

**Smart Motorways Programme**  
**M40 / M42 Interchange Smart Motorway**  
**Statutory Instrument Consultation Document**  
**The introduction of variable mandatory speed limits**

**Jan 2020**

# Summary of the consultation

<b>Topic of this consultation</b>	The implementation of variable mandatory speed limits (VMSL) within the M40 / M42 Interchange smart motorway scheme (the Scheme) between M40/M42 interchange Smart Motorway on the approaches to the M40/M42 interchange – the M40 from junction 16 and the M42 from junction 3 to 3A, plus the introduction of all-lane running to the existing Smart Motorway section between junctions 3A and 4 on the M42.
<b>Scope of this consultation</b>	<p>We are keen to have your comments on the proposal for implementation of variable mandatory speed limits (VMSL) for the Scheme, which comprises all-lane running between M42 J3 and J4 and M40 J16. We specifically would like to hear how the proposal could affect you, your organisation or those you represent.</p> <p>It is important to note that this is not a consultation on the actual policy of using variable mandatory speed limits (VMSL). Use of this traffic management feature is already established government policy. We are therefore seeking your views on the proposal set out within this document.</p>
<b>Geographical scope</b>	The proposed smart motorway will enable proactive management of the M40 / M42 Interchange, including slip roads between M42 J3 and J4 and M40 J16.

## General Information

<b>To</b>	The consultation is aimed at any affected stakeholder groups or individuals.
<b>Body/bodies responsible for the consultation</b>	Highways England.
<b>Duration</b>	The consultation will last for a period of 4 weeks/20 working days commencing on 23/01/2020. The consultation will close on 20/02/2020. Please ensure responses arrive no later than the closing date.
<b>Enquiries</b>	<p><b>Naziya Sheikh</b>            Project Manager            Highways England            2 Colmore Square            Birmingham            B4 6BN</p> <p><a href="mailto:M40M42Interchange@highwaysengland.co.uk">M40M42Interchange@highwaysengland.co.uk</a></p>
<b>How to respond</b>	<p>Please respond to the consultation through our online survey. A link to the survey can be located at the following scheme website address:</p> <p><a href="https://highwaysengland.co.uk/projects/m40m42-interchange-smart-motorway/">https://highwaysengland.co.uk/projects/m40m42-interchange-smart-motorway/</a></p>

	<p>When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear what organisation you represent and, where applicable, how the views of members were gathered.</p>
<p><b>Additional ways to become involved</b></p>	<p>You can complete the consultation response form at Appendix B and send it to:</p> <p><b>Naziya Sheikh</b>  Project Manager  Highways England  2 Colmore Square  Birmingham  B4 6BN  <a href="mailto:M40/M42Interchange@highwaysengland.co.uk">M40/M42Interchange@highwaysengland.co.uk</a></p>
<p><b>After the consultation</b></p>	<p>All responses received from consultees within the consultation period will be considered and responded to as necessary. Following the consultation, a summary report will be made available on the Highways England website. The summary report will provide an analysis of responses received and the Highways England response.</p>
<p><b>Compliance with the Government's Consultation principles</b></p>	<p>The consultation complies with the Government's Consultation Principles.</p>
<p><b>A Getting to this stage</b></p>	<p>Highways England is currently delivering its Roads Investment Strategy on behalf of the Department for Transport by transforming key areas of the country's highways into smart motorways. This significant investment has been designed to ease congestion and improve traffic flows across the UK motorway network. The Scheme has been identified as one of the smart motorways to be delivered and will implement VMSL. The scheme connects to the M42 J3a-7 Active Traffic Management Pilot Scheme, which operates under a Dynamic Hard Shoulder (DHS) regime.</p>

# Contents

---

<b>Executive Summary</b>	<b>1</b>
<b>1. How we are conducting the consultation</b>	<b>2</b>
1.1. What is this consultation about?	2
1.2. Why do we need the variable mandatory speed limits?	2
1.3. Comments on the introduction of variable mandatory speed limits	2
1.4. Sending your consultation response	2
1.5. How we will act on your responses	3
1.6. Data Protection Statement	3
1.7. Further information	3
1.8. Government consultation principles	4
<b>2. Legislative changes</b>	<b>5</b>
2.1. Legislative changes for the implementation of variable mandatory speed limits	5
<b>3. General information on the M40 / M42 Interchange smart motorway scheme</b>	<b>6</b>
3.1. Proposed extent of the M40 / M42 Interchange scheme variable mandatory speed limits	6
3.2. Key Features	7
3.3. Enforcement	7
<b>4. Operation of the M40 / M42 Interchange smart motorway scheme</b>	<b>8</b>
4.1. Normal operation	8
4.2. Variable mandatory speed limits	9
4.3. Incident management	10
<b>5. Appendices</b>	<b>11</b>
Appendix A: Frequently asked questions	12
Appendix B: Consultation response form	15
Appendix C: List of consultees	19

# Executive Summary

---

This consultation provides an opportunity for interested parties to comment on the proposal to introduce, by way of Regulations, variable mandatory speed limits within the M40 / M42 Interchange smart motorway scheme (the Scheme).

The Scheme variable mandatory speed limits 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 (AMIs) above each lane of the carriageway.
- Post mounted AMIs (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.

## Benefits of variable mandatory speed limits

Variable speed limits:

- Signal to users what the optimum safe speed is in any given section of a smart motorway
- Help to control the speed of traffic, leading to fewer collisions. This helps to smooth the flow of traffic and improve travel times
- Facilitate the provision of extra capacity on the motorway by controlling the speed of traffic safely and helping to reduce collisions and delay
- Are one of the measures which enable the proven delivery of a high level of safety performance
- Support the successful implementation of smart motorways, which minimise the environmental impact of increasing capacity – as additional land is generally not required for the construction of smart motorways.

We welcome comments specifically on how the proposal could affect you, your organisation or those you represent.

# 1. How we are conducting the consultation

---

## 1.1. What is this consultation about?

We are consulting on the proposed implementation of variable mandatory speed limits within the M40 / M42 Interchange smart motorway scheme between M42 junction 3 and junction 4 and M40 junction 16.

## 1.2. Why do we need the variable mandatory speed limits?

The M40 and M42 motorways are strategic routes for local, regional and international traffic, and play a major role as:

- An important link for long distance traffic travelling between London and Scotland.
- An important link between Birmingham, Solihull and the Black Country.

The Scheme is part of Highways England's programme to add capacity to the existing strategic road network in order to support economic growth and maintain mobility. It is expected that the smart motorways scheme 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 (in relation to the operation of the motorway).

The use of variable mandatory speed limits is essential to achieving the objectives above. Through the introduction of technology, we aim to make best use of the existing road space.

## 1.3. Comments on the introduction of variable mandatory speed limits

We would like to encourage any organisations, businesses or individuals affected by these proposals to make contact with us and communicate their views.

If you are responding on behalf of an organisation, it would be helpful if you could make this clear in your reply. Please also indicate the nature of the organisation; how many individuals' views are included in the response and ways in which these views were gathered.

## 1.4. Sending your consultation response

You can respond to the consultation by completing our online survey. A link to the survey can be found on the scheme webpage at:

<https://highwaysengland.co.uk/projects/m40m42-interchange-smart-motorway/>

Alternatively, you can complete the consultation response form located at Appendix B and return it to us by email or by post to the following addresses. Please ensure that your response reaches us by **20/02/2020**

**Email:** [M40/M42\\_Interchange@highwaysengland.co.uk](mailto:M40/M42_Interchange@highwaysengland.co.uk)

**Post: Naziya Sheikh**  
Project Manager  
Highways England  
2 Colmore Square  
Birmingham  
B4 6BN

## 1.5. How we will act on your responses

All responses received from consultees within the consultation period will be considered and responded to as necessary. Following the consultation, a response to consultation report will be made available on the Highways England website. The report will provide an analysis of responses received and the Highways England response.

## 1.6. Data Protection Statement

Under the General Data Protection Regulation, Highways England is required to explain to consultees, stakeholders and customers how their personal data will be used and stored.

Highways England is permitted to collect personal data in carrying out our public functions, including the development of proposed road schemes. The duty to consult on introducing a Statutory Instrument to implement variable mandatory speed limits is provided by the Road Traffic Regulation Act 1984.

Personal data collected for the M40 / M42 Interchange scheme will be processed and retained by Highways England and its appointed contractors until the Scheme is complete.

Under the GDPR you have the following rights:

1. Right of access to the data (Subject Access Request);
2. Right for the rectification of errors;
3. Right to erasure of personal data – this is not an absolute right under the legislation;
4. Right to restrict processing or to object to processing, and;
5. Right to data portability.

If, at any point, Highways England plans to process the personal data we hold for a purpose other than that for which it was originally collected, we will provide you with information about what that other purpose is: for example, if we are requested to release information about consultation responses under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. Highways England will contact you prior to any further processing taking place to explain about that processing and to provide any relevant further information about the rights referred to above, including the right to object to that further processing.

## 1.7. Further information

To receive further information on the scheme you can contact the project team in writing at:

**Naziya Sheikh**  
Project Manager  
Highways England  
2 Colmore Square  
Birmingham  
B4 6BN

**Or by email:** [M40/M42 Interchange@highwaysengland.co.uk](mailto:M40/M42%20Interchange@highwaysengland.co.uk)

**Alternatively, visit the Highways England website:**

<https://highwaysengland.co.uk/projects/m40m42-interchange-smart-motorway/>

## **1.8. Government consultation principles**

We are conducting this consultation in accordance with the Government's Consultation Principles, which are listed below.

- Consultations should be clear and concise
- Consultations should have a purpose
- Consultations should be informative
- Consultations are only part of a process of engagement
- Consultations should last for a proportionate amount of time
- Consultations should be targeted
- Consultations should take account of the groups being consulted
- Consultations should be agreed before publication
- Consultation should facilitate scrutiny
- Government responses to consultations should be published in a timely fashion
- Consultation exercises should not generally be launched during local or national election periods

If you have reason to believe this consultation document does 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 does not meet the principles:

**Andy Johnson**  
Highways England  
The Cube  
199 Wharfside Street  
Birmingham  
B1 1RN

**Email:** [andy.johnson@highwaysengland.co.uk](mailto:andy.johnson@highwaysengland.co.uk)

Further information about the Consultation Principles can be found on the GOV.UK website:

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



## 2. Legislative changes

---

### 2.1. Legislative changes for the implementation of variable mandatory speed limits

Subject to the outcome of the consultation, Regulations will need to be made under section 17(2) and (3) of the Road Traffic Regulation Act 1984 ('the 1984 Act') for the implementation of variable mandatory speed limits within the M40 / M42 Interchange smart motorway scheme (the Scheme) between M40/M42 interchange Smart Motorway on the approaches to the M40/M42 interchange – the M40 from junction 16 and the M42 from junction 3 to 3A, plus the introduction of all-lane running to the existing Smart Motorway section between junctions 3A and 4 on the M42.

Drivers will be restricted by the proposed Regulations from driving within the area of the smart motorway scheme at a speed exceeding that displayed on the speed limit signs. Where no such speed is displayed, the national speed limit applies.

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.

Drivers of vehicles that pass a speed limit sign indicating that a speed limit other than the national speed limit applies, should obey that sign until the vehicle passes another sign indicating either that a new speed limit or the national speed limit applies.

Where a speed limit changes less than ten seconds before a vehicle passes the sign, the Regulations allow a driver to proceed at a speed up to the maximum applicable before the change, and to continue to do so until the driver leaves the specified road, the national speed limit applies or until the next speed limit sign.

The intention behind this 'ten second' rule is to protect the driver from being prosecuted if, on the approach to a speed limit sign, it changes to a lower speed.

For example, should a driver approach a speed limit sign and it changes from 60 mph to 50 mph and he/she is within ten seconds of passing that sign then the driver can legally continue beyond that sign at 60 mph until a subsequent speed limit applies or until he/she leaves the specified road. If there was no ten second rule, the issue of safety arises, as the driver would be required to brake sharply in order to comply with the new lower speed limit.

Subject to the outcome of the consultation, the proposed Regulations when made will apply in relation to the M40 / M42 Interchange, including slip roads between M42 junctions 3 and 4 and M40 junction 16. The proposed Regulations will not apply nationally. The specific sections of road governed by the Regulations will be set out in the Regulations. These Regulations would put in place the legislative framework required to operate variable mandatory speed limits within the Scheme.

The consultation is solely about the use of the variable mandatory speed limits that are proposed for this smart motorway scheme. The key features of the smart motorway scheme are described in section 3.2.

### 3. General information on the M40 / M42 Interchange smart motorway scheme

#### 3.1. Proposed extent of the M40 / M42 Interchange scheme variable mandatory speed limits

The Scheme will comprise of all-lane running between M42 junctions 3 and 4 and M40 junction 16, including associated slip roads. The M40/M42 Interchange is a key location on the London to Scotland corridor. It connects the South-East with Birmingham, Manchester, the North-West and the West of Scotland. The interchange also connects Yorkshire and the East Midlands with the South-West of England. The interchange forms the South-East quadrant of the Birmingham Box motorway and as such is hugely significant for local commuter journeys.

The M40/M42 section is 11.9km in overall length and runs east-west between M42 Junction 3 Portway with the A435, through Junction 3A with the M40, to the M40 Junction 16 with the A3400. The M42 continues northwards from Junction 3A to Junction 4 with the A34 and A3400; this section connects to the M42 J3a-7 Active Traffic Management Pilot scheme which operates under a Dynamic Hard Shoulder (DHS) regime. The M42 between Junction 3 and 3A and on the M40 between 3A and Junction 16 is currently Controlled Motorway D3M.

A map showing the Scheme extent is shown in **Figure 3a**. The precise configuration of the extent of the roads that are included within the scheme may be subject to variation.

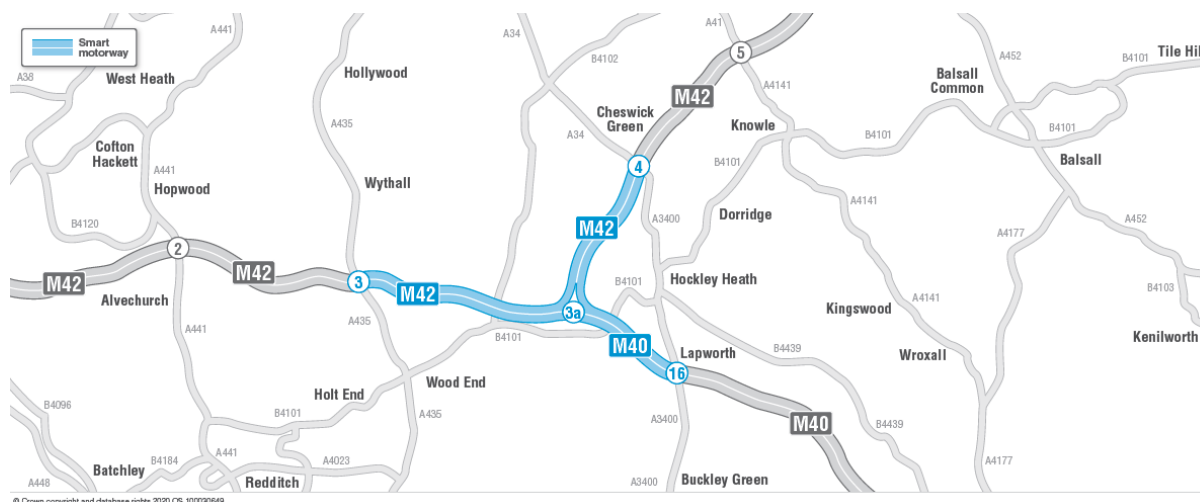


Figure 3a - Indicative map of the scheme

#### Benefits of a smart motorway scheme in this area

Smart motorways are a technology driven approach to tackling the most congested parts of the motorway network, improving journey reliability by controlling the flow and speed of traffic. Smart motorways also support the economy by providing much needed capacity on the busiest motorways, while maintaining safety for road users and those who work on the roads.

In particular, the scheme will support businesses within the area including Birmingham Business Park. It will also mitigate increased demand on these junctions from a number of

major new developments in Birmingham, Solihull and the Black Country and the proposed HS2 Birmingham Interchange Station.

Evaluation of the existing smart motorways schemes, including the M42 Active Traffic Management project, demonstrated that smart motorways are able to deliver clear benefits by providing much needed additional capacity, without compromising overall safety on our motorways, which are amongst the safest roads in the world.

The Scheme will:

- Reduce congestion and smooth the flow of traffic to improve travel times, making journeys more reliable.
- Support the economy and facilitate economic growth within the region. Providing much needed capacity on the motorway will reduce the cost of economic delay to both commuters and business traffic.
- Continue to deliver a high level of safety performance on the network using smart motorway techniques.
- Minimise environmental impacts.

## 3.2. Key Features

The Scheme will involve the conversion of the hard shoulder from M42 J3 to M42 J3a and M42 J3a to M40 J16 to provide four running lanes in both directions, the section within M42 J3a Interchange will remain unchanged. Additionally, the hard shoulders along the east to north and south to west links between M42 J3a and M42 J4 will also be converted to provide three running lanes in each direction. The Scheme will utilise the technology and safety features detailed below to provide all-lane running with variable mandatory speed limits, the design features of the Scheme include:

- The permanent conversion of the hard shoulder to a running lane.
- Variable mandatory speed limits with an associated enforcement/compliance system.
- Driver information, including lane availability
- Queue detection and automatic signalling system, which provides queue protection and congestion management.
- Comprehensive low light pan-tilt-zoom (PTZ) CCTV coverage.
- Places of relative safety are provided at maximum intervals of 1600m or one mile apart. A place of relative safety is defined as a place (or facility) where drivers can stop in an emergency and may include a motorway service area, a hard shoulder on an exit slip/link road or a bespoke facility, such as an emergency area marked with SOS signage.
- Emergency Roadside Telephones (ERT) provided within emergency areas and in locations where the hard shoulder is retained such as within the M42 J3a Interchange.

## 3.3. Enforcement

Obtaining an acceptable level of compliance with the variable mandatory speed limits (displayed on overhead gantries, cantilever mounted variable message signs and on post mounted advanced motorway indicators (where provided)) is key to the successful and safe

operation of the Scheme. No new offences or sanctions will be introduced as a result of the proposed changes to legislation.

Enforcement of variable mandatory speed limits is planned to be carried out using a combination of gantry-mounted and cantilever mounted speed enforcement equipment, and traditional enforcement by the police.

## 4. Operation of the M40 / M42 Interchange smart motorway scheme

---

To signify that the speed limit is mandatory and enforceable, the speed shown will have a red circle around it, as is the case with all other mandatory speed limit signs. The operational regimes to be implemented within the M40 / M42 Interchange smart motorway scheme are:

- Normal operation (no advanced motorway indicators or variable message signs on).
- Variable mandatory speed limits.
- Incident management.

An overview of these operational regimes is provided in Sections 4.1, 4.2 and 4.3.

### 4.1. Normal operation

During normal motorway operation the advanced motorway indicators (AMI) and variable message signs (VMS) will remain blank in respect of speed limits and the motorway will operate as shown in Figures 4a and 4b below. When there are no speed limits being displayed the national speed limit will apply.



**Figure 4a:** Illustrative smart motorway all-lane running scheme section operating in normal motorway conditions with blank advanced motorway indicators and blank gantry mounted variable message sign



**Figure 4b:** Illustrative smart motorway all-lane running scheme section operating in normal motorway conditions with a blank cantilever mounted variable message sign

## 4.2. Variable mandatory speed limits

When variable mandatory speed limits are operational, clear instructions will be given to drivers via speed limit signs. These will be displayed on post mounted advanced motorway indicator signals (where provided), via speed limit signs displayed on the advanced motorway indicator signals or variable message signs above the main carriageway. This is illustrated in Figures 4c and 4d below. The speed limit displayed will take account of prevailing traffic conditions through detectors which are deployed throughout the scheme. The variable message signs located on gantries will provide further information for drivers.



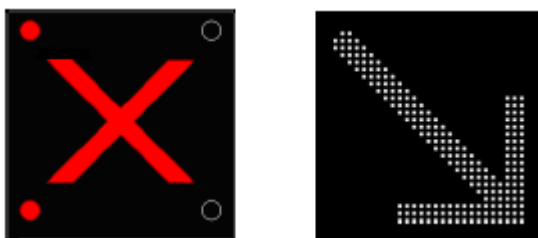
**Figure 4c:** Illustrative smart motorway all-lane running scheme section operating with variable mandatory speed limits



**Figure 4d:** Illustrative smart motorway all-lane running scheme section operating with variable mandatory speed limits and information for road users

### 4.3. Incident management

During incident management, the advanced motorway indicators and variable message signs can be set to protect the scene of an incident and assist the access of emergency services and other core responders. On the advanced motorway indicators, speed limits and lane availability will be indicated through the use of variable mandatory speed limits and lane divert arrow signals (with flashing amber lanterns) and red 'X' signals (with flashing red lanterns) as shown in Figure 4e below.



**Figure 4e:** Red X (do not enter, or proceed in, the traffic lane) aspect with flashing red lanterns and a lane divert signal shown on an advanced motorway indicator over any lane

Appropriate supporting information will be displayed on the variable message signs to further encourage compliant driver behaviour. Modifications to the signal control software will enable a single variable message sign to display three simultaneous elements: in addition to the speed restriction, (as enabled through the Regulations), and supporting text legend, the sign will also be able to display either a warning pictogram (typically a 'red triangle') or lane closure 'wicket' aspect, as indicated in Figures 4f and 4g.



*Figure 4f: Variable message sign displaying queue caution information with a reduced mandatory speed limit*



*Figure 4g: Variable message sign with flashing red lanterns warning of a closed lane*

## 5. Appendices

---

**Appendix A – Frequently asked questions**

**Appendix B – Consultation response form**

**Appendix C – List of consultees**

## Appendix A: Frequently asked questions

### Q. What is meant by smart motorway?

A. A smart motorway is an upgraded section of motorway where the hard shoulder can be used for traffic, either on a permanent basis or in response to traffic conditions. Smart motorways have technology installed to monitor and manage traffic flow. As well as providing additional capacity from the extra lane, smart motorways use technology to manage traffic through variable mandatory speed limits which smooth traffic flow, reducing frustrating stop-start flow, and improving journey reliability. The technology is also used to support the response to incidents, using the signs and signals to close any lane(s) in advance of the incident scene and to assist emergency services in accessing the incident.

Different types of smart motorway include:

**Controlled motorway:** Controlled motorways have three or more lanes with variable speed limits. On these sections the hard shoulder should only be used in a genuine emergency.

**Dynamic Hard Shoulder (DHS) running:** The hard shoulder will be opened at busy times and the speed limit will be reduced. The hard shoulder must not be used unless overhead signs show that road users are permitted to do so.

**All-lane running:** On these sections of motorway, there is no hard shoulder and road users are required to obey variable speed limits and must not stop on the motorway. In the event of an emergency road users are required to use an emergency area, motorway service area or leave at the next junction.

Smart motorways are managed by regional control centres. They use CCTV so that Highways England traffic officers can be deployed to incidents if they occur and help to keep traffic moving.

### Q. What is happening?

A. We will be constructing an all-lane running smart motorway scheme improving the M40 / M42 Interchange. This will affect the M40 and M42 motorways between M42 J3 and J4 and M40 J16. This smart motorway project involves converting the existing hard shoulder into a traffic lane providing four lanes for traffic. We will also be constructing places of relative safety along the route in place of the hard shoulder for emergency use.

### Q. Why is Highways England consulting?

A. This consultation will provide an opportunity for interested parties and individuals to comment on the legislative changes required to allow for the implementation of variable mandatory speed limits within a smart motorways scheme on the M40 / M42 Interchange between M42 J3 and J4 and M40 J16.

### Q. Who can respond to this?

A. This consultation is available for anyone to respond to, including organisations that would be affected by the implementation of variable mandatory speed limits. The consultation is aimed at any affected stakeholder groups.



**Q. Is the introduction of variable mandatory speed limits likely to be effective?**

**A.** The introduction of variable mandatory speed limits on sections of the M6 and M42 around Birmingham have shown a reduction in congestion and collisions and improved traffic flows resulting in more reliable journey times.

Evidence indicates that, since opening, across nine All Lane Running schemes the casualty rate has reduced by more than 25 per cent.

The figure is based on three years data from two smart motorway schemes on the M25 and one year of data from seven other schemes across the country.

**Q. Why have a variable speed limit? Why not have a fixed speed limit?**

**A.** By varying the mandatory speed limit, Highways England can manage the flow of traffic more effectively. The speed limits displayed on the motorway will take account of prevailing traffic conditions with the aim of ensuring the smooth flow of traffic. Variable speed limits are a key feature of smart motorway schemes, modernising the operation of our motorways and finding the best solution for different parts of the network.

**Q. How does it work?**

**A.** The variable mandatory speed limits and messages shown on the variable message signs are automatically displayed in response to the level of congestion or traffic queues. Sensors in the road surface detect the speed, volume and flow of traffic which then calculate the optimum speed to keep traffic moving, reducing the level of stop-start traffic which leads to congestion. Drivers see the current speed limit displayed on electronic signals on the overhead gantries and variable message signs located above the nearside of the carriageway. The speed limits can also be set by control room operators if required.

**Q. When are the variable speed limits likely to become mandatory?**

**A.** Subject to the outcome of the consultation, we are hoping to implement the variable mandatory speed limits within the M40 / M42 Interchange between M42 J3 and J4 and M40 J16 by the delivery plan committed open for traffic date.

**Q. What is the point of the consultation?**

**A.** Highways England is committed to effective consultation and complies with the Government's Consultation Principles. Effective consultation with affected stakeholders brings to light valuable information which we are able to use to design effective solutions and mitigate any concerns.

Following the consultation period, responses will be issued where appropriate and a summary report compiled which will provide an analysis of the responses and provide justification for the decision whether or not to proceed or to modify the proposals.

**Q. Are variable mandatory speed limits linked to enforcement cameras?**

**A.** Yes, and as the variable mandatory speed limits change, the enforcement cameras will be automatically adjusted to suit the currently signalled limits.

**Q. How are you going to enforce the speed limits?**

**A.** The speed limits are enforced by the police.

**Q. What happens if I travel past a signal/speed limit when it changes?**

**A.** Where a speed limit changes less than ten seconds before a vehicle passes the sign, the Regulations allow a driver to proceed at a speed up to the maximum applicable before the change, and to continue to do so until the driver leaves the specified road, the national speed limit applies or until the next speed limit sign.

For example, should a driver approach a speed limit sign and it changes from 60 mph to 50 mph and he/she is within ten seconds of passing that sign then the driver can legally continue beyond that sign at 60 mph until a subsequent speed limit applies or until he/she leaves the specified road.

## Appendix B: Consultation response form

### M40 / M42 Interchange smart motorway scheme

You can provide your views by completing our online survey. A link to the survey can be found on the scheme webpage at:

<https://highwaysengland.co.uk/projects/m40m42-interchange-smart-motorway/>

If you would prefer to submit your response in writing, please complete the below response form and return to us by post or by email to the addresses below. Please ensure your response reaches us by **20/02/2020**

**Naziya Sheikh**  
Project Manager  
Highways England  
2 Colmore Square  
Birmingham  
B4 6BN

**Or by email:** M40M42Interchange@highwaysengland.co.uk

### Part 1: Information about you

Completion of this section is optional but helps with our analysis of results. A note at the end of this form explains that we may be obliged to release this information if asked to do so.

<b>Name</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Email</b>	
<b>Company Name or Organisation (if applicable)</b>	

**Please tick one box from the list below that best describes you/your company or organisation.**

<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Trade Union
<input type="checkbox"/>	Interest Group
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Other (please describe):

**If you are responding on behalf of an organisation or interest group, how many members do you have and how did you obtain the views of your members:**

--

**If you would like your response or personal details to be treated confidentially please explain why:**

--

## Part 2: Your Comments

<b>Q1. Do you consider that the proposal to introduce variable mandatory speed limits within the M40 / M42 Interchange between M42 J3 and J4 and M40 J16 will lead to an improvement in travelling conditions on this section of motorway (please tick yes or no in the boxes provided)?</b>	<b>Yes</b>	
	<b>No</b>	
<b>Please provide any comments below.</b>		

<b>Q2. Are there any aspects of the proposal to introduce variable mandatory speed limits within the M40 / M42 Interchange between M42 J3 and J4 and M40 J16 which give you concerns?</b>	<b>Yes</b>	
	<b>No</b>	
<b>Please provide any comments below.</b>		

<b>Q3. Are there any additional comments you would like to make about the proposal to introduce variable mandatory speed limits within the M40 / M42 Interchange between M42 J3 and J4 and M40 J16?</b>	<b>Yes</b>	
	<b>No</b>	
<b>Please provide any comments below.</b>		

### **Data Protection Statement**

Under the General Data Protection Regulation Highways England is required to explain to consultees, stakeholders and customers how their personal data will be used and stored.

Highways England is permitted to collect personal data in carrying out our public functions, including the development of proposed road schemes. The duty to consult on introducing a Statutory Instrument to implement variable mandatory speed limits is provided by the Road Traffic Regulation Act 1984.

Personal data collected for the M40 / M42 Interchange scheme will be processed and retained by Highways England and its appointed contractors until the Scheme is complete.

Under the GDPR you have the following rights:

1. Right of access to the data (Subject Access Request);
2. Right for the rectification of errors;
3. Right to erasure of personal data – this is not an absolute right under the legislation;
4. Right to restrict processing or to object to processing, and;
5. Right to data portability.

If, at any point, Highways England plans to process the personal data we hold for a purpose other than that for which it was originally collected, we will provide you with information about what that other purpose is: for example, if we are requested to release information about consultation responses under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. Highways England will contact you prior to any further processing taking place to explain about that processing and to provide any relevant further information about the rights referred to above, including the right to object to that further processing.

You have the right to lodge a complaint with the supervisory authority, the Information Commissioner's Office.

If you'd like more information about how we manage data, or a copy of our privacy notice, please contact [DataProtectionAdvice@highwaysengland.co.uk](mailto:DataProtectionAdvice@highwaysengland.co.uk).

## Appendix C: List of consultees

Government / Local Government bodies	
The Rt Hon Sajid Javid MP House of Commons London SW1A 0AA	The Rt Hon Jeremy Wright QC MP House of Commons London SW1A 0AA
The Rt Hon Saqib Bhatti House of Commons London SW1A 0AA	Julian Knight MP House of Commons London SW1A 0AA
Nadhim Zahawi MP House of Commons London SW1A 0AA	Matt Western MP House of Commons London SW1A 0AA
West Midlands Police and Crime Commissioner Lloyd House Colmore Circus Queensway Birmingham B4 6NQ	Chief Executive Birmingham City Council Council House Victoria Square Birmingham B1 1BB
Chief Executive Bromsgrove District Council Parkside Market Street Bromsgrove Worcestershire B61 8DA	Chief Executive Coventry and Warwickshire LEP The Old Clink The Holloway Warwick CV34 4SJ
Chief Executive Greater Birmingham and Solihull LEP Baskerville House Centenary Square Broad Street Birmingham B1 2ND	Chief Executive North Warwickshire Borough Council Council House South Street Atherstone Warwickshire CV9 1DE
Chief Executive Solihull Council Council House Manor Square Solihull West Midlands B91 3QB	Chief Executive Stratford-on-Avon District Council Elizabeth House Church Street Stratford-upon-Avon Warwickshire CV37 6HX
Chief Executive Warwick District Council Riverside House Milverton Hill Leamington Spa CV32 5HZ	Chief Executive Warwickshire County Council Shire Hall Warwick CV34 4RL
Managing Director Transport for West Midlands 16 Summer Lane Birmingham West Midlands B19 3SD	Chief Executive Worcestershire County Council County Hall Spetchley Road Worcester WR5 2NP

### Emergency services

<p>Chief Constable Warwickshire Police Hindlip Hall PO Box 55 Worcester WR3 8SP</p>	<p>Chief Constable West Mercia Police West Mercia Police Headquarters Hindlip Hall PO Box 55 Worcester WR3 8SP</p>
<p>Chief Constable West Midlands Police Police Headquarters Lloyd House Colmore Circus Birmingham B4 6NQ</p>	<p>Chief Fire Officer West Midlands Fire and Rescue Service West Midlands Fire Service Headquarters 99 Vauxhall Road Birmingham B7 4HW</p>
<p>Chief Fire Officer Hereford and Worcester Fire and Rescue Service Hereford &amp; Worcester Fire and Rescue Service Headquarters 2 Kings Court Charles Hastings Way Worcester WR5 1JR</p>	<p>Chief Executive West Midlands Ambulance Service Trust Headquarters Millennium Point Waterfront Business Park Waterfront Way Brierley Hill West Midlands DY5 1LX</p>

### Environmental advisory bodies

<p>Natural England 4th Floor, Foss House Kings Pool 1-2 Peasholme Green York YO1 7PX</p>	<p>Historic England 4th Floor Cannon Bridge House 25 Dowgate Hill London EC4R 2YA</p>
<p>Environment Agency Horizon House Deanery Road Bristol BS1 5AH</p>	<p>Campaign to Protect Rural England 5-11 Lavington Street London SE1 0NZ</p>

### Road and transport organisations

<p>DVSA Berkeley House Croydon Street Bristol BS5 0DA</p>	<p>Chairman RAC Foundation 89-91 Pall Mall London SW1Y 5HS</p>
<p>The AA Fanum House Basing View Basingstoke Hampshire RG21 4EA</p>	<p>The RAC RAC House Brockhurst Crescent Walsall WS5 4AW</p>
<p>The Institute of Vehicle Recovery Unit 11, Brook Business Centre Cowley Mill Road Uxbridge UB8 2FX</p>	<p>Green Flag The Wharf Neville Street Leeds LS1 4AZ</p>



Road Haulage Association Roadway House Bretton Way Bretton Peterborough PE3 8DD	Freight Transport Association Hermes House St John's Road Tunbridge Wells Kent TN4 9UZ
The Alliance of British Drivers PO Box 1043 Stockton-on-Tees TS19 1XG	British Motorcyclists Federation 3 Oswin Road Brailsford Industrial Estate Braunstone Leicester LE3 1HR

<b>Business organisations</b>	
Prologis Park Midpoint Park Manager Minworth Sutton Coldfield B76 9BL	Chief Executive Birmingham International Airport Diamond House Birmingham Airport Birmingham B26 3QJ
Operations Manager Genting Arena (NEC) Perimeter Rd Marston Green Birmingham B40 1NT	Birmingham Business Park Solihull Parkway Birmingham B37 7YN
Jaguar Land Rover Abbey Road Whitley Coventry CV3 4LF	HS2 Two Snowhill Queensway Birmingham B4 6GA
Urban Growth Company Room DH228, Second Floor, Diamond House, Birmingham Airport, Birmingham, B26 3QJ	Solihull Station Station approach Solihull West Midlands B91 1LE
Sprint Customer Services 16 Summer Lane Birmingham B19 3SD	West Midlands Combined Authority 16 Summer Lane, Birmingham B19 3SD
Transport for West Midlands 16 Summer Lane Birmingham B19 3SD	