

**EXPLANATORY MEMORANDUM TO
THE M1 MOTORWAY (JUNCTIONS 39 TO 42) (VARIABLE SPEED LIMITS)
REGULATIONS 2015**

2015 No. 408

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.

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 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 the Act.

4.3 The Motorway Traffic (England and Wales) Regulations 1982 (S.I. 1982/1163) will shortly be permanently amended (by another statutory instrument) to permit the hard shoulder to be used as a carriageway where a speed limit sign is displayed and to make provision for emergency refuge areas.

4.4 The Traffic Signs Regulations and General Directions 2002 (S.I. 2002/3113), as amended, enable certain traffic signs to be used to convey information about 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 these Regulations to indicate to drivers that vehicles are entering, have entered or are exiting a road covered by these Regulations.

5. Territorial Extent and Application

5.1 These Regulations extend to Great Britain but apply only to England. Only those sections of motorway specified in the Schedule to these Regulations will be affected, all of which are located in England.

6. European Convention on Human Rights

6.1 As these Regulations are subject to the negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 The strategic case for providing additional capacity on the M1 was examined in the review of motorway links identified in the “Advanced Motorway Signalling and Traffic Management Feasibility Study” (2008). The scheme, along with managed motorway improvements between junctions 28 to 31 and 32 to 35a of the M1, was included in the programme of major strategic road schemes announced in October 2010 with an undertaking to commence construction before 2015.

In the November 2011 Autumn Statement, the Chancellor announced that the M1 junctions 39 to 42 managed motorway scheme, now referred to as a smart motorway scheme, would be prepared for construction before 2015. Following this, the 2012 Budget confirmed the start of work for this scheme to be in financial year 2013/14, subject to the outcome of statutory processes.

7.2 Smart motorways use the latest technology to improve journeys by sensing traffic flow and setting speed limits accordingly to keep traffic moving smoothly, instead of continually stopping and starting. The smart motorway proposals on the M1 between junctions 39 to 42 involve converting the hard shoulder permanently to a traffic lane to create much needed extra capacity to support economic growth. Information about road conditions and speed limits will be given to drivers on electronic road signs. Variable speed limits will also be introduced on the M1 between junctions 39 and 42 to ensure consistency and congestion management on this corridor. The smart motorway schemes will enable proactive management of the motorway network through West Yorkshire. The speed limits displayed on the motorway will take account of prevailing traffic conditions with the aim of ensuring the smooth flow of traffic.

7.3 The Highways Agency is committed to building upon the success of the M42 scheme at junctions 3A to 7 (which opened to traffic in 2006) and has improved upon the original design specification by running traffic permanently on the hard shoulder as opposed to during peak times or periods of congestion. It is expected that the smart motorway schemes 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 Consultation relevant to the proposal to install variable mandatory speed limits on this section of the M1 was held as follows:

- M1 J39 to 42 variable speed limits: 29 July 2013 and closed on 9 September 2013

The development of the smart motorway schemes included a detailed assessment of environmental effects, including any impact the schemes may have on local and regional air quality. These assessments indicated that for operation at the national speed limit, the much needed extra capacity and the increased traffic flows that these schemes provide will also have some adverse impacts on local air quality at Air Quality Management Areas (AQMAs) and sensitive receptors.

The consultation involved sending a consultation document to a wide range of stakeholders including representative organisations at both national and local levels and including local councils, emergency services (police, fire and rescue and ambulance services), the recovery industry and road user groups. In addition, the consultation documents were placed on the Highways Agency and the Gov.uk web sites and contain a list of all consultees.

8.2 Responses to the smart motorway and variable speed limit consultation were as follows.

In total 20 responses were received with 8 being made by organisations and 9 being made by the public; a further 3 responses were also received however these did not relate to the Variable Mandatory Speed Limit Statutory Instrument (SI) actually being consulted on. 8 responses made were in favour of the scheme while a further 6 responses objected to the scheme and a further 3 expressed reservations.

The organisations that responded in detail were: DM UK (Disabled Motoring UK), Peel Holdings, ADEPT (Association of Directors of Environment, Economy, Planning and Transport), IAM (Institute of Advanced Motorists, RHA (Road Haulage Association), Kirklees Council, West Yorkshire Local Transport Partnership, West Yorkshire Police.

8.3 Organisations including DM UK (Disabled Motoring UK), Peel Holdings, ADEPT (Association of Directors of Environment, Economy, Planning and Transport), IAM (Institute of Advanced Motorists, RHA (Road Haulage Association) wrote in support of the principle of reducing congestion by providing additional capacity through implementing smart motorways, although most also noted that this should not be at the expense of safety. Some comments of support included:

DMUK considers that the introduction of managed motorway will lead to an improvement of travelling conditions though they do have a concern about their members breaking down in a live lane.

Peel Holdings, a large company, welcome the proposals as they will help to reduce congestion and improve the free flow of traffic on this section of the M1, as well as assisting in supporting economic growth in the region.

The IAM accepts the policy of converting busy stretches to managed motorway and suggest that design and operation should be kept under constant review so any lessons learnt from previous schemes can be implemented quickly. Similarly, ADEPT is fully supportive of the concept of managed motorways as it seeks to make best use of existing national infrastructure whilst minimising intrusion onto adjacent land and local infrastructure.

The Road Haulage Association stated that because the route is usually busy and frequently congested they see managed motorway as a sensible solution, and support the proposal which could reduce congestion, improve journey time reliability and reduce accidents at the same time as improving air quality and reducing noise pollution.

8.4 Detailed responses raising a number of concerns were received from a range of stakeholders including local residents. Responses from Kirklees Council, West Yorkshire Local Transport Partnership, and West Yorkshire Police all made representations which referred to an ongoing dialogue between the Highways Agency and the West Yorkshire Resilience Forum (WYRF) and focused on the Highways Agency's smart motorways – all lane running design standard. Particular concerns included the following:

WYRF - Whilst it is generally accepted that the extra capacity provided by a managed motorway will, in general, improve travelling conditions and safety because of the ability to control the speed and flow of traffic, there are some serious concerns. These mainly relate to the safety of occupants of vehicles which breakdown or are involved in collisions especially in low flow

conditions in the dark because of the increased risk of being struck from the rear in a live lane. WYRF have so far not been assured that the HA will be able to spot and respond to such situations quickly enough. There are also concerns over the safety of Emergency Services' staff (including Highways Agency Traffic Officers).

Design issues (including impact concerns)

1) Concerns about the spacing of emergency refuge areas and ability of vehicles to reach them in times of emergency.

The Highways Agency response noted that the provision of emergency refuge areas has been designed to provide the best positions for these features that will enable the majority of road users to reach a safer location away from live traffic rather than stopping on the hard shoulder. It is not possible to predict if these locations are correct for every eventuality and there may well be cases where vehicles cannot reach a refuge area and will have to stop in a live lane. If this eventuality should occur, the Highways Agency's control centre operatives can react quickly to these incidents, move traffic to other lanes and create access for the stricken vehicle to be recovered quickly, making resolution of the incident more efficient and minimising disruption and delay.

Subsequent safety information has been prepared and made available by the central communications team which identified that the majority of stops on the current hard shoulder are none essential. More information on this can be found by following this link –

<https://www.gov.uk/government/publications/smart-motorways-driver-information>

2) Concern about the ability of emergency services to effectively respond to incidents on the M1 Motorway.

The Highways Agency's reply noted that the Regional Control Centres (RCC) and Traffic Officer Service have specific procedures in place to ensure access routes are made available wherever possible by closing the appropriate lanes. If lane closures are not possible there are other options available such as;

- Easing traffic through queues, as on any other road without hard shoulders
- Reverse flow (enabling emergency vehicles to travel the wrong way along the carriageway to access incidents)
- Attending from opposite carriageway, in both these cases the carriageway would be closed by RCC operators and emergency vehicles advised accordingly.

It is felt that with the new controls available to the RCC operatives and with the inclusion of 100% CCTV coverage, identification of, and access to, incidents should be quicker and easier.

3) Concerns about whether the Design Manual for Roads and Bridges (DMRB) and the Noise Policy Statement for England (NPSE) was taken into account when developing the scheme.

The Agency noted that a fundamental part of the work undertaken in the development of this scheme is assessing the impact of the proposals on the local and wider environment. This Environmental Assessment (EA) is being carried out in accordance with the Highway's Agency's Design Manual for Roads and Bridges (DMRB) and statutory requirements.

8.5 The Highways Agency has considered all the responses to the consultations and carried out an analysis of those responses. The Highways Agency continues to work closely with the emergency services and local authorities on these schemes to address the safety and environmental concerns raised. Using variable mandatory speed limits is now established practice in many parts of the country, including the southern end of the M1, the M25, the M4/M5 near Bristol and the

M42 and M6 in the West Midlands, and respondents to the consultations were generally not opposed to the implementation of variable mandatory speed limits. Accordingly, the Department for Transport has decided that variable mandatory speed limits should be implemented on the M1 between Junctions 39 to 42 which will include all lane running at the relevant locations.

8.6 The Highways Agency's full response to consultation can be found by following this link:

<https://www.gov.uk/government/consultations/m1-junctions-39-to-42-statutory-instrument>

9. Guidance

9.1 The consultation pack issued by the Highways Agency to stakeholders contained information on the operation of variable mandatory speed limits. The consultation pack was also published on the Highways Agency or the Gov.uk websites. Stakeholders included local authorities, members of the emergency services, road user groups and vehicle recovery operators. Stakeholders have received, and 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, road users will be made aware of it through the media and press releases.

10. Impact

10.1 The impact on businesses, charities or voluntary bodies, and the public sector is that smart motorways, through the introduction of 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.

11. Regulating small business

11.1 The legislation applies to small businesses.

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 smart motorway schemes between M1 Junctions 39 and 42 will be monitored and assessed to establish the effectiveness of the scheme on traffic flows, accidents and environmental factors. There will be a Post Opening Project Evaluation of the schemes 1 year and 5 years after it has opened. The purpose of the Post Opening Project Evaluation 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 If you have any queries regarding the Regulations please contact Pranav Devale at Highways Agency Tel: +44 (0)1306 878479 or e-mail: Pranav.devale@highways.gsi.gov.uk