeys by setting speed limits accordingly to maintain traffic flow. The smart motorway proposals on the M6 between junctions 16 and 19 (“the Scheme”) involve all lane running (i.e. converting the existing hard shoulder permanently to a traffic lane) to create the much needed extra capacity to support economic growth. Information relating to road conditions and speed limits will be displayed on electronic road signs. The display of variable mandatory speed limits (“VMSL”) mounted on overhead and verge gantries will also be introduced to ensure consistency and congestion management along this corridor. The only part of the Scheme provided for in the Regulations is the introduction of VMSL. The introduction of all lane running needs no further new legislation.
- 7.3 VMSL is likely to be operational on a date between 1st October 2018 and 12th January 2019. 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.
- 7.4 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 29th June 2015 and 9th August 2015. The consultation document for the M6 Junctions 16 to 19 was:
- posted directly to 141 stakeholders; and
 - published on the Highways England website and made open to public consultation.

- 8.2 The consultation received an equal mix of support and concerns regarding the introduction of the VMSL on the M6 between junctions 16 and 19 with 17 responses received in total.
- 8.3 Detailed responses raising a number of concerns were received from a range of stakeholders. Specific concerns relating to the introduction of VMSL were:
- Demonstrated Success of the System – Questioning the viability of a VMSL scheme that may introduce the potential of severe braking at variable speed signage which in turn could intensify congestion.

The Highways England response utilised evidence of how it is known VMSL works as well as taking into account the design of the scheme to ensure that the gantries are placed in suitable locations with clear visibility so that drivers do not have to brake harshly upon seeing a lower speed limit.

- Increased Likelihood of Incidents - Questioning the viability of a VMSL scheme that may introduce the potential of severe braking at variable speed signage which in turn could increase the potential for incidents.

The Highways England response noted it is known that this is not true as it has already been evidenced that existing smart motorway schemes have actually been proved to have reduced accidents.

- Enforcement - Expressing criticism of the increase in speed cameras, when they are used and when they are on.

The Highways England response clarified that while speed enforcement will continue to be part of the smart motorways concept Highways England do not enforce any speed limits on the motorway network, the police do, and will continue to enforce the speed limits.

- 8.4 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.

It is considered that the issues raised during the consultation relating to the introduction of VMSL have been addressed.

9. Guidance

- 9.1 The consultation packs issued by Highways England to stakeholders contained information on the operation of VMSL. These consultation packs were also published on the Highways England and 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 VMSL 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 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 VMSL 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 Andrew Brown at Highways England, telephone 07894069683 or email, andrew.brown2@highwaysengland.co.uk can answer any queries regarding the Regulations.