

EXPLANATORY MEMORANDUM TO

THE M62 MOTORWAY (JUNCTIONS 9 TO 11) (EASTBOUND) AND THE M6 MOTORWAY (JUNCTION 21A) (VARIABLE SPEED LIMITS) REGULATIONS 2016

2016 No. 988

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 mandatory speed limits on the M62 motorway eastbound between junctions 9 and 11, on a slip road at junction 11 and on the carriageways linking-
- (a) the eastbound carriageway of the M62 motorway to the northbound M6 carriageway; and
 - (b) the northbound and southbound carriageways of the M6 to the eastbound carriageway of the M62.

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 The Regulations provide for the operation and enforcement of variable mandatory speed limits in relation to the roads specified in paragraph 1 of the Schedule to the Regulations (and mentioned in paragraph 2.1).
- 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 Traffic Signs Regulations and General Directions 2016 (S.I. 2016/362) enable certain traffic signs to be used to convey information about variable mandatory speed limits on motorways. It is an offence under section 36 of the Road Traffic Act 1988 to fail to comply with certain traffic signs such as light signals.
- 4.4 Regulation 7 of the Motorways Traffic (England and Wales) Regulations 1982 (S.I. 1982/1163) (“the 1982 Regulations”) restricts the stopping of vehicles on a motorway. Regulation 16(1)(a) of the 1982 Regulations allows drivers to use the motorway other

than in accordance with the Regulations if doing so in order to comply with the indication given by a traffic sign.

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 the Regulations 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 Highways England Company Limited (“Highways England”) was set up by the Government on 1 April 2015 to operate and improve the strategic road network in England. Highways England’s primary role is to deliver a better service for road users and to support a growing economy. The Motorway to Motorway (M2M) metering pilot scheme (“the M2M scheme”) is part of Highways England’s programme to modernise England’s motorways by providing more capacity and better connections. Metering in this context means using traffic light signals to stop traffic and thereby regulate traffic flow. Traffic required to stop at red traffic light signals may do so without contravening the 1982 Regulations by virtue of regulation 16(1)(a) of those Regulations.

7.2 The M6 Junction 21A to M62 Junction 10 (“the Croft Interchange”) has been subject to a number of suggested improvement options, as well as proposed planning applications for strategic sites over the past 15 years. Some improvements have been made but further changes are required especially as during this period, congestion at the interchange has increased.

7.3 The large volume of M62 eastbound traffic often causes lane changes (by vehicles) to occur between junctions 10 and 11 of the M62. This problem is increased by large volumes of traffic joining the M62 from the M6 northbound and southbound linking carriageways (i.e. the roads mentioned in paragraph 2.1(b)).

7.4 At present the merging of M6 with M62 eastbound traffic causes additional congestion on the M62 through the Croft Interchange, which can result in queues forming further west along the M62 to junction 9 and beyond.

7.5 The M2M scheme will enable proactive traffic management of the M6 and M62 carriageways at and near to the Croft Interchange, including the roads mentioned in paragraph 2.1. This will be achieved by the use of variable mandatory speed restrictions to reduce the speed of vehicles on the eastbound M62 and the metering of vehicles from the roads mentioned in paragraph 2.1(b), allowing this traffic to better merge with the traffic on the eastbound M62.

7.6 The combination of variable mandatory speed limits on the eastbound M62 and traffic light signals on the roads mentioned in paragraph 2.1(b) seeks to optimise the flow of traffic through the Croft Interchange by regulating entry to the M62 from

those roads and controlling the speed of vehicles on the eastbound M62. Compliance with these traffic signals will be enforced, principally by the use of cameras. An added benefit of the M2M scheme will be to reduce the incentive to change lanes on the eastbound M62 approaching and through the junction.

- 7.7 The M2M scheme will reduce congestion, improve journey time reliability and help make journeys smoother and more reliable through this congested area of the network. Works will be planned carefully to ensure that disruption is kept to a minimum. In addition there will be an increase in, and an improvement of, the quality of information for road users.

Consolidation

- 7.8 This instrument is not amending another instrument nor is there any intention to consolidate any other legislation.

8. Consultation outcome

- 8.1 The consultation period began on 21st August 2015 and closed on 13th November 2015 and provided an opportunity for interested parties to comment on the proposal. A detailed analysis of the outcome, including a full list of consultees has been published (“the SI Consultation feedback report”) on the highways.gov.uk website at <http://www.highways.gov.uk/publications/consultation-report/>
- 8.2 There were four responders to the consultation, 2 of whom were in favour of the M2M scheme and 2 did not indicate either way; all 4 raised a number of comments that are listed in the SI Consultation feedback report. These comments provided additional ideas about how this scheme can be further improved, however these ideas are outside the scope of the scheme. This is because the M2M scheme is purely a pilot scheme for the technology and it is being applied to the existing road layout so that the benefits of the technology can be measured without any external effects.
- 8.3 The situation has been modelled in detail and the overall operation of the junction will be improved using motorway to motorway metering.
- 8.4 Some of the issues raised during the consultation are likely to be further addressed by the Smart Motorway schemes planned for this area. The Smart Motorway schemes which are currently being designed may require some amendments to the road layout but will utilise the majority of the infrastructure being installed for the M2M scheme.
- 8.5 In addition, during consultation the issue was raised of traffic on the slip roads potentially queuing to a greater distance than currently. It has been explained that this is unlikely to be the case.
- 8.6 Given the small number of responses, and the fact that none of the responses were opposed to the proposals, the SI Consultation feedback report concluded that the M2M scheme should be implemented and made this recommendation to Highways England.
- 8.7 Consultation on the M2M scheme set out the proposed use of variable mandatory speed limits and traffic lights. The variable mandatory speed limits will be introduced by the Regulations. The use of traffic lights relies upon existing legislation and in particular the ability of traffic to stop to obey a red traffic light without then contravening the 1982 Regulations relies on regulation 16(1)(a) of the 1982 Regulations.

9. Guidance

- 9.1 The consultation pack issued by Highways England to stakeholders on 21st August 2015 contained information on the operation of variable mandatory speed limits on the M62 between junctions 9 and 11 and the use of traffic light signals to meter the flow of vehicles on the roads mentioned in paragraph 2.1(b). Stakeholders included members of Parliament, members of the emergency services, local authorities and environment, safety and transport organisations. Stakeholders will continue to receive updates and news on the M2M scheme implementation, with particular consideration given to the effects of the scheme on local residents, the travelling public and businesses, through the Highways England website, media and press releases.

10. Impact

- 10.1 The impact on business, charities and voluntary bodies is that variable speed limits and the metering of the flow of vehicles on the roads mentioned in paragraph 2.1 will benefit the motorist by helping to reduce congestion and provide more reliable journey times. It aims to, 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 identified in paragraph 10.1.
- 10.3 No impact assessment has been prepared with this explanatory memorandum as no impact on the costs of business or the voluntary sector is foreseen.

11. Regulating small business

- 11.1 The legislation applies to activities that are undertaken by small businesses.
- 11.2 The M2M scheme 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 to organisations within the surrounding area, including small businesses.

12. Monitoring & review

- 12.1 The costs and benefits of the M2M scheme will be monitored and reviewed throughout the design, implementation and construction of the scheme.
- 12.2 The operation of the variable mandatory speed limits will be monitored and assessed to establish the effectiveness of the scheme's primary objectives of reducing the cost of congestion and reducing journey times. There will be a Post Opening Project Evaluation of the M2M scheme one year after it has opened. The purpose of the evaluation is to measure the business case aims and benefits of the M2M scheme against what is actually being delivered one year after opening.

13. Contact

- 13.1 Andy Withington at Highways England, Telephone: +44 (0) 300 470 6050 or email: andy.Withington@highwaysengland.co.uk can answer any queries regarding the instrument.