

**M6 Junction 2 to 4 smart motorway
All lane running and controlled motorway:**

**Variable Mandatory Speed Limit
Consultation Report**

M6 J2 to J4 Smart Motorway: All Lane Running & Controlled Motorway Consultation Report

The introduction of Variable Mandatory Speed Limits and All Lane Running

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Executive Summary

This consultation provided an opportunity for interested parties to comment on the proposal to introduce variable mandatory speed limits throughout the length of the M6 motorway junctions 2 to 4 smart motorway scheme and the incorporation within the scheme of both the All-Lane Running (ALR) and Controlled Motorway¹ types of smart motorway.

Regulations will need to be made under section 17(2) and (3) of the Road Traffic Regulation Act 1984 ('the 1984 Act') for the implementation of variable mandatory speed limits for the M6 J2 to J4 smart motorway all lane running and controlled motorway scheme. The proposed Regulations will restrict drivers from driving within the area of the smart motorway scheme at a speed exceeding that displayed on the speed limit signs, or the national speed limit where no other speed limit sign is displayed.

A consultation paper was issued to 97 consultees and the consultation was open to public participation through the Highways England and GOV.UK's websites. The consultation encouraged representative organisations, businesses and the general public affected by the proposed regulations, to register their views with Highways England on the proposal.

The consultation period began on 14th November 2016 and ended on the 12th December 2016. This paper provides a summary of the consultation responses and details how the responses have been considered and taken forward. A total of five responses were received during the course of the consultation. Receiving only five responses provides only a very limited basis for analysis, but reflects previous communication and engagement experience on the M6 J2-4 scheme, which has not received a high level of interest (for example, local public information exhibitions over five days in 2016 only attracted 67 visitors, despite advertising and door to door leafleting to residents and businesses near to the scheme).

Two respondents expressed support for the scheme, one expressed no objection for the scheme, one did not respond to this question and one did not support the scheme. Although a number of comments are beyond the scope of the consultation, all comments have been addressed.

Following the consultation, it is recommended that the Secretary of State proceed with making the Regulations necessary to allow for the implementation of VMSL on the M6 between junctions 2 and 4.

¹ Controlled Motorway is a section of motorway that uses active traffic management (ATM) techniques to increase capacity by use of variable speed limits, but it has the three lanes and hard shoulder of a standard motorway.

1 Introduction

1.1 Purpose

This document provides a summary of the responses that we received following formal consultation on the introduction of Variable Mandatory Speed Limits (VMSL) on the M6 between junctions 2 and 4 and the incorporation within the scheme of both the All-Lane Running and Controlled Motorway types of smart motorway.

The consultation was undertaken between 14th November and 12th December 2016 and provided an opportunity for stakeholders, such as road user groups and other interested parties to comment on the proposed implementation of VMSL between junctions 2 and 4 of the M6. Highways England has considered the comments raised by consultees and this document summarises its response to those comments.

1.2 Background

The M6 motorway is a strategic route for local, regional and international traffic and plays a major role as part of the Trans European Road Network, (TERN). It is a major route for traffic between the South East/South West and the Midlands/North West. Between junctions 2 and 4, it forms the principal strategic link between Coventry and Birmingham. This section of the M6 carries in excess of 60,000 vehicles per day in each direction, with the maximum number of vehicles per lane per hour expected to be exceeded by 2034.

The M6 J2 to J4 smart motorway scheme is part of Highways England's programme to add capacity to the existing strategic road network in order to support economic growth and maintain mobility. It is expected that the smart motorways scheme will:

- Increase motorway capacity and reduce congestion.
- Smooth traffic flows.
- Provide more reliable journey times.
- Maintain or improve safety
- Increase and improve the quality of information for the driver.

The use of variable mandatory speed limits is essential to achieving the objectives above. Through the introduction of technology, Highways England aims to make best use of the existing road space.

This scheme will have four lanes for most of this section of the motorway by converting the hard shoulder to a driving lane. The existing eastbound climbing lane between junctions 3a and 3 will be converted to a permanent traffic lane and the hard shoulder will be retained throughout its length. Between junctions 4 and 3a the motorway will have three lanes and a hard shoulder (Controlled Motorway). This is designed to tie in with the existing M6 junctions 5 to 8 smart motorway.

Concerns are often raised over the removal of the hard shoulder, however, recent studies on all lane running schemes such as the M25 indicate that using the hard shoulder can be done without worsening safety for road users and those who work on our roads. Our motorways are among the safest roads in the world. We are confident that the all lane running design presents a solution and that this motorway section will remain at least as safe as it is now. Emergency refuge areas will also be created so that a driver would have no further than 2km between each safe exit point from the motorway.

Highways England recognises that some broken down vehicles will not be capable of 'limping' to an area of refuge and will come to a stop in a live running lane. The extra controls provided through smart motorways' features, including Red X lane closure signs, will help to mitigate this risk.

Highways England implements All-Lane Running (ALR) schemes based on [robust analysis](#)² by experienced professionals using tested methodologies, which demonstrates that safety is likely to be no worse. The analysis shows that risks to safety on smart motorways are predicted to be reduced by around 15% compared to motorways with a hard shoulder.

The insight provided by the first 12 months of data from the M25 provides confidence that the safety assessment underpinning ALR is robust and the concept is working in line with its objectives. We will continue to monitor performance over the coming years of operations as the significance of the results increase.

1.3 Consultation Topic

The consultation focused on the topic of the implementation of variable mandatory speed limits (VMSL) and All-Lane Running (in conjunction with emergency refuge areas) between junctions 2 to 4 of the M6 motorway.

1.4 Document structure

Section 1 provides a background to the consultation.

Section 2 describes how the consultation was conducted and how responses from consultees were considered.

Section 3 contains a summary of the consultation responses and analysis of each response.

Section 4 contains a summary of the approach to the consultation and the recommended way forward.

² M25 J5-7 Twelve Month Evaluation Report

2 Conducting the consultation exercise

2.1 What the consultation was about

This consultation provided an opportunity for interested parties to comment on the proposal to introduce variable mandatory speed limits (VMSL) and All-Lane Running (ALR) (in conjunction with emergency refuge areas) between junctions 2 to 4 of the M6 motorway.

2.2 Legislative changes

Regulations have been proposed to be made under section 17(2) and (3) of the Road Traffic Regulation Act 1984 ('the 1984 Act') for the implementation of variable mandatory speed limits for the M6 J2 to J4 smart motorway All-Lane Running and Controlled Motorway scheme. The proposed Regulations will restrict drivers from driving within the area of the smart motorways scheme at a speed exceeding that displayed on the speed limit signs, or the national speed limit where no other speed limit sign is displayed.

The relevant legislative power in the 1984 Act permits the making of Regulations that regulate the manner in which, and the conditions subject to which, motorways may be used by traffic authorised to use such motorways.

Within the M6 J2 to J4 smart motorway All-Lane Running and Controlled Motorway scheme it will be an offence to use the motorway in contravention of Regulations applying to the scheme made under section 17(2) of the 1984 Act. A more detailed explanation of the changed regulations is given in Appendix B.

2.3 How the consultation was conducted

The consultation was carried out in accordance with the Government's consultation principles which are available [here](#). The [consultation paper](#) was issued to the 97 consultees listed in the Appendix of the consultation paper on 14th November 2016. The consultation documents were made available on Highways England's and GOV.UK websites allowing the public to comment on the proposed legislative changes. All parties affected by the proposed legislative changes were encouraged to make contact with Highways England to provide their views. The consultation closed on 12th December 2016.

2.4 Publicising the Consultation

To publicise the consultation, we wrote to a large number of statutory consultees (all these can be found listed at the back of our consultation document) before the consultation began advising them that we would be holding a VMSL consultation and requesting responses to our online survey. We also publicised the consultation by announcing it on the government website and on our own scheme specific webpage welcoming responses from other businesses and individuals.

2.5 Number of Responses

We had a total of 5 responses to the survey for the consultation. Responses were submitted via the online survey response form and via email to Highways England. Three of the responses were from the 97 consultees we wrote to, these being Solihull Council; Rugby Borough Council and Fillongley Parish Council. The remaining two were from members of the public.

Receiving only five responses provides only a very limited basis for analysis, but reflects previous communication and engagement experience on the scheme, which

has not received a high level of interest (for example, local public information exhibitions over five days in 2016 only attracted 67 visitors).

2.6 Questionnaire Analysis

The consultation questionnaire (in Appendix A) asked three questions, each with a yes/no response. There was then a section below each question for comments to further explain the reason for their answer. Most people took up the opportunity to explain the reasoning for their answer.

1. Do you consider that the proposal to introduce the smart motorway scheme on the M6 between junctions 2 and 4 will lead to an improvement in travelling conditions on this section of motorway?
2. Are there any aspects of the proposal to introduce the smart motorway scheme on the M6 between junctions 2 and 4 which give you concerns?
3. Are there any additional comments you would like to make about the proposal to introduce the smart motorway scheme on the M6 between junctions 2 and 4?

The purpose of the questions we used was to find out what kind of support the introduction of the scheme is receiving from affected organisations and members of the public, we also wanted to know of any concerns that the introduction of the scheme, VMSL and ALR/Controlled Motorway might be causing. This was with the intention to either lay people's concerns to rest or take them into account and amend the scope or design of the scheme.

3 Summary of Responses

3.1 Introduction

Of the five responses, two agreed that the introduction of the smart motorway between junctions 2 and 4 of the M6 would improve travelling conditions, one stated that they had no objection to the scheme, one did not believe it would be an improvement and one did not respond to the question.

Four of the five respondents had additional comments and concerns that they submitted to the consultation. None of the respondents commented on the introduction of variable mandatory speed limits.

Question	Yes	No	No Response
1. Do you consider that the proposal to introduce the smart motorway scheme on the M6 between junctions 2 and 4 will lead to an improvement in travelling conditions on this section of motorway?	3	1	1
2. Are there any aspects of the proposal to introduce the smart motorway scheme on the M6 between junctions 2 and 4 which give you concerns?	4		1
3. Are there any additional comments you would like to make about the proposal to introduce the smart motorway scheme on the M6 between junctions 2 and 4?	4		1

Figure 1 Number of responses to each question

One respondent had concerns about the transition from a standard motorway with a hard shoulder to an All-Lane Running motorway or dynamic hard shoulder type of smart motorway. This respondent was also concerned about compliance with and enforcement of Red X signs that indicate that one or more lanes are closed.

Another respondent wanted information and reassurance around this smart motorway scheme's working relationship with HS2, with its proposals for the Birmingham Interchange Station to the south of Junction 4 of the M6.

A third respondent expressed frustration with the time taken to complete motorway improvement work, the way that road works are managed and that an All-Lane Running smart motorway would still be subject to congestion due to 'middle lane' driving habits.

The fourth set of comments focused on flood concerns around the village of Fillongley, to the north of the M6, between junctions 3 and 4.

The section below summarises the concerns and comments that they raised.

3.2 Potential for drivers to experience lane confusion when transitioning between standard and All-Lane Running motorways

A member of the public expressed concerns about driver awareness of hard shoulder use, he commented:

"I'm particularly concerned about driver understanding of how the scheme operates. The motorway [M6] currently has a regular hard shoulder between junctions 1 and 2,

and will even when the scheme is complete. If the motorway is changed to all-lane-running between junctions 2 and 3a, and dynamic hard shoulder running between junctions 3a and 4, I'm concerned that drivers may not be aware that the hard shoulder is "closed by default" (as they've just come from a section with four running lanes); this was apparently a problem even with dynamic hard shoulder sections before all lane running was invented, and is likely to be a much larger problem in this context."

The respondent's comment continues by suggesting an approach to the signage: "I would recommend changing the signage westbound (and probably also eastbound, although this is less important due to the section of "regular" hard shoulder in between) in order to make it clear that there is a change in hard shoulder standards. In particular, I would recommend that the first two gantries at each standards change are permanently lit, showing the new layout explicitly (i.e. "hollow red X" over a hard shoulder while it is not open, and a speed limit or national-speed-limit sign over every lane that is open). Showing text such as "Hard shoulder for emergency use only" on the matrix signs would also be helpful. (This would be a change to section 4.1 on the consultation, as there would be a small number of AMI and VMS that would not be blank even when the motorway was operating under normal conditions.) Given the layout of junction 4, this would require changing the signage rules both on the M6, and on the M42 southbound."

Highways England is acutely aware of the need to ensure that the transition between standard and smart motorways is clearly signed and designed with the highest standards of safety in mind. Our response to this comment describes how the design has been developed to do this:

"The Variable speed limit sign and Conditioning Variable Message Sign (VMS) are placed in the middle of J2 (westbound) to warn motorists of the start of the scheme. There will be fixed signs in the verge of Junction 2 westbound and the slip road to advise that there is 'No hard shoulder for (TBC) Miles'. These style signs will also be repeated where ever the retained hard shoulder ends.

The All-Lane Running (ALR) section will not start until the end of the merge slip road at Junction 2 and Advance Motorway Indicator (AMI) signals will be displayed over lanes on the gateway gantry. The edge of carriageway will be defined by solid ribbed edge line. As Junction 3 of the M6 is approached the hard shoulder running (lane 1) will be dropped, this will be confirmed on the Variable Message Sign (MS4) by a Red X over the hard shoulder and 3 ahead arrows.

As the exit slip road nose starts, the edge line will become solid through to the end of the merge slip nose. This will be followed by another gateway gantry with signals displayed over lanes 1 to 4. ALR will continue until J3a where a hard shoulder is developed and becomes a Controlled Motorway section (not a dynamic hard shoulder, as was stated in the comment) at 1 mile from the fork diverge of M6 and M6 toll. In this section, 4 lanes will develop into 5 (2 lanes M6 Toll, 3 lanes M6/M42) defined by lane signals on the gantries. A Controlled Motorway has the three lanes and hard shoulder of a standard motorway, but operates with variable mandatory speed limits.

The VMS at the 1/2 mile Advance Direction Signs (ADS) will display 'hard shoulder for emergency use only'. The Controlled Motorway section carries on through Junction 4 and ties into the Dynamic Hard shoulder after a ghost island merge Junction 4 on the slip road. The conclusion is that clear signing, lining and signals (both lane and VMS) will guide the motorist through the transition areas of ALR, CM and tying into the dynamic hard shoulder between junction 5 and 8 of the M6 motorway. These design details can be seen in the scheme flythrough film [here](#).

3.3 Red X compliance and enforcement

The same member of the public who had concerns about hard shoulder usage also expressed concerns with driver compliance with Red X symbols and their enforcement as a deterrent for non-compliance.

“I would strongly recommend that the HADECS [Highways Agency Digital Enforcement Cameras] that are installed for enforcement of the smart motorway rules are of a type that is capable of enforcing "red X" rules (i.e. detecting and fining a driver who uses a lane despite a legal requirement not to use it).

The safety of smart motorways critically depends on drivers obeying the signage, and yet it is fairly common for drivers to ignore red X signs in practice. An education campaign may help here, but fines and license endorsements are likely to be more effective. However, many models of HADECS camera are incapable of determining whether a driver is using a closed lane; I would urge the use of cameras that can.”

Highways England response to these comments was as follows:

Highways England wholeheartedly agrees with the comment that the safety of smart motorways critically depends on drivers obeying the signage. For this reason, Highways England is taking a wide-ranging approach to increasing compliance. Notably we are:

- Running a multi-channel advertising campaign on Red X signs, variable speed limits and emergency refuge areas.
- Issuing encouragement letters to Red X offenders providing supplementary information to reiterate key smart motorways messages.
- Working with National Driver Offender Retraining Scheme (NDORS) to bolster existing programmes with more smart motorways education content.
- Exploring additions to the Hazard Perception component of the Driver Theory Test to include aspects of smart motorways, particularly Red X.
- Ensuring the accuracy and relevance of signal settings.

The Government is progressing the legislation to amend the Road Traffic Offenders Act 1988 to enable the use of automated detection for the enforcement of non-compliance with Red X signals, supporting the existing Police powers of manual enforcement. An interim detection system has been developed by Highways England to help the Police identify non-compliant vehicles so targeted warning letters can be issued. This is being undertaken by Highways England in partnership with the Driver and Vehicle Licensing Agency and the Police. Prior to any automated Red X enforcement, a comprehensive campaigns programme will be launched to remind road users of their compliance obligations.

The current plan for the M6 J2-4 scheme is to install HADECS cameras for the detection of speed violation only. Red X enforcement cameras will not be part of the construction of the scheme; however, they may be introduced once the scheme is built and open to traffic.

3.4 Linkages with HS2

A local authority response supported the introduction of the smart motorway. Their questions about the scheme included its relationship with HS2, diversion routes, keeping local authorities informed and handling of abnormal loads.

Solihull wanted to know if the works for the smart motorway “have been programmed with due consideration to the proposed start of HS2 which will create major disruption on the nearby road network which is likely to be used as a diversion route whilst these works are undertaken?”

Solihull also asked if the design of the scheme “catered for proposed changes to the M42 junctions 6 & 7 junctions due to the proposed route of HS2. And also, if are there any long-term plans to provide additional capacity on the M42 given the growth around the airport and the Hub?”

In our response, we said that

“Highways England are working particularly closely with partners and stakeholders to understand the growth aspirations for the area in the light of HS2, and are ensuring that is fed in to the development of the M42 J6 major improvement scheme that is already committed, and into the process of potential future schemes for the next Road Investment Strategy period from 2020 and beyond.

“It may also be helpful to know that there is a dedicated team at Highways England, tasked with liaising with HS2 on all interfaces between HS2 and Highways England. We are taking a collaborative approach to the preparation, planning and design of all HS2 works where they have a direct impact/interaction on the strategic road network (SRN), with the team here looking at a wide range of issues including traffic management, and phasing of works, as well as engaging with various HS2 teams to understand the full range of plans on, near or affecting the SRN.

“Furthermore, Highways England and its design team are working closely with HS2, particularly in relation to the planned improvements at Junction 4 of the M6. Highways England and HS2 will continue to work together throughout the design and construction phases to minimise impacts on the road network. Currently the only other works that we are working/delivering on behalf of HS2 are at the M25 between Junctions 16 & 17. All works that Highways England will be delivering will be covered by planning permission granted by Royal Assent, or granted via Town & Country Planning Act permissions.”

3.5 Surrounding roads, diversion routes and abnormal loads

Solihull MBC wanted to understand how surrounding roads, diversion routes and abnormal loads would be affected by the scheme. They asked:

“The A45 is likely to be utilised as a diversion route whilst these works are undertaken. Some junctions on the A45 already suffer from long queues especially

during the peak traffic periods. Are any improvements being undertaken at these junctions to cater for the further increases in traffic flows?”

In our response, we said that “Highways England and HS2 are working closely together on their planning with the intention of works finishing on the M6 J2-4 smart motorway before HS2’s work starts on the A45. Plans for the A45 are still in progress and further updates will be available closer to the planned start of works in 2019.”

Solihull also asked: “The A45, through Solihull, forms the diversion route when there is an incident, such as a collision, on the M6 between junctions 2 and 4. Is the proposed signing strategy for the scheme going to incorporate the possible need for the closure of the M6 during an incident and so include signing along the A45?”

Highways England response said that “there are already existing emergency diversion routes in place for the closure of the M6, and these diversion routes are signed using symbols. With the introduction of the smart motorway, these will now be triggered using the proposed electronic signs (MS4’s) rather than the folding trigger signs on the hard shoulder that have to be manually operated. This will make operation of the diversion route quicker than now.”

Solihull also asked about how abnormal loads would be handled on All-Lane Running smart motorways: “The M6 forms a route for abnormal loads. Wide loads sometimes need to straddle the nearside lane and hard shoulder. Hence the proposed introduction of a running lane on the hard shoulder may create difficulties for abnormal loads using this route.”

Our response to this concern was to say that: “through the all lane running sections of the M6 J2-4 smart motorway abnormal loads will use lane 1 and lane 2 as necessary for their journey. As part of the design process for the smart motorway, the hard shoulder is hardened as part of its transformation to becoming lane 1, making it suitable for all vehicles, including abnormal loads. The design process also reviews every bridge for height, width and loading conditions. This review is approved by Highways England’s Professional Technical Solutions directorate. This means that abnormal loads will not create any additional difficulties by using the M6 J2-4 when it becomes a smart motorway.”

3.6 Communicating with local highways authorities

Solihull wanted to understand how Highways England “intend to keep affected local highways authorities, such as Solihull MBC, notified on the progress of the proposed works? Solihull MBC may need to undertake works on roads such as the A45, which form part of the alternative route for the M6 scheme. Therefore, co-ordination of the activities would be required.”

In our response, we said: “Highways England’s construction delivery partner Balfour Beatty Vinci (BBV) has already set up traffic management forums where all local highways authorities and traffic generators in the area such as the NEC are invited to meet on regular basis to review traffic management plans. These meetings will resume later this year as the construction plans are further developed.”

3.7 Efficiency of roadworks

A member of the public who responded said he did not believe that the proposed smart motorway between J2 and 4 of the M6 would improve travelling conditions because, he said that smart motorways do nothing to prevent people from driving in the middle lane, whilst the inside lane is empty.

This respondent also expressed frustration with the time it takes to build smart motorways:

“Having just seen how the Japanese can repair a sink hole in 2 days, the amount of time you seem to need to do these "upgrades" is nothing short of utterly pathetic. You're not building a new road, you're using the existing 4 lanes and adding a few gantries. The work will undoubtedly take 2 years because you'll find something else that needs doing which will be simpler to do at the same time, just like on the M5 4a-6. Could you not at least just do 2 or 3 miles at a time? I thought I read that you weren't going to be allowed to subject everyone to the miles of endless works any more. It might not be so bad if, whilst driving through these works, you witnessed frenzied work along the whole length. Normally, however, you can relieve the boredom by playing the "which 50 yards are they working on today" and try to spot the one tiny digger that's working with the 3 other guys leaning on their shovels watching.

I just wish you were a private company and not a government department. Heavy fines for your incompetence might just make you work more efficiently with proper respect and regard for the millions of people who still rely on these whilst you're doing the works.”

In our response, we said that Highways England understands the public's frustration with roadworks. Indeed we are currently responding to a [Transport Focus](#) report on public attitudes to roadworks. However, it is important to appreciate that building an All-Lane Running smart motorway involves more than just re-surfacing the hard shoulder and erecting gantries for variable speed limit signage. We also review and upgrade drainage, replace the central reserve with a safer concrete barrier, revise the lining and do necessary landscape and lighting work. Highways England's objective is to create a smart motorway that is safer and less congested in the future and we are constantly challenging our construction partners to find ways to build these motorways more efficiently, whilst always maintaining the safety of the construction team.

Highways England are committed to minimising disruption from roadworks even further and have been looking at how we can deliver our work using roadworks that are shorter in length and on the road for shorter periods of time. We are factoring this into our plans for traffic management on the M6 J2 to 4 scheme.

Highways England is a public sector company, owned by the Government. Our primary role is to deliver a better service for road users and to support a growing economy. We will work in the interests of taxpayers, road users, and the millions of people who rely on the network every day.

3.8 Flood mitigation for Fillongley

Fillongley is a village lying to the north of the M6 between junctions 3 and 4. It has suffered flooding in recent years. The Parish council responded to the consultation

“Fillongley Parish Council would request that the proposals do not exacerbate the current flooding problems. We understand that there was no requirement for catchment pools when the M6 was constructed and that run-off, quite lawfully, is diverted into the Bourne Brook. If the current scheme goes ahead then the run-off that is a considerable factor in the flash flooding that we suffer from, will be increased.”

Highways England have been in dialogue with the Fillongley multi-agency flood group in recent months and to help mitigate the flooding issue at Fillongley, Highways England have agreed to: reduce the discharge rates to the watercourse upstream of Fillongley. To achieve this large diameter storage pipes with flow control devices will be installed under the Motorway due to land constraints and the new motorway drainage and storage pipes will be designed to accommodate climate change. This will provide betterment to the village of Fillongley.

4 Summary and recommendations

4.1 Summary

All the responses that we received to the Variable Mandatory Speed Limit Consultation which provided contact details received a reply with the intent to address respondents' concerns regarding the scheme and to answer any queries, even those that were not directly related to VMSL.

We held this consultation as we believe it is important for us to know the public's views about the scheme and the introduction of VMSL, as they will be the users of the scheme when it is complete. We also felt it necessary as it was an opportunity for individuals and organisations to raise any concerns to Highways England which required action. The responses we received from the consultation gave a clear sense of some of the concerns felt by some of the public and stakeholders such as local authorities.

Compliance with Red X and variable speed limit signals is a current focus area at Highways England, and is reflected in our ongoing media campaigns to build public understanding and change behaviour. One new initiative this year is the proposal to hold interactive exhibitions at motorway service areas, demonstrating smart motorway design and technology.

This part of the West Midlands will be subject to considerable infrastructure development, notably with the construction of HS2 starting in the next few years. Highways England is working closely with HS2 on all interfaces between the strategic road network and the proposed route, with the aim of minimising disruption to the travelling public during construction. We are also working Solihull, Coventry and Warwickshire councils to ensure our work on the Smart Motorway does not clash with work on the local highways.

We want to be good neighbours to the areas that surround our motorways and this has informed our decision to provide mitigation for Fillongley as part of our drainage design.

Finally, whilst upgrading to a smart motorway will always involve roadworks, we understand the public frustration with long stretches of cones, narrow lanes and 50mph speed limits. This is why we are reviewing our traffic management design and will look at how to adjust it in line with customer expectations.

We expect to receive comments on the scheme as it moves from design to construction. We have an open email inbox for the scheme which is regularly monitored; all emails sent to this inbox from members of the public receive a response to help answer questions individuals may have.

4.2 Recommendation

From the results of the VMSL consultation, we can conclude that we will be progressing with the introduction of Variable Mandatory Speed Limits between junctions 2 and 4 of the M6 as a part of the smart motorway scheme.

5 APPENDICES

APPENDIX A – CONSULTATION RESPONSE FORM

CONSULTATION RESPONSE FORM

M6 J2 to J4 smart motorway scheme

Please complete this pro-forma and send to the address below by December 12th 2016.

Kamandila Kaluba
Highways England
The Cube
199 Wharfside Street
Birmingham
B1 1RN

Or alternatively you can respond to the consultation by email:

M6.j2-4@highwaysengland.co.uk

PART 1 - Information about you

Completion of this section is optional but helps with our analysis of results. A note at the end of this form explains that we may be obliged to release this information if asked to do so.

Name	
Address	
Postcode	
Email	
Company Name or Organisation (if applicable)	
Please tick one box from the list below that best describes you/ your company or organisation.	
<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input type="checkbox"/>	Representative Organisation

<input type="checkbox"/>	Trade Union
<input type="checkbox"/>	Interest Group
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Other (please describe):
<p>If you are responding on behalf of an organisation or interest group, how many members do you have and how did you obtain the views of your members:</p>	
<p>If you would like your response or personal details to be treated confidentially, please explain why:</p>	

PART 2 - Your comments

1. Do you consider that the proposal to introduce the smart motorway scheme on the M6 between junctions 2 and 4 will lead to an improvement in travelling conditions on this section of motorway?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Please add any comments:		

2. Are there any aspects of the proposal to introduce the smart motorway scheme on the M6 between junctions 2 and 4 which give you concerns?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
--	------------------------------	-----------------------------

If yes, please give your comments:

3. Are there any additional comments you would like to make about the proposal to introduce the smart motorway scheme on the M6 between junctions 2 and 4?

Yes

No

If yes, please give your comments:

Note on disclosure of information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want any information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on Highways England.

Highways England will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

APPENDIX B - LEGISLATIVE CHANGES

2.1 LEGISLATIVE CHANGES FOR THE IMPLEMENTATION

Subject to the outcome of the consultation, Regulations will need to be made under section 17(2) and (3) of the Road Traffic Regulation Act 1984 ('the 1984 Act') for the implementation of variable mandatory speed limits for the M6 J2 to J4 smart motorway all lane running and controlled motorway scheme. The proposed Regulations will restrict drivers from driving within the area of the smart motorways scheme at a speed exceeding that displayed on the speed limit signs, or the national speed limit where no other speed limit sign is displayed.

The relevant legislative power in the 1984 Act permits the making of Regulations that regulate the manner in which, and the conditions subject to which, motorways may be used by traffic authorised to use such motorways.

Within the M6 J2 to J4 smart motorway all lane running and controlled motorway scheme it will be an offence to use the motorway in contravention of Regulations applying to the scheme made under section 17(2) of the 1984 Act.

Drivers of vehicles that pass a speed limit sign indicating that a speed limit other than the national speed limit applies, should obey that sign until the vehicle passes another sign indicating either that a new speed limit or the national speed limit applies.

Where a speed limit changes less than ten seconds before a vehicle passes the sign, the Regulations allow a driver to proceed at a speed up to the maximum applicable before the change, and to continue to do so until the driver leaves the specified road, the national speed limit applies or until the next speed limit sign. The intention behind this 'ten second' rule is to protect the driver from being prosecuted if, on the approach to a speed limit sign; it changes to a lower speed. For example, should a driver approach a speed limit sign and it changes from 60 mph to 50 mph and he/she is within ten seconds of passing that sign then the driver can legally continue beyond that sign at 60 mph until a subsequent speed limit applies or until he/she leaves the specified road. If there was no ten second rule, the issue of safety arises, as the driver would be required to brake sharply in order to comply with the new lower speed limit.

Subject to the outcome of the consultation, the proposed Regulations when made will apply in relation to the M6 between junctions 2 and 4 and to the on-slip and off-slip roads between junctions 2 and 4. The roads governed by the Regulations will be set out in the Regulations.

The proposed draft Regulations will not apply nationally – they will apply only to those parts of the motorway as specified in the Regulations (namely, the area between and including Junctions 2 to 4 of the M6 motorway). As drafted, these Regulations would put in place the legislative framework required to operate the M6 J2 to J4 smart motorway scheme.

If you need help accessing this or any other Highways England information, please call **0300 123 5000** and we will help you.

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