Smart Motorways Programme

A1(M) J6-8 Smart Motorway

Response to Statutory Instrument Consultation

The introduction of variable mandatory speed limits

June 2020

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Executive Summary

This consultation provided an opportunity for interested parties to comment on the proposal to introduce, by way of Regulations, variable mandatory speed limits for the A1(M) junctions 6 to 8 smart motorway scheme (the scheme). The scheme will be an upgrade of a two-lane motorway to a three-lane motorway.

The scheme's variable mandatory speed limits (VMSL) will, if approved, be set in response to the prevailing traffic conditions and will be clearly displayed on:

- Cantilever gantry mounted variable message signs above the nearside of the carriageway
- Gantry mounted advanced motorway indicators above each lane of the carriageway
- Post mounted advanced motorway indicators (where provided)

Once in force, the relevant 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.

A total of 102 responses were received to the consultation: 95 questionnaire responses were received online, and seven written responses were sent directly to the Highways England project team.

This report provides a full account of our approach to the consultation, and the responses received. It outlines how we have taken the consultation feedback into account.

We have considered all the consultation responses received and recommend that the Secretary of State proceed with the necessary Regulations to allow for the implementation of VMSL on the A1(M) between junctions 6 and 8.

1. Introduction

1.1. Document structure

Section 1 provides background information about the A1(M) junctions 6 to 8 smart motorway scheme and the proposed changes to legislation.

Section 2 details how the consultation on the proposed changes was carried out

Section 3 provides a summary of the responses to the consultation that were received, as well as Highways England's responses to the issues raised.

Section 4 summarises the outcome of the consultation and makes recommendations for next steps.

1.2. Purpose of this report

This document is intended to provide a summary of the responses received to the consultation on the introduction of variable mandatory speed limits (VMSL) on the A1(M) between junctions 6 and 8.

The consultation, which was undertaken between **Monday 10 February 2020** and **Monday 09 March 2020**, provided an opportunity for stakeholders, such as road user groups and other interested parties, to comment on the proposals.

Highways England has considered the comments raised by consultees and this document summarises its response to those comments.

1.3. Background to the consultation

The A1(M) motorway is a route of strategic importance linking London and the South East with the East Midlands, Yorkshire and the North East.

This section of the road has been identified as an area earmarked for future growth. It already suffers from challenges, including:

- The A1(M) between junctions 5 and 9 is in the top ten busiest sections of the entire London to Leeds (East) route with existing capacity problems
- Every junction is close to existing or possible future housing sites, with the potential to accommodate 13,000 new homes by 2030.

We want our A-roads and motorways to help support local economic growth and maintain mobility. This project is part of that ambition and will be the first upgrade of a two-lane motorway into a three-lane smart motorway.

The smart motorway scheme aims to:

- Create an extra traffic lane to cope with more vehicles and reduce congestion
- Smooth the flow of traffic
- Make journey times more predictable and reliable

- Give better information to drivers whilst they use the road (e.g. latest on speed limits, lane closures, journey times, congestion ahead etc).

We aim to make best use of the existing motorway by introducing technology and signs, and using variable mandatory speed limits is essential for achieving this.

1.4. Legislative changes

Regulations have been proposed under section 17(2) and (3) of the Road Traffic Regulation Act 1984 (“the 1984 Act”) for the implementation of VMSL for the A1(M) junctions 6 to 8 smart motorway all-lane running scheme.

The proposed Regulations will restrict drivers from driving within the area of the smart motorways scheme at a speed exceeding that displayed on the speed limit signs, or the national speed limit where no other speed limit sign is displayed.

The relevant legislative power in the 1984 Act permits the making of Regulations that regulate the manner in which, and the conditions subject to which, motorways may be used by traffic authorised to use such motorways.

Within the A1(M) junctions 6 to 8 smart motorway all lane running scheme it will be an offence to use a motorway in contravention of Regulations applying to the scheme made under section 17(2) of the 1984 Act.

2. Conducting the consultation

2.1. What the consultation was about

The consultation gave an opportunity for interested parties to give their comments on our proposal to introduce a statutory instrument to implement variable mandatory speed limits on the A1(M) between junctions 6 and 8.

2.2. How the consultation was carried out

The Statutory Instrument Consultation Document for the scheme was sent to the consultees listed in Appendix C of the consultation document.

The consultation was also open to public participation through the Highways England consultation hub at: https://highwaysengland.citizenspace.com/he/a1-m-junctions-6-to-8-statutory-instrument-consult/

We encouraged representative organisations, businesses and the general public to register their views. The 4-week consultation period commenced on **Monday 10 February 2020** and closed on **Monday 09 March 2020**.

In addition to the online survey, respondents were also able to send their responses via email or post to the Highways England project manager as follows:

Stephen Bird
Project Manager
Highways England
2 Colmore Square
Birmingham
B4 6BN
Email: A1MJ6-8@highwaysengland.co.uk

2.3. Government consultation principles

The consultation was carried out in accordance with the Government's Consultation Principles, which are available at:

https://www.gov.uk/government/publications/consultation-principles-guidance

If you have reason to believe this consultation did not comply with these Consultation Principles, please write to our consultation co-ordinator at the address below, setting out the areas where you believe this consultation did not meet the principles:

Andy Johnson
Highways England
The Cube
199 Wharfside Street
Birmingham
B1 1RN
Email: andy.johnson@highwaysengland.co.uk

3. Feedback to the consultation and Highways England's response

3.1. Summary of responses

A total of 102 responses were received during the four-week consultation period, which ran from 10 February to 9 March 2020.

A total of 95 responses were received via CitizenSpace. Of these, 82 responses were from members of the public, one was received from a local government representative, five were from Small to Medium Enterprise (up to 50 employees), two were from the Police, one identified as an interest group, and five were anonymous (not answered).

Of the seven written responses received, two were from members of the public, two were anonymous (not answered), two were from the local government and the final response was from a representative organisation. Of these seven written responses received, four completed the questionnaire and three did not. We have responded individually to all the written enquiries received.

The questionnaire asked respondents to answer three questions, with space provided for comments on each. The questions and an analysis of the responses are provided below.

3.2. Question 1: Improvements to travelling conditions

Q1. Do you consider that the proposal to introduce variable mandatory speed limits on the A1(M) between junctions 6 and 8 will lead to an improvement in travelling conditions on this section of motorway?

Consultee	Yes	No	Not answered
Members of the public	33	50	1
Police	1	0	1
Small to medium enterprise	2	3	0
Local Government	3	0	0
Anonymous (Not answered)	1	3	0
Interest Group	1	0	0
TOTAL	**41**	**56**	**2**

Of the responses received, 41.4% considered that the proposals to implement variable mandatory speed limits would lead to an improvement in travelling conditions on the A1(M) between junctions 6 to 8 smart motorway scheme. Two people who replied via CitizenSpace did not answer the question. Of the 98 respondents, 69 provided comments.

Key themes identified

- Safety of smart motorways.
- Concerns that variable mandatory speed limits (VMSL) do not improve journey times.
- Traffic flow will be improved.
- Won't resolve congestion at peak times.
- Emergency service access may be limited.

Highways England's response to this feedback

Are smart motorways safe?

Road safety is a top priority for us; England's motorways are among the safest roads in the world, and each smart motorway is required to be at least as safe as a traditional motorway layout.

When will Variable Mandatory Speed Limits be used?

Variable mandatory speed limits (VMSL) will be used when the motorway is most congested during busy times of the day.

Existing smart motorways have shown that technology can help reduce congestion, which then allows the road to cope with more vehicles and make journey times more reliable. This will be achieved by controlling the flow of traffic and giving drivers information on variable message signs (VMS) whilst they're using the road.

Signs on gantries will clearly display the mandatory speed limits, giving motorists enough time to adjust their speed in a safe and controlled way.

CCTV cameras will be installed on the road to allow our officers in the Regional Operations Centre to monitor congestion and road conditions and set mandatory speed limits as needed.

Lower speed limits are set when the road starts to become congested, or when an incident has occurred. The speed limits allow drivers sufficient time to respond to the congestion or incident ahead.

How will it help congestion?

The improvements will ease congestion at one of the top ten busiest sections along the A1(M). The road currently suffers from heavy congestion during peak hours, causing significant delay to drivers. The introduction of a smart motorway will help make journey times more reliable and reduce congestion.

Will access by emergency services be affected?

Having a hard shoulder does not guarantee immediate access to an incident scene by the emergency services, as the hard shoulder may be blocked by broken down vehicles or vehicles trying to get around the incident.

If an incident takes place on a smart motorway, the overhead electronic signs will show the message 'Lane closed for incident access'. This closes the traffic lane and creates

a route for emergency vehicles to use. Additionally, the improved CCTV coverage allows us to provide better information to the emergency services.

Even in heavy congestion, some traffic is usually able to pass the scene of the incident, creating enough space for drivers to pull over and allow the emergency services to pass between lanes. This is the approach already taken on dual carriageways and other sections of motorway which don't have a permanent hard shoulder.

If all access to an incident is blocked, there are procedures to allow emergency access from the next junction along by driving in the reverse direction down the carriageway, once the road has been physically closed.

There has been extensive consultation with the emergency services throughout the design and development of smart motorways to ensure safe and effective operating procedures are in place. We have signed a national agreement with the Police, Fire and Ambulance services, setting out the principles of operating smart motorways and responding to incidents, along with regional agreements to cover specific roads.

3.3. Question 2: Concerns about the introduction of variable mandatory speed limits

Q2. Are there any aspects of the proposal to introduce variable mandatory speed limits on the A1(M) between junctions 6 and 8 which give you concerns?

Consultee	Yes	No
Members of the public	62	22
Police	1	1
Small to medium enterprise	3	2
Local Government	1	2
Anonymous (Not answered)	3	1
Interest Group	1	0
TOTAL	**71**	**28**

Of the responses received, 72% had concerns about the proposal to introduce a smart motorway on the A1(M) between junctions 6 and 8. Of the 99 responses, seventy-two people left comments.

Key themes identified

- Environmental concerns.
- People not adhering to variable speed limits.

Highways England's response to this feedback

Environmental concerns

Our road designs have looked at specific environmental concerns as part of our environmental assessment, and where possible any impacts will be lessened. The environmental assessment indicates that our proposals will not have a negative effect on the surrounding area. If trees and shrubs needed to be removed during construction, we will plant others elsewhere to replace those lost but not where they could affect safety, e.g. not where they could block CCTV cameras or signs for motorists. The replacement trees and shrubs are likely to have grown to the equivalent size of the current vegetation within 15 years.

As part of our assessments, we will do the following:

• Sign gantries, Emergency Areas and cabinet sites (such as power and communications cabinets) will be located where they will have the least environmental or visual impact (whilst meeting engineering and safety requirements).

• We will keep the current natural landscape as much as possible and will use existing surfaced road areas for Emergency Areas wherever possible.

There are 10 Noise Important Areas (NIA) within the length of the scheme. These will be addressed. We will use low noise surfaces across all three traffic lanes. Additionally, following the completion of a feasibility exercise as part of the preliminary design stage, five new acoustic fence barriers will be installed to help further limit noise in three of the NIA locations. These acoustic barriers can offer quantifiable benefits for customer and local stakeholders.

Enforcement is one of the ways to help ensure motorists stay within the variable speed limits. Speed enforcement cameras are installed as standard on every smart motorway, and these are operated by the Police.

Warning signs are on display to advise drivers that enforcement cameras are in place.

When variable speed limits are not being used, the overhead message screens will remain blank. The national speed limit then applies.

The cameras are operational 24/7 and will enforce the national speed limit if no lower speed limit is shown. The relevant local police service oversees all speed limit enforcement.

3.4. Question 3: Any other comments

Q3. Are there any additional comments you would like to make about the proposal to introduce variable mandatory speed limits on the A1(M) between junction 6 and 8?

Consultee	Yes	No	Not answered
Members of the public	39	42	3

Police	1	1	0
Small to medium enterprise	3	1	1
Local Government	3	0	0
Anonymous (Not answered)	2	1	1
Interest Group	1	0	0
TOTAL	**49**	**45**	**5**

Of the ninety-nine responses, 49% provided additional comments on the proposal to introduce variable mandatory speed limits on the A1(M) between junction 6 and 8.

Key themes identified

- Education required locally
- Police enforcement
- Speed limit changing, but road ahead is clear.

Highways England Response

Education on driving on smart motorways is needed

We recognise that motorists want more information on smart motorways and how to drive on them.

This includes awareness of the message signs, compliance with the speed limits and Red X signs, what to do in a breakdown, and the importance of good vehicle maintenance to avoid preventable breakdowns (https://www.gov.uk/guidance/how-to-drive-on-a-smart-motorway).

We are looking at how we can help provide additional advice and guidance to motorists. We have already run a number of information campaigns.

For example, Highways England has been working hard to help drivers understand how to drive on a smart motorway, particularly the importance of obeying the red X lane closures, through information campaigns run during 2016, 2017, 2018 and 2019.

We have been working with the National Driver Offender Retraining Scheme (NDORS) to bolster existing driver education training with more smart motorway education content.

Since 2016, the police have issued more than 190,000 warning letters to drivers who have either illegally used the hard shoulder or to those who have failed to comply with a red X symbol when one is displayed.

Mandatory speed limits within red circles and red X signs have been in the Highways Code for many decades and all drivers should be aware of them. The Highway Code

rule 258 relating to red X signals was updated in 2019. It is now illegal to ignore a red X signal and the Police could issue drivers with a £100 fine and 3 points if they are observed driving in a lane closed by a red X.

We also spoke to the local community in February 2020 at three locations around the A1(M) junctions 6 to 8. This was to educate and explain what smart motorways are, including variable mandatory speed limits.

The project team will continue to educate the public and will be holding Public Information Exhibitions in the winter of 2020 or beginning of 2021.

We also have a vehicle check campaign, and we encourage motorists to ensure that their vehicles are safe to drive and have enough fuel for their journey before heading out.

Police enforcement

Enforcement is one of the ways to help ensure motorists stay within the variable speed limits. Speed enforcement cameras are installed as standard on every smart motorway, and these are operated by the Police.

Warning signs are on display to advise drivers that enforcement cameras are in place.

When variable speed limits are not being used, the overhead message screens will remain blank. The national speed limit then applies.

The cameras are operational 24/7 and will enforce the national speed limit if no lower speed limit is shown. The relevant local police service oversees all speed limit enforcement.

Variable Mandatory Speed limit is reduced, but road ahead is clear

Speed limits on smart motorways are usually set automatically in real time by a system known as MIDAS (Motorway Incident Detection and Automated Signalling), which detects when congestion is starting to build up.

The aim is to smooth and maximise the flow of traffic. The system is tuned to the traffic patterns on each individual stretch of road, and times the reduced speed limits to prevent or reduce congestion. We also monitor each smart motorway after construction to ensure that it is operating as intended.

One common cause of traffic jams is when drivers travel slightly faster than the ideal speed for the traffic conditions, catch up with vehicles ahead of them and then brake, causing those behind them to brake slightly harder, until eventually vehicles further back come to a complete stop. These are known as ‘shockwave’ or ‘phantom’ traffic jams; they are caused by driving behaviour rather than by any hazard or obstacle that requires the traffic to stop.

Variable speed limits provide an extra element of control in this situation; at a slightly lower speed, the traffic often flows more smoothly, giving minor congestion a chance

to disperse before a traffic jam can form, and helping to prevent ‘stop-start’ driving at busy times.

The system responds to traffic conditions ahead that may not always be visible to motorists. Variable speed limits will often be triggered when congestion is starting to build up ahead, or when the volume of traffic has reached a point where this is about to happen. If the problem is successfully cleared, drivers may not see what caused the speed restriction, although where possible we use the electronic signing to explain why variable speed limits are being used. The system is designed to ensure that any restrictions are lifted as soon as they are no longer needed, but not too early that the congestion will start building up again.

3.5. Other issues raised

Highways England responded to all the written feedback we received about the consultation.

Some of the feedback we received did not directly relate to the consultation theme.

Below are some of the other common queries we received, with our replies.

Won’t the smart motorway impact on the local roads?

The project will relieve congestion by converting the existing 2-lane motorway to a 3-lane smart motorway. The increased road capacity and variable speed limits will help to improve traffic flow at peak times. That will mean more reliable and shorter journey times. We expect traffic to use the smart motorway in preference to the local roads, so there should be less accidents on the local roads.

During construction we will co-ordinate overnight road closures so that drivers aren’t likely to be affected by more than one road closure on the same journey. Signed diversion routes will be installed ahead of every road closure.

What did the government Smart Motorway Safety Evidence Stocktake find?

The Smart Motorway Safety Evidence Stocktake and Action Plan was published by the Department for Transport on 12 March 2020.

Every death in any road accident is tragic, and we are determined to do all we can to make our roads as safe as possible. We will be taking forward the measures the Secretary of State for Transport has set out, and we will be improving further our information to drivers to help them be safer on all of our roads, including our smart motorway network.

4. Summary and recommendations

4.1. Summary

There has been a very high response level of replies to the initial statutory instrument consultation.

This could be because:

- Smart motorways have been in the media recently.
- The government's Smart Motorway Safety Evidence Stocktake and Action Plan had not been published at the time of the consultation

Concerns have been raised during the consultation and have been suitably considered and answered in the analysis report.

Many of the issues raised in the consultation feedback were not directly directed to the topic of implementing variable mandatory speed limits (VMSL).

4.2. Recommendations

After considering all the comments received throughout the consultation period for the statutory instrument for the implementation of variable mandatory speed limits (VMSL), it is recommended that the legislation required to implement the VMSL from junctions 6 to 8 of the A1(M) smart motorway is approved.

5. Appendices

Appendix A –

[The inclusion of appendices is optional and in most cases will not be required. It is only necessary to include an appendix if it contains relevant information that cannot be included in the main document or found in the original consultation document]