EXPLANATORY MEMORANDUM TO

THE A1(M) MOTORWAY (COUNTY OF DURHAM) (RESTRICTION OF USE OF OFF-SIDE LANES) (SOUTHBOUND) REGULATIONS 2010

2010 No. 596

1. This explanatory memorandum has been prepared by the Highways Agency, an Executive Agency of the Department for Transport, and is laid before Parliament by command of Her Majesty.

2. Purpose of the Instrument

2.1 These Regulations place a restriction on the use of two 2400 metre sections of the right hand/off-side most lane of the A1(M) Motorway southbound carriageway, at Junctions 61 and 63, by heavy commercial vehicles ('HCVs') between the hours of 07:00 and 19:00.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 These Regulations formalise two Experimental Orders that were in place, running concurrently, between March 2007 and September 2008. The Experimental Orders were the A1(M) Motorway (Junction 61 to Bishop Middleham) (Restriction on Use of Right Hand or Offside Lane) (Experimental) Order 2007 (S.I. 2007/758) and the A1(M) Motorway (Junction 63 to Lumley New Road Bridge) (Restriction on Use of Right Hand or Offside Lane) (Experimental) Order 2007 (S.I. 2007/759).

4.2 The effectiveness of these Experimental Orders was monitored by surveys, carried out between June 2007 and September 2008, which showed improvements in mean journey times with no significant adverse effect on HCV journey times (as detailed in 12.1 below).

5. Territorial Extent and Application

5.1 This instrument extends to Great Britain but applies only to England. Only those sections of motorway specified in the statutory instrument will be affected, all of which are located in England.

6. European Convention on Human Rights

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

7. Policy background

- ***What is being done and why***

7.1 One of the prime policy objectives of the Department for Transport is to improve road safety.

7.2 The Secretary of State has identified two sections of the southbound carriageway of the A1(M) Motorway where localised congestion occurs. The sections are between Junction 63 and Lumley New Road Bridge and between Junction 61 and Bishop Middleham. These are relatively short lengths of motorway with a continuous uphill gradient where HCVs are noticeably slow moving. HCVs which are overtaking affect traffic in the right hand/off-side most lane, leading to a general reduction in traffic speeds below desirable levels and can lead to accidents in the queues behind the leading HCV.

7.3 Therefore the Secretary of State considered that a means of dealing with this reduced traffic speed and increased prospect of accidents would be to prohibit HCVs from the right hand/off-side most lane of these two lengths of motorway during the day between 07.00 and 19.00.

8. Consultation Outcome

8.1 During the six-month objection periods for the Experimental Orders two objections were received relating to the possible negative effect on journey times. One was from the Freight Transport Association who later withdrew their objection satisfied with surveys produced by the Highways Agency showing no negative impact on goods vehicles. The other objection was from the Road Haulage Association who, while maintaining doubts about the need for these Regulations, also agreed to withdraw their objection.

8.2 Following the Experimental Orders these Regulations have been made to permanently impose the HCV restrictions at the two locations. A 12-week consultation on the Regulations was run from 5 March to 29 May 2009. The consultation pack was issued to 38 organisations including members of the emergency services. No further objections were received.

8.3 The Secretary of State therefore considers that the introduction of the HCV ban in the right hand/off-side most lane of the southbound carriageway during the day, between 07.00 and 19.00, will have a positive effect on both journey times and road safety on these sections of motorway.

9. Guidance

9.1 A press notice will be issued when the Regulations come into force setting out the restrictions on the use of the offside lane by HCVs between 07.00 and 19.00. For users of the relevant stretches of road there will be on-road guidance in the form of permanent road signs.

10. Impact

10.1 An Impact Assessment has not been prepared for these Regulations as it has no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector, it is believed, will be improved road safety.

10.3 There will be a small cost (£36K) to implement the scheme to update the sign faces, other relevant costs including sign posts were undertaken when the Experimental Order was trialled from March 2007 for 18 months.

11. Regulating Small Business

11.1 Small businesses in the Durham area who use the A1(M) for deliveries and operate with HCVs and thus limited to the left hand/nearside most lane will not suffer any adverse effects.

11.2 Businesses using smaller vehicles which can use the right hand/off-side most lane will see a small decrease in their journey time. Overall road safety will be improved.

12. Monitoring & Review

12.1 The scheme operating under the Experimental Orders between March 2007 and September 2008 were monitored by surveys carried out in June 2007 and 2008. The results of these surveys showed an improvement in mean journey times in the morning peak hours for non HCVs by up to 17%, with no significant adverse affect on HCV journey times. Outside of the morning peak hours, the effects of the restriction are negligible for all classes of traffic.

13. Contact

Paul Thomas at the Highways Agency (tel: 0113 283 5816 or e-mail: paul.thomas@highways.gsi.gov.uk) can answer any queries regarding these Regulations.