

EXPLANATORY MEMORANDUM TO:

THE M25 MOTORWAY (JUNCTIONS 16 TO 23) (VARIABLE SPEED LIMITS) REGULATIONS 2013

2013 No. 3167

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 the M25 Motorway between junctions 16 and 23 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 (“the 1984 Act”), 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 1984 Act requires the Secretary of State to consult with such representative organisations as are seen fit prior to making regulations under the Act.
 - 4.3. The Traffic Signs Regulations and General Directions 2002 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 1984 Act will be placed on or near 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 M25 is one of Europe's busiest motorways, handling approximately 200,000 vehicles every day. It is recognised as being the core of the strategic network and is suffering from increasing congestion levels and journey times. It is considered that investing in the strategic road network is paramount in ensuring the optimum network provision to aid economic recovery.
- 7.2. The use of variable mandatory speed limits is an essential element in achieving these objectives. 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 M25 controlled motorway scheme (“the M25CM Scheme”) between junctions 16 and 23 will enable proactive management of the motorway network. The Highways Agency has changed the name of controlled and managed motorways to “smart motorways”. However for the purposes of this Memorandum the use of controlled motorways is retained as this terminology was in the original consultation paper. 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 controlled motorway schemes which have been implemented at a number of busy motorway sections across the country. It is expected that the controlled motorway scheme on the M25 between junctions 16 and 23 will:
 - reduce congestion;
 - provide more reliable journey times;
 - reduce the frequency of accidents; and
 - reduce driver stress.

8. Consultation outcome

- 8.1. The Consultation period on the proposal to introduce variable mandatory speed limits on the M25CM scheme between junctions 16 and 23 started on 22 January 2013 for a period of 8 weeks, finishing on 19 March 2013.
- 8.2. A total of 10 were received with 6 (60%) in favour of the scheme, 2 (20%) non-committal and 2 (20%) against. The consultation responses expressed some concerns on the introduction of the Variable Mandatory Speed Limit (VMSL) signs.

Those in favour included the following organisations:

- The Chartered Institution of Highways and Transportation (CIHT);
- The Road Haulage Association (RHA);
- Thames Valley Police.

Those objecting were:

- The Alliance of British Drivers (ABD), and
- an unaffiliated responder.

- 8.3. Those above who supported the proposals in their responses also included additional comments about the scheme:

- a) The CIHT suggested: (1) Including VMSL in the driving test content; and, (2) Comprehensive and comparable monitoring of schemes.
- b) The RHA has concerns that: (1) This project may take place before the full impact and monitoring of similar schemes for controlled motorways on the M25 have been assessed; (2) Experience from the M42 shows there are anomalies where speeds reduce to 40mph, then return to 60mph, before going to 50mph; (3) The scheme may not solve congestion and additional lanes may be required; (4) Concern that adequate police resources are not in place to deal with VMSL enforcement.
- c) Thames Valley Police noted that fully managed motorway infrastructure (including Hard Shoulder Running) would require further consultation.

8.4. In response to the above:

- a) (1) The Highways Agency agrees that driver education will be a key to the success of such schemes and will be publishing further updates on implementation and operation.

(2) Following the opening of a road scheme, the Highways Agency undertakes an evaluation to see whether it has brought the benefits anticipated and whether the other impacts of the scheme were as predicted. This ongoing programme of evaluation is termed POPE (Post Open-ing Project Evaluation).

POPE compares the costs, benefits and other impacts predicted at the appraisal (pre-construction) stage with the 'out-turn' effects (after completion).

Guidance on the appraisal of Controlled Motorway ("CM") schemes has been produced. This guidance is contained in the Highways Agency's Interim Advice Note (IAN) 'Appraisal of Technology Schemes'. In particular, the IAN provides supplementary appraisal guidance in relation to how the various impacts identified in WebTAG should be assessed for different types of traffic technology schemes, including CCTV, MIDAS, CM or combinations thereof.

- b) (1) Controlled Motorways were first introduced on the M25 in 1995 and the benefits of these schemes are now well understood. Evaluation of existing CM operation elsewhere on the M25 has shown that the net effect on average journey times is neutral, but that the range or variation in journey times is reduced, thereby improving reliability.

(2) Regional Control Centre staff (traffic officers) monitor the network at all times. Using a variety of sources including CCTV coverage, they are able to assess larger parts of the road ahead beyond the driver's immediate horizon and hence set VMSL accordingly. Sometimes this may result in a series of different speed limit settings.

(3) It is true that traffic flows are not changed by CM and the increases and decreases in vehicle speeds arising from the use of VMSL tend to cancel each other out. The benefits of the scheme are comprised of journey time reliability and accident benefits.

(4) Obtaining an acceptable level of compliance with the speed limits displayed is key to the successful and safe operation of the scheme. The provision of enforcement will result in a high level of compliance.

- c) There are currently no proposals to implement hard shoulder running on this section. A number of discontinuities of the hard shoulder would prevent this and further consultation would be required.

8.5. The objections from the Alliance of British Drivers (ABD) and the unaffiliated responder were:

- a) The ABD were concerned that (1) that there was a lack of flow and journey time benefits, that the M25 J10-16 report noted no increase in peak hour throughput and off-peak increased journey times, (2) that there was a lack of consistency between speed limits and what is actually happening on the motorway itself, and (3) VMSL will lead to more pressure and stress on drivers. Additional signage will confuse drivers, particularly in bad weather conditions, and VMSL could lead to drivers getting boxed in by HGVs and be unable to maintain a gap to other vehicles.
- b) The unaffiliated responder objected that (1) there was a lack of consistency between speed limits enforced and what is actually happening on the motorway itself. Example given of speed brought down to 40 with no incident to be seen. “Drivers ignore the signs and nearly shunt you”, and (2) limits are set for some lanes and not others, causing driver confusion.

8.6. In response to ABD’s objections in 8.5 a) above:

- 1) See response paragraph 8.4 b (1) above
- 2) See response paragraph 8.4 b (2) above
- 3) The vast majority of signals are set during periods of high flow, so drivers will all be travelling at approximately the same speed. When the speed limit changes, the whole traffic stream will reduce its speed accordingly. The responses to our driver surveys have shown that having all vehicles travelling at approximately the same constant speed reduces stress for most drivers.

8.7. In response to the unaffiliated responder’s objections in 8.5 b) above:

- 1) See response paragraph 8.4 b (2) above
- 2) The same speed limit is displayed simultaneously across all lanes. However, in the event of an incident, a lane divert arrow with flashing amber lanterns or the red X stop signals may be displayed for specific lanes to alert drivers to the lane closure.

8.8. A more detailed analysis of the consultation outcome and report, including responses to the issues raised above, is available on the Highways Agency website at the following address <https://www.gov.uk/government/consultations/m25-junctions-16-to-23-managed-motorways>. Those who responded to the consultation will shortly be sent a copy of the final Consultation Response report.

9. Guidance

9.1. The consultation document issued by the Highways Agency to stakeholders on 22 January 2013 contained information on the operation of variable mandatory speed limits on the M25 between junctions 16 and 23. Stakeholders included members of the emergency services, road user groups and vehicle recovery operators.

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. A preliminary Impact Assessment for the instrument was prepared and included in the consultation document. A waiver from the requirement for impact assessments for Managed Motorway instruments was granted (including the Controlled Motorways on the M25) subsequent to the consultation and accordingly the Impact Assessment was not finalised.

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 be made available to stakeholders.
- 11.3. It is expected that the proposed measures will not impose any new or increased burden upon small businesses.

12. Monitoring & review

- 12.1. The operation or 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.

13. Contact

- 13.1. If you have any queries regarding the Regulations please contact John Martin at the Highways Agency Tel: (0)1306 878129 or e-mail: M25Widening@highways.gsi.gov.uk.