

Executive

Report of the Director of City and Environmental Services

Coppergate – Representations made to the Traffic Regulation Order

Summary

1. **Part A** - To report the representations made in respect of the statutory consultation on the proposed Traffic Regulation Order (TRO) for members to take into consideration when deciding whether to proceed to the next step in the process to introduce a revised bus priority traffic restriction on Coppergate.
2. **Part B** – In the event that Members resolve to make the TRO under Part A of this report. Part B seeks approval for the permanent and temporary signing proposals, the grace period for drivers after implementation and the post scheme implementation monitoring and reporting.
3. This section also provides an updates on the anticipated timescale for implementation and the start of enforcement (paragraph 30).

Recommendations

4. **Part A** - It is recommended that the Executive:
 - Approves Option 2 below (paragraph 12) - approve the making of the new TRO as planned (with the minor modification to take account of the Emergency Services representations).

Reason: Because it achieves the bus priority aims and allows effective ongoing enforcement of the regulations to take place.

5. **Part B** – Only if Part A above is approved - It is also recommended that the Executive approves:
 - The enhanced street name signing shown in Annex D

Reason: To provide better awareness of where Coppergate is.

- The pre-implementation temporary advance information signing shown in Annex E

Reason: To raise greater awareness of the commencement date for the new bus priority restriction.

- The post-implementation temporary advance information signing shown in Annex E

Reason: To raise greater awareness of the commencement of the new bus priority restriction.

- The permanent advance information signs shown in Annex F

Reason: To ensure there is ongoing information available to drivers before they reach the point of the restriction so that they are better prepared to make a driving decision.

- The regulatory signs at the start of the restriction shown in Annex G and road markings show in Annex H.

Reason: The signs are designed in accordance with the signing regulations and are required to accurately convey the meaning of the TRO. The road markings are aimed at giving additional emphasis to the start of the restriction.

- The grace periods of; 2 weeks for the initial period where all drivers are sent warning letters, followed by a six month period where drivers receive a first offence letter.

Reason: In order to achieve greater compliance without creating a feeling of being unfairly penalised.

- The monitoring and reporting on enforcement action taken in Coppergate set out in paragraph 29. The precise details of what and how the information should be presented to be delegated to officers.

Reason: To keep residents and others who are interested in this issue better informed with accurate information.

Part A

Background

6. The Executive gave approval in June this year to advertise a TRO to provide bus priority in Coppergate that could be enforced using automatic number plate recognition (ANPR) equipment.
7. The TRO was advertised for six weeks and a total of eleven representations were made. These representations, together with officers comments, are outlined in Annexes A, B and C:

8. Annex A - Four representations have been made in support of the proposal.
9. Annex B – Two representations commenting on the wording of an exemption in the TRO have been received from the emergency services. The advertised exemption states Emergency Service vehicles can only use the street during an emergency. However there are circumstances when an incident would not be defined as an emergency but has the potential to rapidly escalate to an emergency. The modification to delete the words “in an emergency” is not considered to substantially change to the TRO and therefore can be made prior to making the TRO in accordance with the relevant regulations without the need for further statutory consultation.
10. Annex C – Five other comments not directly related to the TRO have been received and are included for completeness.

Options for Consideration

11. Option 1 –Proceed with the proposal as advertised to implementation without making the requested modification. This is not the recommended option because it does not take account of the requests made by the emergency services that would allow them to provide a more comprehensive service to the community.
12. Option 2 – Make the requested modification to remove the words “in an emergency” and proceed to make the modified TRO. This is the recommended option because it achieves the bus priority aims and allows effective ongoing enforcement to take place.
13. Option 3 – Decide not to make the TRO and instead approve a re-investigation of the proposal with a view to re advertise a more severe restriction (either time or class of vehicle or both). This is not the recommended option because the current proposal is considered sufficient to achieve the aims of improving bus priority during the peak hours and maintain deliveries during the rest of the day.

Consultation

14. Because this matter had previously generated much interest the statutory consultation was carried out over a 6 week rather than the usual 3 week period.
15. In addition, because there had been concerns raised about the signing of the restriction the consultation information sent out included images of the proposed signing. No comments were received about the proposed sign designs.

Part B

16. This part of the report is wholly dependant on the decision taken following the consideration of the representations made to the proposed TRO. If it is decided to not proceed with the TRO then Part B of this report can be disregarded.

Background

17. The aim of any TRO is to achieve compliance with minimal need for enforcement. Previous schemes of this nature have received some criticism due to what some consider poor signing, poor comprehension of the restriction or location and poor notification of a new restriction coming into being. Hence, the following paragraphs and Annexes aim to set out a strategy to overcome these concerns so that any non-compliance is firmly in the driver's hands bearing in mind their responsibility to know the meaning of traffic signs that are applicable to their vehicle and circumstances and reading the road environment, even when driving somewhere unfamiliar.

Proposed Signing Strategy

18. Whilst somewhere like Coppergate is known to many people there will be significant numbers of visitors to the city, and also York residents, who will be uncertain of where it is. To raise awareness of where Coppergate is it is suggested that for a period of around 6 weeks before the TRO is implemented high visibility temporary black letter on yellow background signs be put in place at either end of Coppergate that are visible for approaching drivers from each direction. Once the TRO is implemented, these street name signs would be replaced by the more usual black on white street name signs together with the camera enforcement symbol and wording below. These two signing proposals are shown in Annex D.
19. To advertise the fact a new TRO restriction is to be implemented the erection of large temporary information signs on all approaches to the city centre is proposed initially for a period of around 6 weeks before implementation. The signs would advise that camera enforcement is due to begin on a specific date. Once the scheme is implemented the signs would be changed to say enforcement is in operation. These signs would remain in position for 3 months, though this could be extended to cover the 2017 summer period. The aim of the sign locations is to pick up as many road users as practical so most drivers will have had to pass two signs before reaching the actual restriction. The signs and locations are shown in Annex E.
20. On the immediate approaches to the Coppergate restriction permanent advance information signs will be erected to advise drivers there is a

restriction ahead and what the unrestricted through route is. The intention of these signs is not to spell out the restriction in detail (because that isn't permitted in the signing regulations) but to advise the driver that they may have to react to an upcoming restriction that may apply to them. The proposed signs and locations are shown in Annex F.

21. The signs in Annex G are those that will be put in place at the start of the restriction. These signs have been designed strictly in line with the signing regulations and have not required any special authorisation. The reason for strict design regulations, particularly for regulatory signs, is so that a driver from anywhere in the country coming upon the sign for the first time at a location will be able to use their driving knowledge to comprehend what action they should take. In addition to these regulatory signs there will be signs advising of camera enforcement which should further prompt a driver to question whether the restriction applies to them.
22. In addition to the regulatory signs at the entrance to the street it is suggested that a road surfacing treatment and markings along the lines shown in Annex H be put in place to give further emphasis to the restrictions on Coppergate.

Enforcement

23. As mentioned above, the aim of this bus priority TRO and associated measures are to achieve greater compliance. Whilst it would be quite in order to start issuing Penalty Charge Notices (PCN's) as soon as the TRO is implemented there will be those who have habitually driven this route and may drive the route in error notwithstanding the number of signs in place to advise them not to. In order to achieve greater compliance without creating a feeling of being unfairly penalised a period of grace is suggested. This could take a variety of forms.
24. **Option 1** would be for a fixed period where a letter would be issued to all drivers contravening the restriction advising them that the restriction is now in place, what the hours are and what the penalty charge will be at the end of the grace period. It is recognised that this would advertise the grace period so as to enable some to make "full use" of the grace period without being penalised. In addition, this option would not address the situation where visitors unfamiliar with the city in the future inadvertently make a mistake. Although the fact they are unfamiliar with the city would normally lead to them being more aware of traffic signs than those who drive more regularly in the city.
25. **Option 2** would be for every driver to be issued one warning letter. The downside to this is that it would normally take several days for the warning letter to arrive in the post in which time the driver may well have driven through several more times.

26. **Option 3** could be a combination of the above; a fixed period where everyone gets a reminder letter followed by a first offence letter for an extended period.
27. None of the options, nor variation of them, will eliminate drivers making a mistake. However as mentioned previously it is the drivers responsibility to take note of and respond according to the prevailing road conditions and any regulations in place. It is suggested that option 3 be applied in this instance.
28. The period of grace is in our gift and a period of two weeks for the initial fixed period where a reminder letter is sent to all vehicle owners is suggested, followed by a further six months period during which a “first offence” letter is sent to warn that any further contraventions will result in a PCN being issued.

Monitoring and Reporting

29. The bus priority restrictions on Coppergate have been of much interest previously and it is therefore suggested that regular updates for a period of time should be made available on the City of York Council website

Timescale

30. If it is resolved to implement the scheme as proposed the following timescale is anticipated.
 - Legal process finalised end of November
 - Scheme in place and start of initial grace period early January.
 - Start of enforcement at end of January.
 - Remove the temporary signs at the end of April.
 - End of the 2nd stage first offence 6 month grace period end of July.

Council Plan

31. The above proposal contributes to the City Council’s draft Council Plan of:
 - A prosperous city for all,
 - A council that listens to residents

Implications

32. This report has the following implications:

Financial – It is anticipated that this traffic management scheme will be self financing.

Human Resources – None

Equalities – None.

Legal – Members must consider representations made during the statutory consultation period before deciding whether to make the order, to comply with the Local Authorities, Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended).

Crime and Disorder – None

Information Technology - None

Land – None

Other – None

Risk Management

33. None.

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Report Approved:

Date:15/9/2016

Specialist Implications Officer(s)

None.

Wards Affected: Guildhall

All

For further information please contact the author of the report.

Background Papers: None.

Annexes:

Annex A	Representations in favour
Annex B	Representations objecting to the proposals
Annex C	Other comments not directly related to the TRO
Annex D	Proposed street name signs
Annex E	Pre and post implementation temporary advance information signs
Annex F	The permanent advance information signs and locations
Annex G	The regulatory signs at the start of the restriction
Annex H	Carriageway Surfacing and Markings