

EXPLANATORY MEMORANDUM TO
THE M1 MOTORWAY (JUNCTIONS 6A TO 10) (VARIABLE SPEED LIMITS)
REGULATIONS 2011

2011 No. 1015

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 The Regulations will restrict drivers on roads to which the Regulations apply from driving a vehicle at a speed above the maximum indicated by each speed limit sign passed by that vehicle, until that vehicle passes a sign indicating that the national speed limit applies, or that vehicle leaves the roads covered by the Regulations. The roads to which these Regulations apply are on the M1 Motorway between junctions 6A and 10 and are more fully described in the Schedule to the Regulations.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 These Regulations have been made under Sections 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 the Act.

4.3 The Traffic Signs Regulations and General Directions 2002 (S.I. 2002/3113) as amended, enables certain traffic signs to be used to convey information applying to the use of variable mandatory speed limits on motorways.

4.4 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. Territorial Extent and Application

5.1 This instrument extends to Great Britain but applies only to England. Only those sections of motorway specified in the instrument will be affected, all of which are located 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 Government has a programme of up to £6 billion to improve and make better use of motorways and other key roads. The Highways Agency is developing its role as Network Operator through a series of traffic management, network control and measures with the aim of:

- achieving best use of existing road space;
- responding more quickly to incidents and reducing clear-up times; and
- reducing congestion and increasing the reliability of journey times.

7.2 The use of variable mandatory speed limits is an essential element in achieving these requirements. It is aimed at tackling congestion through the introduction of technology to make best use of the existing road space whilst maintaining and where possible, improving current safety standards.

7.3 Variable mandatory speed limits on the M1 Motorway between junctions 6A and 10 (“the Controlled Motorway Scheme”) will enable proactive management of the motorway network in this area. The variable mandatory speed limit displayed on the motorway will take into account prevailing traffic conditions with the aim of ensuring the smooth flow of traffic.

7.4 The Highways Agency is committed to building upon the success of the existing scheme which has been operational on the M25 between junctions 10 and 15 since 1995, and was extended to junction 16 in 2002. It is expected that the Controlled Motorway Scheme will:

- reduce congestion;
- provide more reliable journey times;
- reduce the frequency of accidents;
- reduce carbon emissions; and
- reduce driver stress.

8. Consultation outcome

8.1 Consultation in relation to the Controlled Motorway Scheme commenced on 30 November 2009 and finished on 1 March 2010 (13 week period).

8.2 A total of 32 responses were received with 6 in favour of the scheme, 3 non-committal and 23 against. Those in favour included the following local government organisations:

- Luton Borough Council;
- Hertfordshire County Council;
- Markyate and Slip End parish councils.

8.3 Whilst each of the above supports the proposals their responses also included additional comments about the scheme:

- a) Luton Borough Council is concerned that the full benefits of the Controlled Motorway Scheme would not be realised unless improvements to junction 10A were made;
- b) Hertfordshire County Council asked to be kept informed of the results of consultation and anticipated being represented on the Controlled Motorway Scheme operational project board;
- c) Markyate PC commented widely of aspects of traffic behaviour on the recently widened M1 and stressed the need for signals and messages associated with the scheme to be appropriate for the conditions and removed immediately when no longer relevant;
- d) Slip End PC welcomed the prospect of improved traffic flows on M1 that should result in fewer vehicles leaving the M1 to use local roads to avoid delays due to congestion. They

- 8.4 In response to the above:
- a) the resolution of congestion problems at junction 10A are the responsibility of the local highway authority as junction 10A is not part of the (DfT) strategic highway network;
 - b) the landscape planting mitigation for the widening scheme took into account the presence of the additional gantries;
- 8.5 Of the 23 objections received the main issues raised were:
- a) the claimed scheme benefits will not be achieved
 - b) signals and message signs will be inappropriate for actual traffic conditions;
 - c) the scheme will not necessarily decrease accidents
 - d) the scheme will/may not reduce journey times;
 - e) scheme costs are excessive;
 - f) the scheme will increase driver stress and have an adverse effect on driver behaviour
 - g) the scheme has been designed to raise money through enforcement fines;
 - h) environmental benefits are illusory.
- 8.6 In response to the above:
- a) It is felt that the similarities between the M25 trial section and M1 J6A-10 in terms of length of scheme/numbers of junctions, traffic volumes and flow characteristics are sufficient to make the assumption that the implementation of the Controlled Motorway Scheme will result in similar benefits.
 - b) The sensors within the carriageway from which traffic speed and flow information is gathered, and associated control software is constantly being improved and updated to ensure optimum performance. Automatic signal setting is triggered by actual congestion/queuing and manual setting from traffic flow data and/or CCTV monitoring of incidents.
 - c) The M25 safety study showed that PIA (personal injury accidents) under controlled motorway (CM) operation were 10% less than under non-CM operation.
 - d) Respondents seem to hold a mis-conception that costs were 60% of full widening costs, stemming from confusion with costs of Managed Motorway schemes (hard shoulder running); CM scheme costs are modest.
 - e) The M25 trial reported the result of surveys of drivers using the controlled motorway. Comments received indicated a more calm driving experience compared to other motorways, and improved driver behaviour.
 - f) The variable speed limit proposal is a traffic management tool to assist traffic flows and provide more reliable journey times. Enforcement is only employed to encourage compliance with the speed limits set and not to generate revenue;
 - g) The M25 study showed that carbon emissions decreased overall between 2% and 8%;
- 8.7 A number of additional topics were raised which are considered to be not within the scope of this consultation. These issues are dealt with in more detail within the Consultation Response Report. The issues are;
- a) Concern over aspects of use of average speed cameras.
 - b) Belief that driver education should be targeted to overcome poor driving that is responsible for problems as much or more than speed.
 - c) Doubt that there is a need for more (speed) control measures on motorways given that accidents and serious injury numbers on Britain's' motorway network is already low by comparison with other countries
- 8.8 A more detailed analysis of the consultation outcome and report, including responses to the issues raised above, will be available on the Highways Agency website and those who responded to the consultation will be sent a copy of the final Consultation Response report.

8.9 It is considered that the analysis of the consultation responses has not provided any new information to warrant amending the Impact Assessment. With the summary analysis set out above and the demonstrable proven benefits of the M25 study, it is recommended that the variable mandatory speed limits are implemented on the M1 between junctions 6A and 10.

9. Guidance

9.1 The consultation pack issued by the Highways Agency to stakeholders on 30 November 2009 contained information on the operation of variable mandatory speed limits on the M1 between junctions 6A and 10. This consultation pack was also published on the Highways Agency website. Stakeholders included members of the emergency services, road user groups and vehicle recovery operators. Stakeholders have and will continue to receive updates and news on the scheme implementation, with particular consideration given to the affects 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 through the media and press releases.

10. Impact

10.1 The impact on business, charities or voluntary bodies, and the public sector is that variable mandatory speed limits will benefit the motorist by helping to reduce congestion, be informative and improve journey times. It aims to reduce the impact of accidents and reduce driver stress.

10.2 An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk

11. Regulating small business

11.1 The legislation applies to small business.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the approach taken is to ensure that stakeholders receive updates and news on the scheme implementation and operation. Results of the scheme will also be made available to stakeholders.

11.3 The basis for the final decision on what action to take to assist small business will be undertaken through consultation with stakeholders. It is however expected that the proposed measures will not impose any new or increased burden upon small businesses.

12. Monitoring & review

12.1 The operation of the variable mandatory speed limits scheme will be monitored and assessed to establish the effectiveness of the scheme on traffic flows, accidents and environmental factors.

12.2 A Post Implementation Review will be carried out to ensure that the scheme is operating as expected and operating correctly with respect to the system parameters, and to assess the level of driver compliance.

13. Contact

13.1 If you have any queries regarding the Regulations please contact John Dutson at Highways Agency. Tel: 0121 678 8361 or e-mail: john.dutson@highways.gsi.gov.uk