POLICY NOTE

THE M8 AND M9 TRUNK ROADS (NEWBRIDGE TO HERMISTON GAIT) (ACTIVELY MANAGED HARD SHOULDER AND SPEED LIMIT) REGULATIONS 2021

SSI 2021/43

The above Regulations are made in exercise of powers conferred by section 17(2), (3) and (3ZA) of the Road Traffic Regulation Act 1984. The Regulations are subject to the negative procedure.

Policy Objectives

The Regulations create an Actively Managed Hard Shoulder (AMHS) for use by for use by motor vehicles constructed or adapted to carry more than 23 seated passengers (exclusive of the driver) over a section of the M8 and M9 motorways. This will extend from a point south of the Hillwood Rail overbridge (south of Junction 1 of the M9) in an eastbound direction to the Hermiston Gait Roundabout (Junction 1 of the M8). The hard shoulder is continuous along this section, with the exception of the northbound diverge slip road connecting to the A720 upstream of Hermiston Gait Roundabout (Junction 1 of the M8).

In a complementary measure, the Regulations extend the 50 mph speed limit on the M9 to M8 eastbound interchange link road (Junction 2 of the M8) approximately 570 metres further south towards the merge with the M8 eastbound mainline. This measure will help to facilitate the AMHS and ensure the safety of vehicles travelling on the connector road.

Background

The scheme aims to deliver an AMHS, for use by motor vehicles constructed or adapted to carry more than 23 seated passengers (exclusive of the driver), over a 4 mile section of the M8 and M9 motorways. The provision of the AMHS is expected to reduce journey times and improve journey time reliability for buses, particularly at Claylands (Junction 2 of the M8) and on the approach to Hermiston Gait (Junction 1 of the M8), where peak congestion and delays are experienced on a daily basis.

It will support the Scottish Government's Programme for Government 2020 / 2021 'Protecting Scotland, Renewing Scotland' where it was noted that measures to tackle the impact of congestion forms part of a sustainable transport future and that a step change in investment to make bus services greener and more punctual and reliable is being taken. This includes investing in improved bus priority infrastructure to tackle the impact of congestion on bus services and raise bus usage; and the reallocation of road space on the motorway network to high occupancy vehicles such as buses.

The Scottish Ministers previously made regulations, in May and December 2012, to support the introduction of AMHS (for use by motor vehicles constructed or adapted to carry more than 23 seated passengers (exclusive of the driver)) on the following sections of the M90 and M9:

- M90 between Halbeath Junction and Admiralty Interchange;
- M90 between Scotstoun Junction at the A90 and M9 Junction 1a; and

- M9 between Winchburgh and Newbridge.

The AMHS between Claylands (Junction 2 of the M8) and Hermiston Gait (Junction 1 of the M8) is intended to operate in the same manner as these existing sections i.e. as a full time, permanent bus lane. The vehicles permitted to use the AMHS will be the same as currently permitted to use those on the M90 and M9 i.e. buses that can carry more than 23 seated passengers (exclusive of the driver). This means that the majority of public transport buses will be able to use the AMHS. Other vehicles such as private hire vehicles, taxis and other public service buses, which cannot carry more than 23 seated passengers, will not be permitted to use the AMHS.

The Regulations restrict the use of the hard shoulder as a traffic lane to buses which can carry more than 23 seated passengers. This will control the number and type of buses that can use the bus lane and allow the operation of the bus lane to be monitored to ensure that it is operating safely and in accordance with its design. Other classes of traffic will continue to be permitted to use the AMHS as a hard shoulder or otherwise in accordance with the Motorways Traffic (Scotland) Regulations 1995. This includes, for example, use by emergency vehicles or by other traffic in emergencies and construction traffic involved in working adjacent to the motorway. If the hard shoulder requires to be used in accordance with the 1995 Regulations while the AMHS is in operation, monitoring of the AMHS will enable verge mounted signing to be activated to indicate the hard shoulder is closed as a bus lane and the use of the AMHS is suspended.

Consultation

Consultation on the provisions to be included in the Regulations was undertaken in accordance with section 134(8) of the Road Traffic Regulation Act 1984 and a consultation report prepared.

The consultation was issued to a number of interested organisations and key stakeholders and was also available on the Scottish Government website. A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website.

The consultation period commenced on 21 October 2020 and ended on 13 January 2021. Twelve responses to the consultation were received. All responses were considered in finalising the Regulations.

During the course of the consultation process, Transport Scotland issued an updated version of the related background information to consultees. The purpose of the update was to provide notice of an amendment to the combined Fixed Plate and Electronic Sign that will be used to indicate a bus lane closure. This amendment uses the 'Bus lane' information sign mounted above the electronic sign rather than bus symbol beneath it. Note that this change does not have any material effect on the proposed operation of the AMHS and is merely a result of a design approval change aimed at providing additional clarity to road users. No comments were received specifically relating to the change.

The general feedback was supportive of the intention to introduce an AMHS.

Comments were received from a number of consultees that referred to the use of the hard shoulder as a running lane for vehicles and the impact of the availability of the facility in an

emergency, with reference made to issues experienced by Highways England. Transport Scotland's design process for the provision of the AMHS aims to mitigate any issues associated with driver confusion by retaining the hard shoulder for use in an emergency and clearly signing that it is also a bus running lane. Similarly, the speed limit will be limited to 40 mph within the proposed AMHS whilst only a very small number of vehicles will be using it. This follows the lessons learned from the existing schemes, as referenced above, that have been in operation over a period of 8 years.

With due consideration having been given to the views of those who responded, it was not considered necessary to amend the proposed content of the Regulations.

Financial Effects

There are no financial implications. Transport Scotland is funding the scheme out of its budget and in alignment with the Programme for Government.

Impact Assessments

The Cabinet Secretary for Transport, Infrastructure and Connectivity is content that preparation of a Business and Regulatory Impact Assessment is not necessary as the Regulations align with the operation of the M9 and M8 motorways and have no financial effects on the Scottish Government, local government or business.

An equality impact assessment was not required given the nature of the Regulations.

Transport Scotland
January 2021