



House of Commons
Transport Committee

All lane running: Government response

Fifth Report of Session 2016–17

*Report, together with an appendix and
formal minutes relating to the report*

*Ordered by the House of Commons to be printed
12 September 2016*

HC 654

Published on 29 September 2016
by authority of the House of Commons

Transport Committee

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Committee staff

The current staff of the Committee are Gordon Clarke (Committee Clerk), Nehal Bradley-Depani (Second Clerk), James Clarke (Committee Specialist), Andrew Haylen (Committee Specialist), Daniel Moeller (Senior Committee Assistant), Michelle Owens (Committee Assistant) and Estelle Currie (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Transport Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 3266; the Committee's email address is transcom@parliament.uk.

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All lane running

The Government response

1. The Transport Committee published its Second Report of Session 2016–17, *All lane running* (HC 63), on 30 June 2016.¹ The Government’s response was received on 26 August 2016 and is appended to this report.

2. In our Report we raised concerns about the risks associated with the Government’s plans to achieve an expansion in motorway capacity by the conversion of the hard shoulder into a running lane and called for an immediate halt to the rollout of all lane running (ALR). The Government response rejects the principal recommendations we made. The thrust of our argument is that the move to **all lane running – the permanent conversion of the hard shoulder into a running lane – is a radical change to the nature of motorways**. We are not alone in expressing concerns about the latest design of all lane running motorways; responding to our Report the RAC chief engineer David Bizley and Edmund King, president of the AA, have both expressed concerns.² We note that others, like the Road Haulage Association, think we have been too cautious.³

3. We do not accept the Government’s argument that experience on All Purpose Trunk Roads without hard shoulders can be used to justify removal of the hard shoulder on motorways. Motorways are a different class of road and drivers have different expectations when using them.

4. We recognise the need to expand capacity and accept that there are benefits to using the hard shoulder (see recommendation 2); the dynamic hard shoulder in use on the M42 shows that the benefits can be secured without needing to permanently remove the hard shoulder. **We are disappointed that the Government chose to approve the use of all lane running on the M4 before we had the chance to consider its response to our Report.**

5. We do not dispute that motorways are our safest roads but the speed of traffic means that accidents can be severe. **We accept that there is a growing evidence base for all lane running but we remain concerned that the concerns of the emergency services, road workers and recovery operators are not being taken in to account as fully as they might be.**

6. In its response to the Committee the Government said ‘the evidence does not support the assertion that vehicle response personnel are significantly disproportionately affected by the introduction of All Lane Running’. Our conclusions were based on the evidence we took during our inquiry. The Government’s assessment of the risks treats vehicle recovery operators either as general ‘licenced road users’ or, where there is a contractual relationship with Highways England, as on road resources. It states “The hazard log does not contain a specific set of hazards for breakdown services and [private] recovery operators. Therefore the change in risk from the implementation of ALR cannot be assessed on the same hazard

1 Transport Select Committee, [All lane running](#), Second Report of Session 2016–17, HC63, June 2016

2 RAC Press Centre, [All lane running inquiry: RAC reacts to Transport Committee report](#), 30 June 2016, and BBC News, [Scrap dangerous motorway hard shoulder plans, MPs warn](#), 30 June 2016

3 Road Haulage Association, [RHA says the Transport Select Committee is too cautious on all lane running](#), 30 June 2016

by hazard basis as the individual user groups covered in the previous sections [of the risk assessment].” This risk assessment relies on experience of the M42 ATM pilot scheme to show that exiting ERAs can be achieved safely. But ALR schemes will not have the same infrastructure as the M42 pilot scheme. We do not consider that the risks faced by vehicle recovery operators, private or otherwise, have been adequately considered.

7. **We remain concerned about the size and spacing of the emergency refuge areas (ERAs). We are pleased that Highways England has committed to review ERA spacing. The M4 proposal should not have gone ahead until this review was complete.** Recovery from an ERA presents problems for recovery vehicles that must reverse into an ERA and there is insufficient space for a recovery vehicle towing a Large Goods Vehicle (LGV) to accelerate to a speed at which it can safely join a live lane. The hard shoulder makes it possible for a vehicle recovering another to accelerate to the speed of traffic in a live lane before attempting to join the traffic. This is not possible when recovering a vehicle from an ERA which lacks the space for such acceleration and where the recovery vehicle and its tow must join a live lane from standing start. We not see how it is possible to recover an LGV from a refuge area without closing the nearside live lane and therefore we do not see what the difference is between ALR and dynamic hard shoulder. With a dynamic hard shoulder scheme the infrastructure is in place to manage this but in ALR requires the new procedures involving the police and Highways England described in the Government’s response. The risks associated with vehicle recovery, with or without the help of the police to manage traffic, are significant.

8. Non-compliance with variable speed limits and Red X signals are deeply worrying. **We are pleased that the Government has accepted our recommendation that more effective public engagement is needed. The Government’s focus on raising public awareness is welcome, but education without the threat of effective enforcement will do little to tackle those who wilfully disregard speed limits and Red X signals.** The contribution of ‘engineered’ safety measures such as stationary vehicle detection systems is welcome. But these will take time to develop and deploy and in the meantime *the Government must make sure efforts to educate drivers are backed up by meaningful enforcement; it must make sure the resources needed for both education and enforcement are adequate. The Government should assess levels of compliance with Red X signals so that it can measure the effect of any change in driver education or enforcement on these levels of compliance. It should ensure that Highways England is taking steps to investigate and learn from any errors made in the use of Red X signals, such as the setting of signals in the wrong place, failing to set signals or changing signals before incidents are cleared.*

9. **We stand by our call for a halt in the rollout of all lane running. It seems that the Government is determined to press ahead with a move to the latest design of all lane running notwithstanding the concerns that we and others have expressed. We believe that it is therefore obliged to set out, more clearly than it has so far,**

- **how the findings of the review into ERA spacing will be acted on and whether existing schemes will be reworked if spacing is reduced;**
- **whether gantry spacing will be adjusted for existing schemes if the specification is tightened for new schemes;**

- **when and how stationary vehicle detection systems will be retro-fitted to existing schemes; and**
- **what plans it has for the dynamic hard shoulder pilot given that the Government does not consider it represents a typical design or performance for hard shoulder running.**

Appendix: The Government Response

In the Government response, the Committee's recommendations appear in **bold** text and the Government's responses are in plain text.

Introduction

The Government welcomes this opportunity to respond to the Transport Select Committee's recommendations on All Lane Running. The report makes a number of useful recommendations, some of which are already being acted upon. However, we are disappointed that several of the conclusions do not appear to be based on the evidence provided regarding safety.

The Government understand the concerns raised and some of the criticisms made, which we address in this document. We are not complacent about the safety of road users, which is of paramount importance.

Different types of smart motorway

Recommendation 1: Given the major change between All Lane Running and that of previous Smart Motorway schemes, the Department is wrong to present this as merely an uncontroversial, incremental step or the logical extension of what has gone before. The permanent loss of the hard shoulder is a radical change and the Department should present it as such. (Paragraph 12)

Response: The Government partially agrees with the Committee's findings. While we do not accept it is a radical change in terms of design or operation, we do recognise the need for more effective engagement to improve public perception and raise road user awareness of the differences of All Lane Running.

A major road without a hard shoulder is not unique on the Strategic Road Network. There are some sections of conventional motorway without a hard shoulder. There are also All Purpose Trunk Roads (APTR) – major 'A' roads – which operate at the national speed limit of 70mph but without the controlled environment of a smart motorway. Generally, these APTR are not patrolled by Highways England's Traffic Officer Service (TOC). For example:

- 1559 miles of 2 lane APTR; and
- 86 miles of 3 lane APTR

The use of technology to manage traffic and create a controlled environment has been developed over 20 years, since the introduction of controlled motorways on the M25 in 1995. In the past 10 years, Highways England (and previously the Highways Agency) has evolved this part-time Hard Shoulder Running (also known as Dynamic Hard Shoulder), and now full-time (All Lane Running), use of the hard shoulder to add essential new capacity, with no detriment to overall safety.

All Lane Running applies the controlled environment to a situation similar to an APTR high speed road without hard shoulders. The evidence to date supports this move to facilitate improved performance on many more miles of the motorway network than would be possible under either widening or part-time use of the hard shoulder.

The Government had already recognised the need for more effective public engagement, in order to improve road user awareness and understanding. On 11 July 2016, Highways England launched a new national information campaign covering key themes such as Red X compliance, Emergency Refuge Areas (ERAs) and the importance of appropriate vehicle checks (e.g. fuel level). The campaign used a range of channels, including radio and digital adverts, to reach a combined potential target audience of 18–20 million people.

Evaluations of current schemes

Recommendation 2: Overall, we conclude that there are journey time and reliability improvements of All Lane Running, and our concern is that the risks arising from converting the hard shoulder into a running lane are an unacceptable price to pay for such improvements. (Paragraph 22)

Response: The Government welcomes the Committee’s recognition of the significant journey time and reliability improvements that All Lane Running is delivering. However, we do not agree that converting the hard shoulder into a running lane presents an unacceptable level of risk, given that the safety evidence is showing a reduction in collision and casualty rates.

The Government and Highways England remain committed to improving safety even further. The safety evidence supports the pre-scheme assessments and indicates that the current high level of safety performance on our motorways is being maintained.

We are confident about the performance of All Lane Running based on the expanding evidence base but we are not complacent. Three All Lane Running sections, M1 J28–31, M1 J39–42 and M6 J10a–13, have all become operational since the start of 2016 and Highways England will monitor these new operational schemes and continue to closely monitor the M25 sections. Initial data from the M1 and M6 schemes is encouraging and indicates live lane stoppage rates are less than half that experienced on the M25 sections.

As Highways England advised the Committee at the hearing, it is committed to implementing measures to further improve the performance of All Lane Running, which includes the introduction of stationary vehicle detection to all All Lane Running sections.

Managing Risk

Recommendation 3: The fact that Smart Motorways have existed for years on the motorway does not warrant using one year’s worth of safety data on the M25 to justify to stakeholders the national roll out of All Lane Running across the country. The Department needs to present this honestly, as a radical change, and, if intent on going ahead with the deployment of All Lane Running, need to hold back until at least the safety objective of the current schemes is confirmed as having been achieved, which will

be after the results of the M25 schemes through to 2017 have been assessed. We believe that a group of road users (recovery personnel) are significantly, disproportionately adversely affected. (Paragraph 26)

Response: We have responded to the point about perceived radical change in our response to Recommendation 1 and set out our confidence in the performance of All Lane Running in our response to Recommendation 2.

The approach to evaluating safety has been an iterative process developed over time. Highways England has built a rich picture of evidence from successful smart motorways concepts over the past 20 years. This started with controlled motorway on the M25 in 1995, later using the hard shoulder as an additional lane, a concept which has been operational since 2006, and more recently with All Lane Running. There is already data from All Lane Running on the M25. As more All Lane Running schemes open (most recently; M1 J28–31, M1 J39–42 and M6 J10a–13), the evidence base grows. Based on this robust evidence, we do not believe halting the All Lane Running programme is warranted.

All Lane Running has led to new ways of operating to manage risk in this environment. For example recovery personnel should not be attending live lane breakdowns unless the Police or Highways England's TOS have implemented appropriate traffic management to manage the scene. Recovery should only ever take place from an ERA out of the live lane or within an environment managed by the Police or TOS. This level of management exceeds that of a hard shoulder in close proximity to high speed traffic of a motorway or on APTRs with no hard shoulder.

Whilst we recognise the introduction of All Lane Running has necessitated changes in operations to maintain the safety of road users and workers, the evidence does not support the assertion that vehicle recovery personnel are significantly disproportionately affected by the introduction of All Lane Running.

Emergency Refuge Areas

Recommendation 4: The level of emergency refuge area misuse is unacceptable. When combined with the scarcity of such areas, this can lead to a driver being forced to stop in a live lane in the event of a breakdown. The Department needs to set out what its target is for this level of misuse, how it will reduce this, and in what timeframe it expects this to be achieved. (Paragraph 33)

Response: The Government agrees that ERA misuse is unacceptable whether on part-time Hard Shoulder Running or All Lane Running sections of smart motorways.

Any level of ERA misuse is unacceptable so there is no target level. To support this Highways England has commenced a national study to identify ERA usage across England, as it would appear that this varies across each region. This intelligence will help target interventions and determine a baseline to compare future performance. It is expected that interventions will include a combination of engineering solutions, plus education and encouragement to reduce the level of misuse.

Highways England would expect to issue warning letters for ERA misuse during 2017. This approach, which has been used effectively for hard shoulder misuse, will not only act as a reminder to drivers to encourage positive behaviour, but will also provide further intelligence surrounding misuse to help inform future improvements.

Our response to Recommendation 8 provides further information on Highways England's campaigns and engagement activities targeted at key compliance issues such as ERA misuse.

Recommendation 5: Police forces, motoring organisations, and vehicle recovery operators are in agreement. Emergency refuge areas in All Lane Running are placed too scarcely. We were pleased to be told by Mike Wilson that Highways England were open to change on this aspect of the design. The Department should revert to emergency refuge areas spaced at 500–800m, as in the M42 Active Traffic Management pilot. (Paragraph 35)

Response: ERAs on the M42 part-time Active Traffic Management (ATM) scheme were spaced at 500 to 800m, with distances on subsequent part-time Hard Shoulder Running schemes increased to 800 to 1,000m. On All Lane Running sections, ERAs are on average approximately every 2km and at most approximately 2.5km apart.

The Government note the views of the AA and RAC who indicate that they would like to see ERAs more frequently (AA suggested double the number i.e. 1.25km spacing; and the RAC circa 800 to 1000m based on their survey). We also note that the distance between ERAs is the AA and RAC's principal concern with All Lane Running.

On this basis, Highways England has committed to review ERA spacing as part of a broader approach to reduce the frequency and risk associated with live lane stops. Additionally, the review will include how to improve awareness of available ERAs to road users by for example: improved signage, measures to make them more conspicuous and possibly putting their locations on in-car technology, such as satellite navigation systems. Highways England will be working in collaboration with key stakeholders to have initial findings, which could feed into the All Lane Running design, identified by the end of 2016.

Recommendation 6: While the size of emergency refuge areas is the same as that used on All Purpose Trunk Road links, motorways are a different kind of road. The 30m stopping area is putting vehicle recovery operators at risk. That the design has not changed for 10 years is not a reason to maintain it if that design is inadequate. If the Department is going to press ahead with All Lane Running, the opportunity of building new refuge areas should be used to increase their size, accounting for the fact that broken-down vehicles will not necessarily stop in the optimal part of the refuge area, and that recovery operators need to be able to safely navigate into the area and have space to build up speed to safely enter a live lane. Any gain in capacity is lost if live lanes have to be closed in order to safely recover a vehicle from an ERA. (Paragraph 37)

Response: The Government does not agree that the size of the ERAs is putting vehicle recovery operators at increased risk, as procedures have been developed with the input of the emergency services and leading recovery operators themselves to safely manage recovery operations.

All vehicle recovery on All Lane Running sections is designed to be carried out from either an ERA or within traffic management implemented by the Police or Highways England's TOS under speed and lane control. This level of management exceeds that of a standard hard shoulder on motorways which are in close proximity to high speed traffic or on APTRs with no hard shoulder.

Procedures are in place for the Police and Highways England to assist vehicles re-entering the carriageway from an ERA and to manage the risk to both vehicles exiting and those on the main carriageway. During an assisted exit, the nearside lane is closed temporarily, so motorway capacity is not significantly reduced. We therefore would not agree that any gain in capacity from All Lane Running is automatically lost to support assisted exits. These circumstances are no different in terms of impact on capacity as on part-time Hard Shoulder Running sections.

The ERA size used on All Lane Running is the same as those used on all part-time Hard Shoulder Running schemes since 2006, which were tested with motoring and vehicle recovery organisations at the Fire Service College at Moreton-in-Marsh in 2004. While during this period no fundamental issues of their impact on safety have been identified, we accept that longevity of the ERA design in itself does not equate to adequacy of their size. Highways England has committed to review the size of ERAs. They will work in collaboration with key stakeholders and plan to have initial findings which could feed into the All Lane Running design identified by the end of 2016.

Public perception, understanding and compliance

Recommendation 7: Poor compliance with Red X signals is a grave concern that not only puts motorists at risk, but also places vehicle recovery operators, emergency services, and traffic officers in harm's way. A non-compliance rate of 8% is unacceptable. The Department should continue to publish figures of Red X compliance on existing All Lane Running schemes (and Smart Motorway schemes more generally), and needs to show significant improvement in this area. All lane running cannot be considered to be safe with such dangerous levels of non-compliance with Red X signals. (Paragraph 41)

Response: The Government agrees with the Committee that non-compliance with Red X signals is a concern as it is a serious offence and is illegal.

Highways England recognised this in their written evidence to the Committee as driver behaviour continues to play a part in the overall success of smart motorways. Prior to the inquiry, Highways England had initiated a comprehensive programme of activities across engineering, education, encouragement and enforcement methods to improve compliance, most notably for Red X. The latest information campaign was in July 2016 to target Red X compliance and forms a key part of Highways England's communications strategy referred to in the Government's response to Recommendations 8 and 14. A further campaign will run in early 2017. Highways England will continue to monitor and report Red X non-compliance and develop further interventions to tackle it.

Recommendation 8: Regular users of the motorway may become quickly familiar with using a motorway without a hard shoulder, but the occasional user should also be considered. The low level of public awareness surrounding All Lane Running motorways is a potential safety issue. This is a major change to the motorway network,

and it is unacceptable that so many drivers are not more informed about the workings of some of the busiest roads in the country. We note that the Department has launched a public awareness campaign and is monitoring its effectiveness. We recommend that, if these schemes are to go ahead, that the Department redouble its efforts to increase public awareness with further, cross-media campaigns to make road users confident of using motorways without a hard shoulder. (Paragraph 45)

Response: The Government accepts the need for further engagement and the need to do more to increase public awareness of the key elements of All Lane Running.

Highways England placed an even greater emphasis on working with key stakeholders in developing their latest national smart motorways campaign launched in July 2016. They have worked closely with stakeholders such as the RAC, RAC Foundation, Road Haulage Association and Transport Focus in developing key messages and campaign materials, sharing distribution channels and using cross-media campaigns to heighten public awareness. This campaign covered key themes such as Red X compliance, ERA usage and the importance of vehicle checks e.g. fuel level.

The next phase of campaign activity, in early 2017, will focus on key themes highlighted by this Inquiry, to further increase awareness and improve motorists' perception of All Lane Running and their confidence in using it.

Recommendation 9: If All Lane Running schemes are to go ahead, it is up to the Department to win the argument by addressing public fears. Regardless of whether the Department accepts our argument that the safety case is flawed, the public perception of the safety of All Lane Running sections of motorway should worry the Department. The existing publicity campaigns, which focus on teaching the rules of Smart Motorways, do not address this perception. We are concerned that a perceived lack of safety could make people avoid sections of motorway where All Lane Running is in operation, or feel unduly stressed when they do use them. (Paragraph 48)

Response: The Government has recognised in our response to Recommendation 8 that there are concerns with All Lane Running amongst some road users. We do not believe that the safety assessment behind All Lane Running is flawed as it adopts the same methodology and principles used in the safety assessment for M42 ATM part-time Hard Shoulder Running, which the Committee supports. In addition the safety evidence from the M25 supports the pre-scheme assessments and indicates that the current high level of safety performance on our motorways is being maintained. This is covered in more detail in our response to Recommendation 11.

Highways England recognises the need to do more to address concerns amongst some road users and communicating how to use smart motorways is one element of this. Their approach is encompassing engineering, education and encouragement measures to positively influence the perception of All Lane Running and enhance the experience of drivers. The introduction of a stationary vehicle detection system to All Lane Running sections is just one measure to reduce risk and help enhance driver confidence.

Future information campaigns will seek to address any imbalance between the safety performance and perception of All Lane Running. Highways England recognises that different users have differing needs that must be catered for and to do this it must use a range of channels and messages to reach all road users.

Recommendation 10: In evaluating the success of its public awareness campaigns, Highways England should consider the reach and exposure of such campaigns in different groups, including disabled, elderly, novice, or drivers of any gender. Drivers are not homogenous and the campaigns should also be assessed on whether those being reached are assured that the new motorways are safe to drive on. (Paragraph 49)

Response: The Government recognises that road users are not a homogeneous group.

Highways England actively engages with various different groups, including vulnerable users, and actively shares information in the best and most appropriate way with each of them. The evaluation of a campaign's effectiveness looks at how well it reaches different groups, such as disabled, elderly and novice drivers. This will continue to be a strong feature of Highways England's campaigns to ensure that they are inclusive and accessible for the wide range of road users who use the strategic road network.

Highways England GD04 risk assessment

Recommendation 11: We find that the way that the Department has presented the risks of All Lane Running is disingenuous. The increase in risk caused by the loss of the hard shoulder is not an unfortunate, necessary cost of installing the controlled environment. The two acts are not intrinsically connected. By packaging the two together, the Department has been able to say that "overall risk", an arbitrary concept, has not increased. The Department cannot decrease the risk of some hazards in order to justify an increase in the risk of other hazards. (Paragraph 60)

Response: The Government does not agree with the Committee's conclusion that the presentation of risk is disingenuous.

Highways England's rigorous safety risk assessment for All Lane Running has been transparent. The safety assessment work is located within the suite of All Lane Running documentation on Highways England's Knowledge Compendium (<http://www.highways.gov.uk/knowledge/publications/managed-motorways-all-lane-running-documents/>).

It is Highways England's rigorous safety assessment process that has led to the conclusion that the controlled environment is essential to manage the residual risks associated with converting the hard shoulder into a traffic lane. The installation of the controlled environment does not require the loss of the hard shoulder. It is the controlled environment which enables the use of the hard shoulder to provide much needed capacity. All Lane Running achieves this more quickly, more efficiently, across more of the network than previous approaches and vitally does not undermine safety performance as the post opening data available to date confirms, with reductions in casualty and collision rates.

The approach taken for balancing risk through the safety assessment for All Lane Running, based on the Globally At Least Equivalent (GALE) concept is exactly the same methodology used in the assessment for the part-time Hard Shoulder Running which the Committee supports. The approach to the management of safety risk, set out in the Design Manual for Roads and Bridges (GD04¹), is compliant with the relevant Legislation², and

1 Design Manual for Roads and Bridges—Vol 0, Section 2, Part 3—GD04/12—Standard for Safety Risk Assessment on the Strategic Road Network.

2 i.e. Health & Safety at Work Act 1974; Construction (Design & Management) Regs 2015; Highways Act 1980.

reflects the Health and Safety Executive's (HSE) guidance, Reducing Risks, Protecting People³. It is also aligned with Departmental Guidance including other sectors, such as rail⁴.

Highways England is confident but not complacent in the performance of All Lane Running and is continually expanding its evidence base. The M1 J28–31, M1 J39–42 and M6 J10a–13 schemes have all become operational since the start of 2016 and Highways England will closely monitor these schemes and continue to monitor the M25 sections.

Emergency Services

Recommendation 12: The permanent conversion of the hard shoulder into a running lane has unnecessarily introduced risks and operational barriers to roads policing activities on motorways. Maintaining the hard shoulder, as in the M42 Active Traffic Management pilot, would mitigate these risks and barriers while still significantly improving capacity. (Paragraph 68)

Response: The Government does not agree with the Committee that All Lane Running introduces unnecessary risk and barriers to roads policing activities.

We recognise that it is vital that the police can continue to operate safely and effectively. As such the introduction of All Lane Running has led to the development of new agreed procedures, following discussions at a strategic level with the Association of Chief Police Officers, now the National Police Chiefs Council, and at a local police force level when the schemes are being developed. The new procedures and operating agreements include the enhanced use of technology to manage scenarios within this environment, such as using signals to provide access to incidents via the creation of a dedicated emergency access lane.

Highways England's ongoing engagement with police forces has also led to a collaborative approach to deciding if observation platforms are deemed essential for operations for that police authority's area, for example the numbers to be retained or relocated. Highways England remains committed to working with police forces and other key partners to ensure their operational requirements continue to be considered as part of the review and refinement of the future design.

We would also wish the Committee to note that there is no operational difference in terms of available lanes between the part-time Hard Shoulder Running environment when the hard shoulder is open as a traffic lane and All Lane Running, as it is not possible to use either for police stops. Therefore, we do not believe that an M42 part-time ATM approach would mitigate these risks and barriers any more effectively than All Lane Running while the part-time Hard Shoulder is operational.

Highways England Traffic Officers

Recommendation 13: Violation of a closed lane is an issue across all designs of Smart Motorway; we do not conclude that the problem would be any better if all Smart

3 'Reducing risks, HSE's decision-making process protecting people'—First published 2001.

4 'Common safety method for risk evaluation and assessment' Commission Regulation EC (352/2009).

Motorway designs were using All Lane Running and, as stated elsewhere, this would mean the permanent loss of the hard shoulder in all schemes, which we oppose. (Paragraph 70)

Response: The Government agrees with the Committee that there are instances of non-compliance (violation) with closed lanes across all types of roads including smart motorways. Non-compliance of closed lanes can either be associated with Red X or the misuse of the hard shoulder when it is closed to traffic on a Hard Shoulder Running scheme. Highways England is working hard to minimise both forms of non-compliance.

The initial assessment leads Highways England to believe the overall problem of hard shoulder lane misuse is improved under All Lane Running. The conversion of the hard shoulder to a traffic lane avoids any potential driver uncertainty over the status of the hard shoulder, eradicating hard shoulder misuse. There are a range of activities underway to tackle the remaining concerns surrounding Red X non-compliance which are outlined in our response to Recommendation 14.

We therefore agree with Mr Turner (TOS and Prospect Health & Safety officer – Q69 from Oral Hearing 18 April 2016⁵) that All Lane Running reduces any potential driver uncertainty as to which lanes are open and uncertainty over the status of the hard shoulder which eliminates hard shoulder misuse; a non-compliance which is only associated with part-time Hard Shoulder Running schemes.

Recommendation 14: It is clear that the issues of Traffic Officer safety and Red X compliance are linked. The Department needs to use all of the three Es – education, enforcement and engineering – to eliminate non-compliance. Penalties for non-compliance should reflect the risk of death or serious injury, driver education courses and public awareness campaigns should explain the dangers, and radar systems used to detect static vehicles should be used to detect moving traffic in closed lanes so that workers can be warned. A better system of coordination and communication will be needed to safeguard the lives of those working on the motorway. The Department must take steps to improve compliance with signals. With 7–8% non-compliance, Traffic Officers are being put at significant risk of death or serious injury. (Paragraph 71)

Response: The Government agrees with the Committee that the levels of Red X non-compliance reaffirm the need to continue to do more to tackle this issue. We recognise and agree that the strategy to improve compliance needs to encompass the 3Es, as well as a fourth which is continual encouragement, for example issuing warning letters for instances of non-compliance. Red X was central within Highways England's most recent information campaign as outlined in our response to Recommendation 1.

Penalties for non-compliance are a matter for the police, however, we agree that the potential severity of incidents resulting from non-compliance is as high as for some of the most serious traffic offences, such as ignoring a red traffic signal. Given the importance of compliance with Red X signals we are actively considering the case for automated enforcement via technology, which will require legislation to amend the Road Traffic Offenders Act for Red X enforcement purposes. This legislation could be in place as

5 <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/transport-committee/all-lane-running/oral/32103.pdf>

soon as the end of this year. In addition, Highways England will continue to identify and research other technology that will improve the controlled environment for the benefit of road users and road workers.

Highways England's written evidence submission outlined the range of activities that are already underway to improve compliance with Red X signals. The safety of those at incident scenes is also influenced by effective communications and systems of coordination. Highways England continues to work with emergency service partners to ensure that incidents are managed as effectively as possible and lessons learnt are incorporated into operating procedures.

Costs

Recommendation 15: We do not support the deployment of all lane running. Given that Highways England's own risk assessments show that other forms of smart motorway are safer than All Lane Running, and still improve capacity, we recommend the design of the M42 Active Traffic Management pilot, or, less preferably, Dynamic Hard Shoulder Running as safer alternatives. The cost saving of All Lane Running cannot justify the increase in risk of certain hazards. (Paragraph 77)

Response: The Government does not agree with the Committee's recommendation to revert to earlier smart motorway designs.

The safety objective of all types of smart motorway has been to maintain the high safety performance levels on motorways. All Lane Running is demonstrably as safe as a standard motorway and the M25 schemes show that casualty and collision rates are down. All Lane Running provides a simpler environment than part-time Hard Shoulder Running and avoids any potential uncertainty caused by the operation of a part-time hard shoulder leading to misuse as stated in our response to Recommendation 13.

We do not consider that the M42 ATM represents a typical design or performance for Hard Shoulder Running given that it was a pilot scheme. There are a range of performance levels across smart motorways, and the pilot project was intended to robustly demonstrate the safety and operation of the concept, rather than provide an optimal solution appropriate for a national roll-out programme.

All Lane Running provides the opportunity to modernise and improve performance on far more of the motorway network, in a shorter timescale than would be possible under previous approaches. By keeping traffic on the motorway, or attracting traffic to it, more drivers are using our safest roads and benefitting from driving in a safer environment.

All Lane Running provides four lanes of capacity at the national speed limit unlike Hard Shoulder Running (60 mph maximum operating speed) and avoids the labour intensive operation of opening and closing the hard shoulder which needs to exactly coincide with the traffic demand for it to be effective. Post Opening Project Evaluation reports on part-time Hard Shoulder Running schemes indicate that when the hard shoulder is opened to traffic early or closed late (at 60mph) this negatively impacts scheme performance and restricts the overall benefits case for some of these schemes.

All Lane Running optimises the system to avoid these performance constraints that restrict the part-time Hard Shoulder Running benefits case, whilst providing a simpler,

more intuitive driving environment that is quicker to deliver and maintains high levels of safety performance. Highways England is committed to making further improvements with the introduction of stationary vehicle detection and embracing new technologies to make the concept even smarter and safer for all users.

Recommendation 16: The Department would do well to decouple its thinking, and not assume that the loss of the hard shoulder is essential for the installation of a controlled environment. The “smart” in smart motorways does not come from the loss of the hard shoulder, but for motorists this is undeniably the most disturbing aspect of the changes. It could be seen as disingenuous to present this change as part and parcel of “smart” motorways. The Department cannot use a reduction in risk in some hazards to justify an increase in risk in others. (Paragraph 78)

Response: The approach to safety assessment and the relationship between a controlled environment and the conversion of the hard shoulder is outlined in our response to Recommendation 11.

We do not believe that we have been disingenuous in relation to use of the term “smart” in smart motorways and agree that the term does not come from the loss of the hard shoulder. Smart motorways is the umbrella term used to describe the way in which new technology, infrastructure and operational regimes are delivered in the most efficient way to form a controlled environment to enhance network capacity and effectively manage traffic, whilst at the same time maintaining safety.

Recommendation 17: It is not justifiable for the Department to go ahead with a major motorway programme with only one year’s worth of safety information from the specific design that they have chosen. The All Lane Running design has been chosen on the basis of cost savings, and it is not acceptable for the Department to proceed with a less-safe design, putting people’s lives at risk, in order to cut costs. (Paragraph 79)

Response: The Government does not agree with the Committee’s recommendation. All Lane Running is maintaining the already high safety standards of our motorway network. Our motorways and major ‘A’ roads are among the safest in the world and within that network our motorways have the best safety records. The evidence to date of All Lane Running shows it maintains that high safety standard. After reviewing the evidence we do not believe that halting the All Lane Running programme is warranted, as outlined previously in our response to Recommendation 3.

Highways England’s All Lane Running safety assessments are based on the same principles and approach as used for the successful M42 ATM pilot 10 years ago as outlined in our response to Recommendation 11. During the planning and development of the concept, this provided confidence that All Lane Running would be as safe as a standard motorway and the formal casualty evidence presented during the inquiry supports this position.

We would also not agree with the premise that All Lane Running has been chosen solely on the basis of cost saving resulting in a less safe design. Our response to Recommendation 15 clearly sets out the reasoning for progressing All Lane Running. The safety evidence

(STATS19 data⁶) to date supports this position. This will be built upon as the evidence base for All Lane Running is continually expanding with the introduction of new schemes (over the last 8 months: M1 J28–31, M1 J39–42 and M6 J10a–13).

Highways England is committed to making further improvements to All Lane Running with the introduction of stationary vehicle detection and embracing new technologies to make the concept even smarter and safer for all users.

Recommendation 18: We recommend an immediate halt to the rollout of All Lane Running, and that the proposed schemes be replaced by schemes based on the M42 Active Traffic Management design. That is, a design incorporating the temporary use of the hard shoulder as required, gantries spaced at a distance of 500–800 metres, and emergency refuge areas spaced at the same distance. (Paragraph 80)

Response: The Government does not agree with the Committee’s recommendation for an immediate halt to the roll-out of All Lane Running and we would refer to the points made in response to Recommendations 3, 15 and 17.

We do not agree that an M42 ATM based approach is the optimal way to deliver the vital network improvements that the Government is seeking.

Highways England has committed to review ERA spacing as part of a broader strategy to reduce the frequency and the risk associated with live lane stops. They will be working in collaboration with motoring organisations and emergency services including the police and plan to have the initial findings, which could feed into the All Lane Running design, identified by the end of 2016.

Highways England regularly reviews and updates the design and has already incorporated lessons learnt into the All Lane Running infrastructure design requirements during 2015 based on findings from M25 operations, this included tightening the maximum spacing requirement of gantries. They are continually looking to improve the All Lane Running solution and have confirmed the inclusion of stationary vehicle detection into the specification. The Government and Highways England are keen to reach a position where the public and our stakeholder partners are comfortable with and supportive of an enhanced All Lane Running smart motorways solution.

6 <https://www.gov.uk/government/collections/road-accidents-and-safety-statistics>

Formal Minutes

Monday 12 September 2016

Members present:

Mrs Louise Ellman, in the Chair

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|----------------|-----------------|
| Robert Ffello | Will Quince |
| Mary Glindon | Iain Stewart |
| Karl McCartney | Graham Stringer |
| Mark Menzies | Martin Vickers |
| Huw Merriman | |

Draft Report (*All lane running: Government response*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 9 read and agreed to.

Summary agreed to.

A Paper was appended to the Report.

Resolved, That the Report be the Fifth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Monday 10 October at 4.00pm]

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2016–17

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| First Report | Operation Stack | HC 65 |
| Second Report | All lane running | HC 63 |
| Third Report | Volkswagen emissions scandal and vehicle type approval | HC 69 |
| Fourth Report | Skills and workforce planning in the road haulage sector | HC 68 |
| First Special Report | Road traffic law enforcement: Government Response to the Committee's Second Report of Session 2015–16 | HC 132 |
| Second Special Report | Airport expansion in the South East: Government response to the Committee's Third Report of Session 2015–16 | HC 564 |
| Third Special Report | Operation Stack: Government response to the Committee's First Report of Session 2016–17 | HC 602 |

Session 2015–16

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| First Report | Surface transport to airports | HC 516 (HC 995) |
| Second Report | Road traffic law enforcement | HC 518 (HC 132) |
| Third Report | Airport expansion in the South East | HC 784 |
| First Special Report | Investing in the railway: Network Rail Response to the Committee's Seventh Report of Session 2014–15 | HC 347 |
| Second Special Report | Motoring of the future: Government Response to the Committee's Eighth Report of Session 2014–15 | HC 349 |
| Third Special Report | Smaller airports: Government Response to the Committee's Ninth Report of Session 2014–15 | HC 350 |
| Fourth Special Report | Strategic river crossings: Government Response to the Committee's Tenth Report of Session 2014–15 | HC 348 |
| Fifth Special Report | Strategic river crossings: Greater London Authority Response to the Committee's Tenth Report of Session 2014–15 | HC 558 |
| Sixth Special Report | Surface transport to airports: Government Response to the Committee's First Report of Session 2015–16 | HC 995 |