



House of Commons
Transport Committee

**All lane running:
Government Response
to the Committee's
Fifth Report of Session
2016–17**

**Sixth Special Report of Session
2016–17**

*Report, together with formal minutes
relating to the report*

*Ordered by the House of Commons to be printed
5 December 2016*

Transport Committee

The Transport Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Transport and its associated public bodies.

Current membership

[Mrs Louise Ellman MP](#) (*Labour (Co-op), Liverpool, Riverside*) (Chair)

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The following was also a member of the Committee during the inquiry:

[Mary Glendon MP](#) (*Labour, North Tyneside*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/transcom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

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

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Sixth Special Report

The Transport Committee published its Second Report of Session 2016–17, [All lane running](#) (HC 63), on 30 June 2016. The Government's response was received on 26 August 2016. The Committee responded to this by publishing its Fifth Report of Session 2016–17, [All lane running: Government response](#) (HC 654), on 29 September 2016. The Government's response to this was received on 1 December 2016 and is appended to this report.

Appendix: Government Response

The Government welcomes the opportunity to respond to the Transport Select Committee's (TSC) Fifth Report of Session 2016–17 on all lane running (ALR).

Notwithstanding the growing evidence that ALR is providing much-needed additional capacity quickly and efficiently on our roads while maintaining or improving safety, the Government is mindful of the concerns highlighted by the TSC. Effective communication with drivers and full engagement with stakeholders are vital to address these concerns, as is the continual review of the ALR design to learn lessons and make further improvements. The Government is determined that the reviews into Emergency Refuge Areas (ERAs) should be completed swiftly and that action on the recommendations will be taken. To be clear, that means both changing the design of new schemes and retrofitting existing ones, where necessary. The Government assures the TSC that continuing with delivery of current ALR schemes must not prevent any of that from happening.

The Government and Highways England would also like to work with the TSC during the reviews and will be in contact with the Chair to offer a meeting early in the New Year. We want this to be part of a step change in the way Government and Highways England communicate and engage, in response to the TSC's reports.

In the following paragraphs, the TSC's comments and recommendations appear in bold text below, preceding the Government's responses which are in plain text.

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. (Paragraph 4)

Response: The statutory process for the Development Consent Order (DCO), as set out in the Planning Act 2008, required that the DCO decision on the M4 smart motorway scheme be made and issued no later than 3 September 2016. This statutory deadline follows the submission of the DCO application in March 2015 and the Planning Inspectorate's preliminary meeting on 3 September 2015, which was the start date for the statutory timescales. This meant that the Secretary of State was required to issue his decision by the 3 September 2016. The decision to approve the application on the 2 September 2016 was made after the TSC's 2nd Report which was published on 30 June 2016, and was in line with the recommendation from the Planning Inspectorate's independent Examining Authority.

The Minister Paul Maynard, wrote to TSC Chair Louise Ellman MP, on the day the decision was published to explain why the Secretary of State had proceeded with the decision rather than wait for the TSC to consider the Government's response.

The Government and Highways England are committed to further improve the performance of ALR and as stated in our response Highways England will undertake its review of ERA spacing, signing and size. The outcome of this work will be considered as part of the development of the M4 Junctions 3–12 ALR scheme, as well as other ALR schemes.

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. (Paragraph 5)

Response: Highways England is committed to working with key stakeholders to ensure their needs are considered as part of the smart motorways design. The safety of those using and working on the road network is Highways England's top priority. For example, Highways England is collaborating with the Institute of Vehicle Recovery (IVR) to deliver a full-scale mock-up of an ERA, to demonstrate and test current ERA operations with key stakeholder participation. This will be filmed and used to produce high quality, visual guidance material that will be shared across the recovery industry to highlight best practice.

The collaboration with the IVR is helping to develop enhanced procedures for Highways England's Traffic Officer Service (TOS) to further support vehicle recovery operators recovering vehicles on ALR sections of motorway. This work is also assisting the IVR in generating updates to its Safety at the Roadside training materials, which includes enhanced collaborative working with the TOS. The updated training module will be delivered to a large number of UK based professional recovery operators. A similar approach is being taken with the Freight Transport Association, with a smart motorway training module planned to be rolled-out across the freight industry from January 2017. In addition to Highways England's engagement work, the Government is also keen to discuss ALR with the relevant unions.

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. (Paragraph 7)

Response: Highways England remains committed to review ERA design and spacing. The ERA demonstration will importantly facilitate practical analysis of key stakeholder concerns regarding ERA size. This will help stakeholders to assist in the identification of potential design/ operational solutions to support enhanced recovery operations and is supported by the SURVIVE¹ group, who have committed to provide subject matter expertise from a practitioner's perspective. The demonstration will take place by early 2017.

Highways England has also commissioned in-depth analysis to compare live-lane stops on ALR with other sections of the motorway network (including part-time hard shoulder running schemes). This will help the comparison of live-lane stopping rates and casualty collision rates on schemes with different ERA spacing and further inform the review of

1 (The SURVIVE group was initially established by representatives from the breakdown / recovery industry with the key purpose being to promote the safety of people stopping on or working on the motorway hard shoulder and high-speed dual carriageways. The group has since expanded and now includes key organisations including Highways England, the National Police Chiefs' Council, research bodies, the haulage and insurance industries and representatives of the highway maintenance industry.)

current ERA spacing on ALR sections of motorways. In parallel, Highways England is also taking positive steps to review the signing for ERAs. This includes reviewing the frequency and understanding of signs and also whether more can be done to make the purpose of ERAs more understandable to key user groups, such as foreign freight drivers for whom their use and potential misuse may not be immediately apparent. The approach to this work is outlined in our response to paragraph 9.

The Government and Highways England are determined to act on the findings of the reviews, through changes to design standards for new schemes or by retrofitting to existing ones, where necessary. The Government and Highways England assure the TSC that continuing with delivery of current ALR schemes does not prevent that from happening.

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. (Paragraph 8)

Response: The Government continues to work with Highways England to monitor and understand the levels of compliance with Red X signals and to take the necessary steps to tackle it through a combination of education and enforcement. The effectiveness of the programme of work to improve driver compliance, which includes activities across the compliance 4E's – Education, Encouragement, Engineering and Enforcement will be assessed to ensure it delivers improvements. Highways England is developing a monitoring capability to specifically identify performance trends associated with key compliance issues, such as Red X.

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.

Highways England also remains committed to improving levels of signal performance. The setting and removing of accurate, helpful and timely signals has been identified as a key area that needs to be reviewed. Work has already started with key Highways England operational and technology experts to deliver continual improvement. The introduction of stationary vehicle detection will further improve the timeliness and accuracy of signal setting performance capability on ALR.

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 – (Paragraph 9)

Response: Notwithstanding the growing positive evidence on the safety of ALR, the Government is mindful of the concerns highlighted by the TSC. The Government is taking a close interest in the progress of the ERA design reviews and assures the TSC that continuing with delivery of current ALR schemes does not prevent the recommendations from the reviews being acted upon for current and completed ALR schemes. Therefore, the Government does not agree with the TSC's call for a halt to the roll-out of ALR.

- **How the findings of the review into ERA spacing will be acted on and whether existing schemes will be reworked if spacing is reduced?**

Response: As stated in our response to paragraphs 5 and 7, Highways England has committed to working collaboratively with stakeholders to review the size and spacing of ERAs. Work has begun to review ERA signing and Highways England will be delivering a trial of new signing by spring 2017.

The initial data from these ERA review activities will become available by the end of 2016, with the comprehensive findings to be delivered by the end of March 2017. The initial findings will be presented and discussed with motoring stakeholders such as the AA, the RAC, the IVR and other key stakeholders early in 2017. The outcomes from the Highways England's ERA review will be reflected in standards for future schemes and will also be considered for retrofit on operational schemes. Any changes to operational schemes will be prioritised by Highways England on a needs basis, determined by performance levels and the impact of live-lane stops on safety.

- **Whether gantry spacing will be adjusted for existing schemes if the specification is tightened for new schemes.**

Response: Following the initial ALR schemes on the M25, Highways England strengthened the requirements for signal gantry spacing and visibility which have been incorporated into the design specification for ALR. The overarching requirement remains that signals shall be spaced between a minimum of 600m and up to a maximum of 1500m apart. This provides a degree of flexibility to position gantries in locations that are appropriate to the geometry of the particular road. Highways England is reviewing gantry spacing on the M25 at locations where specific concerns have been identified and will progress improvements as required. It is anticipated that the review will take 6 months to carry out. Highways England will also review operational schemes where specific concerns are raised in relation to gantry spacing, but evidence to date does not indicate widespread changes are required.

- **When and how stationary vehicle detection systems will be retro-fitted to existing schemes?**

Response: Having successfully tested a stationary vehicle detection system on the M25 ALR scheme between junction 5 and junction 6, Highways England will roll-out the radar based technology onto operational ALR sections of smart motorways, to further reduce the risk to broken down vehicles. The requirements for stationary vehicle detection are being incorporated into the smart motorways programme with the roll-out commencing in spring 2017.

- **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?**

Response: The M42 J3a–J7 part-time hard shoulder running (also known as Dynamic Hard Shoulder) pilot scheme opened in 2006 and was the first of its kind in the UK and continues to provide a safe operating environment. This pilot provided evidence that the use of the hard shoulder could provide extra capacity safely and it evolved into the ALR concept. Conversion of operational part-time hard shoulder running schemes into full-time use (ALR) would be desirable for enhanced network consistency. This will be considered as part of the programme development of future road investment periods as ALR becomes the principal smart motorways solution across the network.