

SUMMARY OF THE PROVISIONS TO BE INCLUDED IN THE M90/A90 TRUNK ROAD (ADMIRALTY INTERCHANGE TO SCOTSTOUN) (VARIABLE SPEED LIMITS AND ACTIVELY MANAGED HARD SHOULDER) REGULATIONS 2016

BACKGROUND TO THE REGULATIONS

The proposed M90/A90 Trunk Road (Admiralty Interchange to Scotstoun) (Variable Speed Limits and Actively Managed Hard Shoulder) Regulations 2016 will regulate the use of that part of the M90 and A90 Trunk Roads which are being constructed and improved as part of the Forth Replacement Crossing project.

Construction of the Forth Replacement Crossing project was authorised with the Bill for the Forth Crossing Act 2011 being passed by the Scottish Parliament on 15th December 2010 and subsequently receiving Royal Assent on 20th January 2011. Consultation on the project was previously undertaken in 2009 as part of the consultations required for the Bill. The Policy Memorandum, which was produced for the Bill, advised that the project would include an Intelligent Transport System (ITS) and that the powers to operate the ITS would be pursued by means of existing legislation. Paragraphs 17 and 23 of the Policy Memorandum which was produced for the Bill are of particular relevance to the 2016 Regulations and are reproduced below for ease of reference.

17. To enable the proposed scheme to operate effectively, orders, such as traffic regulation orders in respect of the operation of the Intelligent Transport Systems and public transport links, will be required. These orders will be pursued by means of existing legislation.

23. In preference to increasing the extent of road construction and refurbishment, Intelligent Transport System (ITS) technology will be deployed along the route from the M90 Halbeath Junction over the crossing to the M9. This will improve traffic flow, reduce congestion and improve road safety. ITS can operate on roads under existing legislation through the application of traffic orders made by the Scottish Ministers and therefore the Bill only seeks to acquire the land and undertake the works necessary to provide the physical apparatus for the system. To facilitate the operation of ITS and provide for a single authority to maintain control over the full extent of road linking the M9 to the M90 the Bill provides for the transfer of local authority roads to the Scottish Ministers.

The 2016 Regulations will be the third and final of a series of regulations to be put in place to give Ministers the powers to operate the ITS and are to be put in place using existing powers in the Road Traffic Regulation Act 1984. The regulations are planned to come in to force for the completion of the Queensferry Crossing and the approach roads to the north and south of the Firth of Forth.

Parts of the project have previously been completed, including the Fife ITS Contract to the north of Admiralty Interchange and the M9 Junction 1a Contract on the M9 (formerly M9 Spur) and M9 between Winchburgh and Newbridge Roundabout. In line with this, the Scottish Ministers previously made regulations in May and

December 2012 to support implementation of mandatory variable speed limits and an actively managed hard shoulder which is permitted to be used by certain buses and other permitted vehicles on parts of the M90 and M9 as follows:

- M90 between Halbeath Junction and Admiralty Interchange;
- M90 (formerly M9 Spur) between Scotstoun Junction at the A90 and M9 Junction 1a; and
- M9 between Winchburgh and Newbridge.

Consultation was undertaken on the 2012 regulations from January to April 2012 and from August to November 2012. Reports are available for those consultations and are available on Transport Scotland's website at:

- http://www.transport.gov.scot/sites/default/files/documents/rrd_reports/uploaded_reports/j213254/Final_Consultation_report_-150512.pdf; and
- http://www.transport.gov.scot/system/files/documents/consultations/M9_Consultation_Report_pdf_-_Adobe_Acrobat_Standard.pdf

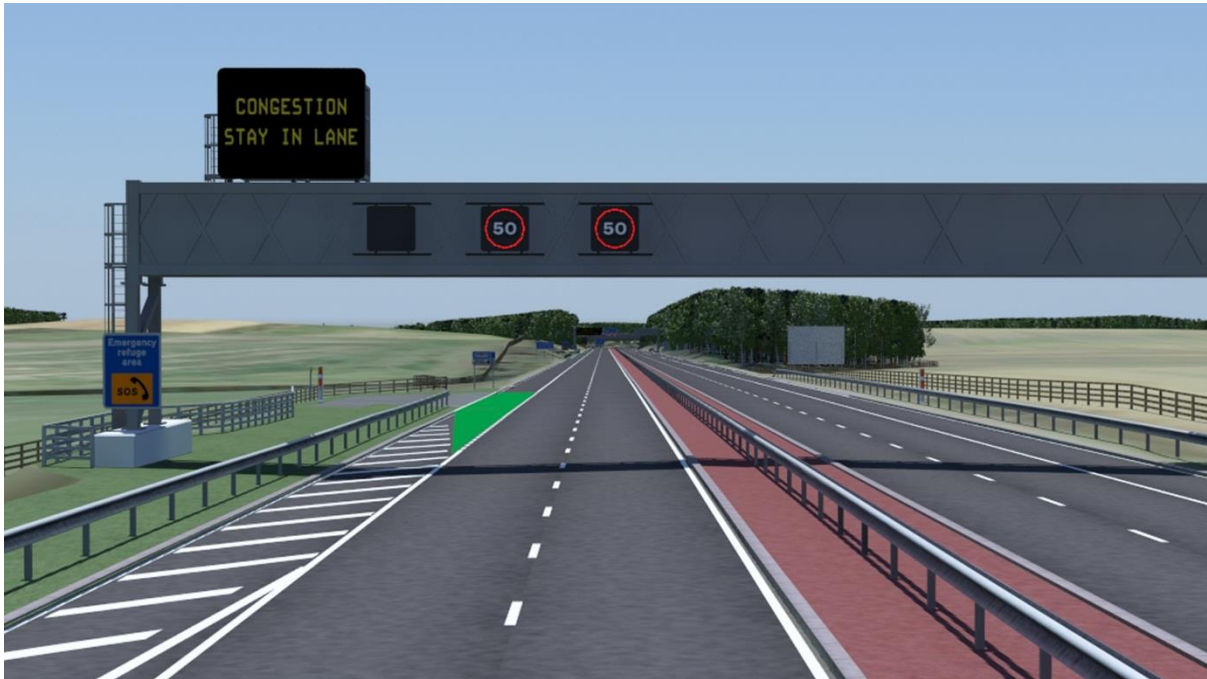
To complete the ITS system for the Forth Replacement Crossing Project, the 2016 regulations will be made. It is anticipated that the regulations will be made in August 2016 to allow them to be laid before the Scottish Parliament and come in to force before the opening of the Queensferry Crossing.

PROVISIONS TO BE INCLUDED IN THE REGULATIONS

Variable Speed Limits

Variable speed limits keep traffic moving by controlling the flow of vehicles when a road is congested. As traffic levels increase, lower speed limits reduce the build-up of traffic and resulting negative effects on traffic flow. It is therefore intended that the regulations will make provision for mandatory variable speed limits which will be indicated by means of signing above the road provided on gantries and signing in the verge. This will be the same system that currently operates on the M90 from Halbeath Junction to Admiralty Interchange and from Scotstoun Junction to M9 Junction 1a (formerly the M9 Spur) and also on the M9 between Winchburgh and Newbridge Roundabout. An example of gantry signing is shown in Figure 1.

Figure 1 – Example of gantry mounted variable speed limit signing



The mandatory variable speed limits will apply over the following sections of road:

- both carriageways of the M90 between Admiralty Interchange and the new Queensferry Junction to the south of the Queensferry Crossing, including on the Queensferry Crossing; and
- both carriageways of the A90 between the new Queensferry Junction to the south of the Queensferry Crossing and Dalmeny.

The traffic flow and speed on the M90 and A90 will be monitored by detectors in the road and the resulting data will be transmitted to the Traffic Scotland Control Centre to allow the speed limits to be changed if necessary to reflect traffic conditions. CCTV cameras will also be located at each gantry to allow the operation of the road to be monitored by control centre personnel and to support the operation of the mandatory variable speed limits.

Failure to comply with mandatory variable speed limits will be an offence as these regulations are to be made under section 17 of the Road Traffic Regulation Act 1984, subsection (4) of which makes it an offence to fail to comply with regulations made under that section.

It is possible that a lower speed limit may be set when vehicles are at or close to a gantry and that those vehicles may not be able to reduce their speed sufficiently to comply with the lower speed limit when passing the gantry. This issue was identified by the Department for Transport when they put similar regulations in place in England and they addressed this in their regulations by not applying the lower speed limit to a vehicle if that vehicle passed below the relevant gantry within ten seconds of the lower speed limit being applied. As was the case for the regulations the Scottish Ministers made in 2012, it is proposed to take the same approach to this issue in the 2016 Regulations.

Use of Actively Managed Hard Shoulder

The Forth Road Bridge will become a public transport corridor and all buses will be permitted to use it. However, during periods of high winds, if the Forth Road Bridge is closed to high sided vehicles certain buses will be permitted to use the hard shoulders on the northbound and southbound M90 on the Queensferry Crossing. This was explained in paragraph 19 of the Policy Memorandum prepared for the Forth Crossing Bill as follows:

19. The new bridge will be a cable-stayed structure with three single column towers, windshielding and a single deck carrying a motorway of two general lanes and hard shoulders in each direction. Windshielding on the new bridge will protect the crossing from the effects of wind and provide a more reliable corridor for wind susceptible vehicles. The hard shoulders on the new bridge will ensure that breakdowns, incidents and any maintenance works do not cause the congestion which is currently experienced on the Forth Road Bridge, which has no hard shoulder. They also provide the flexibility to carry public transport should it be required in the future, carry traffic during maintenance activities and carry buses relocated from the Forth Road Bridge during the periods of high winds.

Whilst the actively managed hard shoulder currently in place on the M90 from Halbeath Junction to Admiralty Interchange, from Scotstoun Junction at the A90 to M9 Junction 1a and on the M9 between Winchburgh and Newbridge Roundabout operates as a full time, permanent bus lane, the hard shoulder on the Queensferry Crossing and the slip road approaches will only operate as a bus lane if the Forth Road Bridge is closed to high sided vehicles.

The vehicles to be permitted to use the hard shoulders on the Queensferry Crossing in these circumstances will be the same as currently permitted to use the hard shoulders on the M90 and M9 – buses that can carry more than 23 seated passengers. Whilst this is different to the vehicles that will be permitted to use the Forth Road Bridge when it is a public transport corridor, it is considered appropriate for the following reasons:

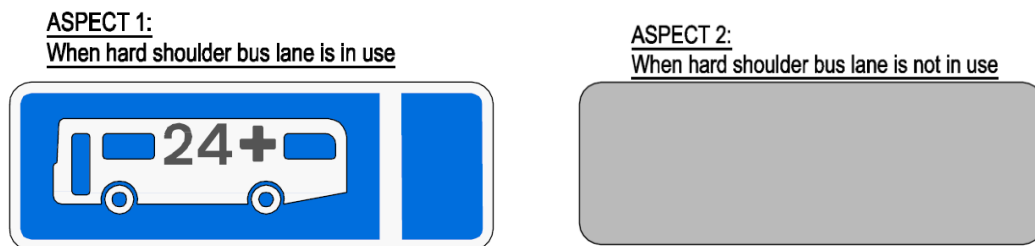
- This will cater for the majority of public transport buses, consistent with the aims of the Forth Replacement Crossing managed crossing strategy;
- Drivers of other vehicles such as private hire vehicles, taxis and other public service vehicles which cannot carry more than 23 seated passengers are less likely to have had safety training put in place as part of the project for driving on an actively managed hard shoulder;
- Vehicles that cannot carry more than 23 seated passengers are less likely to be high sided and therefore less likely to be restricted from crossing the Forth Road Bridge; and
- The vehicles will still be able to cross the Queensferry Crossing as part of the general traffic permitted to use motorways.

The development of the proposals has been subject to scrutiny by a Safety Management Steering Group which included officials from Transport Scotland's

safety, standards and network operations sections and representatives of the Forth Replacement Crossing project team. The Scottish Ministers will monitor the effectiveness of the operation of the hard shoulder as a bus lane and commit to making any necessary amendments to the 2016 Regulations to cater for buses that can carry a different number of passengers, including all buses, if it can be demonstrated that it will be safe and effective to do so.

Permitted use of the hard shoulder on the Queensferry Crossing by buses will be indicated by the use of signing, as shown in Figure 2 below.

Figure 2 – Example of signing indicating certain buses may use the Queensferry Crossing hard shoulders



Implications for the Motorways Traffic (Scotland) Regulations 1995

The Motorways Traffic (Scotland) Regulations 1995 ("the 1995 Regulations") regulate the use of all special roads which are motorways. They include general provisions regarding the use of hard shoulders on motorways. The 2016 regulations will therefore require to adjust the application of the general provisions of the 1995 Regulations in relation to the Queensferry Crossing for when buses are to be permitted to use the hard shoulder as a traffic lane.

It is intended that the hard shoulder will be available for use as a bus lane, by permitted buses, only when indicated by signing. The aim is that the existing hard shoulder on the sections of the Queensferry Crossing will become "an actively managed hard shoulder", operating as a hard shoulder under normal circumstances but operating as a bus lane when appropriate signing is displayed.

Other classes of traffic will continue to be permitted to use the hard shoulder when it is being used as a bus lane consistent with the provisions of regulation 14 of the 1995 Regulations. Regulation 14 already makes exceptions in terms of allowing certain traffic to use a hard shoulder. This includes, for example, use by emergency vehicles or by other traffic in emergencies and use by construction traffic involved in work being undertaken adjacent to the motorway. It is not intended that the 2016 Regulations will restrict the usage permitted by regulation 14 of the 1995 Regulations in any way.

CONSULTATION ON THE 2016 REGULATIONS

As part of this consultation, The Scottish Ministers welcome consultation comment on the proposal to make the Regulations, and in particular comments in relation to

the bus lane provisions. Any specific reference to safety considerations by consultees in support of their comments would also be welcomed. Consultation has been undertaken on previous mandatory variable speed limits and actively managed hard shoulder regulations for the M90 and A823(M) in Fife and the M90 (formerly M9 Spur) and M9. Comments received during the consultation were considered when finalising those regulations. This is explained in the consultation reports referred to previously.

The Scottish Ministers are content if parties who provided a response to the consultation on the previous regulations in 2012 provide similar feedback to the consultation on the 2016 Regulations. If parties intend to provide similar comments, although not necessary, the Scottish Ministers would be grateful if respondents could consider if there is any additional information that they can provide in support of their comments.

OPERATION OF THE QUEENSFERRY CROSSING AND FORTH ROAD BRIDGE AS A MANAGED CROSSING STRATEGY

Although not part of the provisions that will be included in the 2016 Regulations, the Queensferry Crossing and Forth Road Bridge will operate together as part of a managed crossing strategy developed for the Forth Replacement Crossing project. This is explained in paragraph 22 and 26 of the Policy Memorandum prepared for the Forth Crossing Bill as follows:

22. The new route between South Queensferry Junction and Admiralty Junction, including the crossing, will be classified under the Bill as a motorway. To preserve certain use rights attaching to the A90 to the east, the section between Scotstoun and the new South Queensferry Junction will be a special road to match the requirements of the traffic permitted to use the A90 to the east. It will nevertheless be constructed to a standard suitable for upgrading, if required, at a later date to a motorway. Once new roads are completed non-motorway traffic on the A90 travelling westwards will need to divert to the local network at the South Queensferry Junction.

26. The existing Forth Road Bridge will consequently become a dedicated public transport corridor for buses and taxis together with pedestrians, cyclists and motorcycles (of a capacity of less than 50cc). This will be achieved under other, existing legislation. Pedestrians, cyclists and motorcycles (less than 50cc) will not be permitted on the Forth Replacement Crossing due to its motorway designation. Restrictions will be applied to ensure that only authorised classes of vehicles may access the Forth Road Bridge. Those restrictions will only come into force on the opening of the new bridge and will be taken forward under traffic regulation orders at that time. Accordingly, the Bill makes no provision for the restrictions. Though this public transport corridor will be dedicated initially to buses and taxis it does have the potential, if required, to be adapted to carry additionally a tram-based light rapid transit system and to carry other economically sensitive classes of traffic proscribed from the motorway by arrangement and outwith the peak periods as currently occurs.

The provisions needed to restrict traffic on the Forth Road Bridge as a public transport corridor will be covered by a separate traffic regulation order to be made later in 2016 and will be subject to statutory consultation at that time. However, in view of the joint role of the Queensferry Crossing and Forth Road Bridge as part of a managed crossing strategy, information about traffic proposed to be permitted to use the Forth Road Bridge is provided below. Whilst consultees may wish to provide feedback on the provisions set out below, this is not part of the consultation on the 2016 Regulations and so will not be considered when finalising and making the regulations. Feedback on the provisions will be considered when finalising the separate Forth Road Bridge (and approach roads) traffic regulation order later in 2016.

The Forth Road Bridge was historically operated under byelaws by the Forth Estuary Transport Authority, although conventional traffic legislation could also be applied to the bridge. The Forth Road Bridge Act 2013 provided powers under which the Forth Road Bridge became a trunk road in 2015. The 2013 Act also included a power to revoke the byelaws. The provisions to revoke the byelaws will be made in the separate traffic regulation order later in 2016 and the Forth Road Bridge will be operated under that traffic regulation order upon it coming into force.

Vehicles to be permitted to use the Forth Road Bridge as stated in the Policy Memorandum for the Forth Crossing Bill include buses and taxis. In relation to buses, it is proposed this covers the wide range of public service vehicles that fall within the definition in the Public Passenger Vehicles Act 1981. The definition covers any motor vehicle, other than a tramcar, which:

- being a vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward; or
- being a vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the course of a business of carrying passengers

In relation to taxis, it is proposed that this also includes private hire vehicles. Private hire vehicles are permitted to use bus lanes in the City of Edinburgh and are more common in Fife than traditional hackney taxis. It is anticipated this provision will encourage greater use of the Forth Road Bridge.

Whilst the Policy Memorandum for the Forth Crossing Bill explained that traffic permitted to use the Forth Road Bridge would include motorcycles of engine capacity less than 50cc, representations were made by motorcycle organisations in 2015 that this would prevent motorcycles with engine capacity of 125cc driven by learner riders from crossing the Firth of Forth. Following consideration of this, the Scottish Ministers agreed in 2015 that the policy for the Forth Road Bridge would be changed such that motorcycles with engine capacity up to 125cc would be permitted to use the bridge. The traffic regulation order to be made later in 2016 will reflect this commitment.

Agricultural vehicles are currently permitted to use the Forth Road Bridge. As the Queensferry Crossing will be a motorway, certain agricultural vehicles will not be permitted to use it to cross the Firth of Forth. In response to an objection raised

during the passage of the Forth Crossing Bill, Transport Scotland advised that agricultural vehicles unable to use the Queensferry Crossing would be able to continue to use the Forth Road Bridge. The traffic regulation order to be made later in 2016 will reflect this commitment.

Pedestrians and cyclists will continue to be permitted to use the dedicated footway and cycle track on the Forth Road Bridge, as at present.

Traffic signs will be used to indicate the restrictions in place for vehicles to use the Forth Road Bridge.

COMMUNICATION OF INFORMATION ON USE OF THE FORTH ROAD BRIDGE AND THE QUEENSFERRY CROSSING HARD SHOULDERS AS A BUS LANE TO DRIVERS

Transport Scotland published a leaflet with information for bus and coach drivers to accompany opening of the bus lanes on the M90, M90 (formerly M9 Spur) and M9 in 2012 and 2013. The leaflet is available on Transport Scotland's website at http://www.transport.gov.scot/system/files/uploaded_content/documents/projects/Forth%20Replacement%20Crossing/M9_Bus_lane_leaflet_A5_.pdf.

Prior to opening of the Queensferry Crossing, a separate leaflet will be produced which will explain the operation of the Forth Road Bridge as a public transport corridor and the use of the M90 motorway hard shoulders between the Ferrytoll and Queensferry Junctions (encompassing the Queensferry Crossing) by buses if the Forth Road Bridge is closed to high sided vehicles.