POLICY NOTE

THE M9/A90/M90 TRUNK ROAD (HUMBIE RAIL BRIDGE TO M9 JUNCTION 1A) (VARIABLE SPEED LIMITS AND ACTIVELY MANAGED HARD SHOULDER) REGULATIONS 2012

SSI 2012/343

AND

THE M9/A9 TRUNK ROAD (NEWBRIDGE TO WINCHBURGH) (VARIABLE SPEED LIMITS AND ACTIVELY MANAGED HARD SHOULDER) REGULATIONS 2012

SSI 2012/344

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

Policy Objectives

The regulations provide for the operation of variable speed limits on the section of the M9/A90/M90 Edinburgh – Fraserburgh Trunk Road between Humbie Rail Bridge at Kirkliston and Junction 1a of the M9 and the section of the M9/A9 Edinburgh – Stirling – Thurso Trunk Road between Winchburgh and Newbridge.

The regulations also create an actively managed hard shoulder on the southbound M9/A90/M90 Edinburgh – Fraserburgh Trunk Road between Humbie Rail Bridge at Kirkliston and Junction 1a of the M9 and on the southbound M9/A9 Edinburgh – Stirling – Thurso Trunk Road between Junction 1a of the M9 and Newbridge Roundabout. An actively managed hard shoulder is a hard shoulder which in certain circumstances may be driven on.

Background

The regulations are connected to 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. The ITS will use technology and infrastructure provided as part of the project to manage the flow of traffic to reduce congestion and increase safety.

Variable speed limits keep traffic moving by controlling the flow of vehicles when a road is becoming congested. As traffic levels increase, lower speed limits reduce the build-up of traffic and resulting negative effects on traffic flow. Mandatory variable speed limits will be indicated by means of signing above the road provided on gantries or signing in the verge.

The regulations also make provision for an actively managed hard shoulder permitting the use of the hard shoulder on parts of the southbound carriageways of the M9/A90/M90 and M9/A9 by specified buses. This will effectively turn the relevant length of the hard shoulder into a bus lane. It is intended that the hard shoulder will be available for use by permitted buses unless it is indicated by overhead gantry signing that use of the hard shoulder as a traffic lane is closed to through traffic. This will be indicated by means of a "red cross" sign.

To support the continued use of the actively managed hard shoulder as the bus lane, emergency refuge areas will be provided at discrete locations adjacent to it.

The regulations restrict 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 the design of the bus lane. This restriction may be relaxed if it can be demonstrated from ongoing monitoring and evaluation of the bus lane that it would be safe and effective to do so.

Other classes of traffic will continue to be permitted to use the actively managed hard shoulder 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.

Consultation

Consultation on the provisions to be included in the regulations was undertaken in accordance with section 17(3A) of the Road Traffic Regulation Act 1984 and a separate consultation report has been prepared. The report is available on the Transport Scotland website at:

http://www.transportscotland.gov.uk/road/projects/forth-replacement-crossing/project-library/construction-plans-and-reports+

The consultation was issued to 40 organisations. The consultation was also available on the Forth Replacement Crossing website, with links to the website from the Scottish Government and Transport Scotland websites.

The consultation period commenced on 13 August 2012 and ended on 5 November 2012. Feedback was received from 4 organisations. All responses were considered in finalising the regulations.

The general feedback was supportive of the proposed mandatory variable speed limits and intention to operate an actively managed hard shoulder.

Feedback to the consultation sought information regarding the operation of the bus lane and sought clarification that safety considerations had been taken account of.

Several consultees sought a relaxation of the proposed restriction on buses from those buses which could carry more than 23 seated passengers to permit the bus lane to be used by vehicles that can carry more than eight passengers.

It was explained in the consultation information and in response to the consultation feedback that it was intended to restrict the types of buses permitted to use the bus lane to allow the operation of the bus lane to be monitored and that the restriction may be relaxed if it could be demonstrated from ongoing monitoring and evaluation of the bus lane that it was appropriate to do so.

This is the same approach that was taken for existing M9/A90/M90 regulations (S.S.I . 2012/147) which were made in May 2012 for parts of the M90 between Admiralty Junction and Halbeath Junction. In response to the consultation on those regulations the restriction on buses, originally proposed as those buses which could carry more than 28 passengers, was reduced following consideration of consultation feedback to those which could carry more than 23 seated passengers.

In view of the consideration given to the consultation feedback for those existing M9/A90/M90 regulations and the desire to maintain a consistent approach across the Forth Replacement Crossing project, no change to the restriction on buses is proposed at this time, although monitoring will be undertaken to determine if the restriction can be relaxed in the future.

Impact Assessment

An equality impact assessment was not considered necessary given the nature of the regulations.

Financial Effects

The Minister for Transport and Veterans has confirmed that a Business and Regulatory Impact Assessment is not necessary as the regulations have no financial effects on the Scottish Government, local government or business. The regulations are enabling certain restrictions to be placed on traffic once the relevant parts of the Forth Replacement Crossing project have been completed.