

## CONSULTATION

The Scottish Ministers welcome comment on the proposal to make the Regulations and in particular in relation to the bus lane provisions, and would welcome any specific reference to safety considerations by consultees in support of their comments.

Comments
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While we are in favour of both active traffic management and hard shoulder running for buses in principle, for the reasons given below we believe ourselves insufficiently informed to take a view on the proposed 2012 Regulations at this time.

At the time of the Forth Crossing Bill, active traffic management (an ITS) and hard shoulder running for buses were measures to be introduced to "...enable the scheme to operate effectively...", i.e. after the opening of the new Forth Crossing (FRC), but we note that, according to the cover letter, the proposed 2012 Regulations are now to be brought into force "mid to late 2012", implementing part only of these measures. No explanation is given of the conditions which will enable or trigger this implementation, so we are concerned that we cannot tell the state of the affected carriageways at the time implementation is to occur.

With respect to mandatory variable speed limits, we have the following concerns:

1. There is no mention of in-road traffic speed and density detection on the M9 Spur. We wonder, therefore how accurately responsive to traffic conditions the Traffic Control Centre can be for this carriageway
2. There is no mention of ramp metering on slip/access roads for the M90 or A823 in conjunction with the variable mandatory speed limits on these carriageways, or other measures to manage or warn vehicle operators of the onset of the mandatory variable speed limits. We had understood these to be integral parts of an ITS and so would have preferred to see these measures introduced as part of the 2012 Regulations.
3. There is no mention of speed detection or management beyond the end of the mandatory variable speed limit zones to be implemented by the 2012 Regulations. With the opening of the FRC, these zones will extend along the full length of the motorway from Newbridge to the two different points on the M90, and so integrate naturally into the existing network; it is less clear how they are anticipated to integrate in 2012.

With respect to hard shoulder running for buses on the southbound carriageway of the M90, we also have concerns, as follows:

1. There is no mention of the suitability of this hard shoulder for continuous use by relatively heavy traffic at speed, nor of the anticipated or maximum volume of vehicles which the hard shoulder can support. Since we understand that, in Britain, it is not customary to build motorway hard shoulders to the same standard as the rest of the carriageway, we would welcome reassurance about those on the affected stretch of the M90
2. There is no information in the consultation document about how the Emergency Refuge Areas (ERAs) are to be signed, or on how motorists are to be informed about them prior to the onset of the hard should running section of the M90
3. No comfort is provided in the consultation document that the location and frequency of the ERAs has been informed by historical information on breakdowns and accidents. Again, we would welcome such comfort
4. There is no mention in the consultation document of relocation of the emergency telephone boxes on this stretch of the M90 to the ERAs. We hope that this measure has been implemented

5. There is no indication in this section of the consultation document as to whether there are to be penalties for drivers using the actively-managed hard shoulder in case of breakdown rather than an ERA, or whether the hard shoulder becomes an “active lane” within the meaning of the current traffic regulations, or whether the hard shoulder reverts to its status as a hard shoulder if it is closed to buses (as indicated by the variable speed limit signage)
6. Other omissions from the consultation document leave us with concerns about the safety of the proposed hard shoulder, specifically:
  - a) Is the CCTV coverage of the extent of the hard shoulder running zone complete enough to enable the Traffic Control Centre (TCC) to respond promptly to incidents on the main carriageway and/or the hard shoulder?
  - b) What is the policy and intended response time of the TCC for such cases?
  - c) What is the policy regarding the use of the hard shoulder during slippery and/or low-visibility weather conditions?
  - d) How is bus merging back onto the main carriageway to work, both at the end of the designated sections for hard shoulder running and under emergency circumstances?
7. Although it is mentioned that the 2012 Regulations will include a schedule which will “...make clear the specific sections of the M90 over which use of the hard shoulder by buses will be permitted...”, the absence of a draft of this schedule makes it impossible to take a view on the potential safety issues arising from the discontinuity, or on the impact of that discontinuity on the potential effectiveness of hard shoulder running for maintenance of bus schedules

Finally, we note that, should the proposed regulations go forward, this would be the first trial of hard shoulder running for buses in Scotland. Accordingly, we would wish to see it run as a formal pilot including annual reporting to the public, with particular reference to:

- ⤴ actual number of vehicles using hard shoulder running
- ⤴ percentage of time each stretch was available to buses
- ⤴ percentage of time for each type of suspension of hard shoulder running
- ⤴ number and duration of hard shoulder accidents/blockages in each bus lane area
- ⤴ number of users of each ERA
- ⤴ journey time gains for buses due to hard shoulder running
- ⤴ modifications to the actively-managed hard shoulder scheme made each year, and the results of those modifications

We anticipate that such reporting would foster public understanding, and maximise the benefits of the pilot to the FRC scheme when it opens.