
**Decision Session – Executive Member for
Transport and Planning**

14 September 2017

Report of the Corporate Director of Economy and Place

Bus Lane and Bus Gate Enforcement in York

Summary

1. This Decision Session paper sets out a policy for enforcing bus stops/ stands, bus lanes and bus gates in York. It proposes a set of interventions which would address known problems on the bus network, provide a level of enforcement which is considered to be fair and reasonable.

Recommendations

2. It is recommended that the Executive Member approves the following:
 - i. Progression of the development of the approach set out in this report.
 - ii. Development of Bus Lane Enforcement schemes at Foss Islands Road Retail Park and Shipton Road by Rawcliffe Bar park and ride with delivery subject to further approval where necessary.
 - iii. Delivery of measures to enhance the visibility of the restricted bus only area at the station.
 - iv. Investigation of the operation of the remaining Bus Lanes in the city.

Reason: To ensure that the bus lanes are effectively managed and enforced to deliver benefit to public transport users and enhance the safety and amenity of restricted areas of the city.

Background

Why provide bus lanes and bus gates?

3. Bus lanes are provided to either give bus services a time and reliability advantage over general traffic (because buses are an effective way to make the most efficient use of limited road and junction capacity), or to limit traffic using a road to bus services alone (e.g. because too much traffic would use the road concerned in the absence of a restriction posing a safety risk to vulnerable road users and/ or reducing the amenity of an area). Often bus lanes and bus gates fulfil both objectives.
4. In York, for example, the bus lanes on Tadcaster Road, Boroughbridge Road and other radials exist to give buses a journey time advantage over other traffic – and hence encourage use of buses to access central York. However, the bus lanes/ bus gates on Coppergate or Low Poppleton Lane exist also to exclude traffic from areas where large volumes of general traffic could pose a safety risk or damage amenity.

How to enforce bus lanes and bus gates

5. Bus lane/ gate enforcement is essentially against three potential abuses, specifically:
 - Type 1: Against moving vehicle offences – where vehicles in a bus lane delay bus services through increasing the volume of traffic in the bus lane and inflicting delays at junctions etc
 - Type 2: Against moving vehicle offences – where vehicles using a bus lane or gate pose a safety threat because traffic in the area is deliberately being limited to preserve the safety and/ or amenity of an area
 - Type 3: Against stationary vehicles – parked in such a way that bus lanes, bus gates or bus stops and stands are obstructed.
6. At present City of York Council is able to use its civil enforcement officers and Bus Wardens to enforce against stationary vehicles using fixed penalty notices (type 3 abuse) in areas where there are restrictions. Discussion with bus operators suggests that there is little abuse of bus lanes in York to the extent that the volume of vehicles delays bus services (type 1 abuse). Consequently, the biggest problems with bus lane enforcement in York are in situations where general traffic is disobeying a bus lane/ gate instruction, leading to a situation where too many vehicles are entering/ passing through a restricted area and posing a threat to the safety/ amenity of that area (type 2 abuse).

7. As such, it is assessed that any enforcement strategy should concentrate on type 2 bus lane abuses. The Council can not generally enforce moving traffic offences but specific powers are available for Bus Lane Enforcement under certain circumstances where the appropriate Traffic Regulation Order (TRO) is in place. Methods for enforcing against this type of abuse could use rising bollards, Automatic Number Plate Recognition (ANPR) cameras (as used in Coppergate) or “tank trap” interventions where a gravel pit placed between two running strips limits passage of a stretch of road to wider vehicles such as buses and emergency services vehicles, but prevents cars/ vans crossing the area. An alternative to these methods would Police based enforcement. These methods are compared in Table 1, below.

Table 1: Enforcement Methods

Method	Involves	Comments
Bollards	Bollard which rises/ falls to let permitted vehicles into an area by recognising the number plates of permitted vehicles.	High sunk cost of equipment (approx. £50k) Can be prone to failure Heavy ongoing maintenance cost Can fail in the “up” position, blocking the route Can damage vehicles if bollard rises when they are travelling over it
ANPR cameras	Camera recognises number plates and fines issued – either direct by CYC or through an external agency/ company – to prohibited vehicles using the bus gate	Cost of £15k Some ongoing maintenance costs Requires very clear warning signage Vehicle must travel 50m in the bus lane to trigger a penalty
“Tank-trap”	Building highway feature which allows buses and emergency vehicles to pass, but not other vehicles	Some construction costs, after which measure self enforcing Not suitable for many locations (e.g. bus lanes used by taxis, part time bus lanes)

		Preferred measure for protecting bus gates in recent report by Stagecoach Buses Ltd Can be blocked if a vehicle does become trapped in the pit Certain large vehicles (e.g. large SUVs) are able to pass through these features easily
Police	Police used for occasional enforcement of known trouble spots	Owing to other pressures it is unlikely that the Police would prioritise bus lane enforcement on a regular basis. It is possible that the Police would need to be paid overtime to enforce bus lane restrictions

8. As such, it can be seen that there are a suite of enforcement tools – with some better for enforcing at some types of location than others. It should also be remembered that high visibility signage, carriageway colouring, carriageway markings can be used to reduce the number of unauthorised vehicles in an area without using a “hard enforcement” measure like those set out in table 1. This can be useful where the physical characteristics of a site make a hard enforcement measure impractical.

Bus Lanes in York

9. Table 2 (on next page) summarises all the bus lanes in York, categorising them according to the reason for providing the bus lane. It should be noted that some of the bus lanes identified are, in fact, several separate stretches of bus lane on a single route (e.g. Tadcaster Road and Boroughbridge Road), rather than a single, continuous stretch of bus lane. Some very short stretches (e.g. Shipton Road southbound) are excluded for brevity, as are bus only restrictions on private land (e.g. York University East Campus, York College).

Table 2: Bus Lanes and Bus Gates in York

Bus Lane location	Journey time benefit	Safety/ amenity benefit	Notes	Comments
Tadcaster Road/ Mount inbound	✓		2 stretches of bus lane	Parking movements take place across Mount section
Askham Bar park and ride site approach	✓	✓	Bus only road to P&R site	
Boroughbridge Road inbound	✓		3 stretches of inbound bus lane	
Low Poppleton Lane bus gate	✓	✓	Bus gate to control vehicles past Manor School/ rail level crossing	Existing rising bollard has failed beyond repair
Shipton Road outbound by P&R site	✓	✓	Short bus lane to control vehicles entering park and ride site	100-200 non-permitted vehicles frequently pass through in PM peak
Malton Road inbound	✓		Long, continuous bus lane	
Foss Islands Rd retail park bus gate	✓	✓	Bus gate through retail park	Survey records occasional abuse of this bus gate
Coppergate	✓	✓	Bus/ taxi/ phv only street in city centre	ANPR cameras installed January 2017
Stonebow & Piccadilly	✓	✓	Bus/ taxi/ phv loading only street in city centre	Inclusion of loading vehicles in TRO makes it very difficult to enforce restriction

Hull Road inbound	✓		Inbound bus lane plus bus gate	
Fulford Road inbound	✓		2 stretches inbound bus lane	
Designer Outlet bus gate	✓	✓	Bus gate between DO and Naburn Lane	Out of use
York Rail Station		✓	Bus only area adjacent Station canopy	Frequently abused by people setting down rail passengers
Rougier Street		✓	Bus only area adjacent bus stop canopy	
Exhibition Square		✓	Bus only area adjacent to Square	Frequently abused by drivers setting down shoppers
Piccadilly		✓	Bus only area	
Stonebow		✓	Bus only area	

Taking an enforcement strategy forward

10. As table 1 makes clear, there is a cost of providing equipment to enforce bus lane restrictions. Typically these costs are justified against a monetarisation of the journey time and safety benefits which flow from effective enforcement. However, as installing the cameras, equipment or physical changes to highways carries a current account cost, any revenue from penalty charge notices should at least cover the ongoing service cost.
11. Balanced against the cost/income is the potential reputational damage to CYC from over-enthusiastic enforcement of bus lane restrictions in the city. As such, it is proposed that CYC introduces a policy of bus lane enforcement with “fairness” at its heart - where a bus lane is only enforced when it meets all of the following four conditions:
 - The bus lane is unambiguously marked – so that drivers of vehicles in the bus lane can see that they are clearly in a restricted area. This removes stretches of bus lane/ route which can be crossed for parking movements (e.g. the Mount) or accessed for loading.)
 - Signage and the TRO for the bus lane or gate meet prescribed standards (which is a legal requirement of enforcement anyway)
 - There are reasonable grounds to believe that improving enforcement will yield a safety or journey time benefit
 - There are reasonable grounds to believe the costs of enforcement will be met by penalty charge income.
12. This should ensure that bus lane enforcement is seen as proportionate to the problems it sets out to solve. Table 3 sets out the position for all of York’s bus lanes against the above criteria.

Table 3: Bus Lanes and enforcement

Bus Lane location	Unambiguously marked	TRO meets standard	Safety/ JT benefit	Viable financial case	Recommendation on next steps
Tadcaster Road/ Mount inbound	X ¹	✓	✓	?	Survey abuse on Mount Vale section.
Askham Bar park and ride site approach	✓	✓	✓	X	Very low levels of abuse here – no further action
Boroughbridge Road inbound	✓	✓	✓	?	Survey abuse level
Low Poppleton Lane bus gate	✓	✓	✓	✓	Develop ANPR enforcement scheme
Shipton Road outbound by P&R site	X ²	Peaks only	✓	✓	High abuse now. Consider engineering options to improve enforcement
Malton Road inbound	✓	✓	✓	?	Survey abuse level
Foss Islands Rd retail park bus gate	✓	✓	✓	✓	Implement enforcement cameras
Coppergate	✓	✓	✓	✓	Enforcement cameras in place – no further action
Stonebow & Piccadilly	X ³	✓	✓	?	Complex restricted access area to be investigated further
Hull Road inbound	✓	✓	✓	?	Survey abuse level
Fulford Road inbound	✓	✓	✓	?	Survey abuse level
Designer Outlet bus gate	✓	✓	✓	X	Not in use – no further action
York Rail Station	✓	✓	✓	✓	Consider options to reduce abuse

¹ Vehicles can cross bus lane to reach parking on Mount section

² Bus lane can be used to access park and ride site

³ Prohibition allows loading vehicles

Rougier Street	✓	✓	✓	?	Survey abuse level
Exhibition Square	✓	✓	✓	?	Survey abuse level
Piccadilly	✓	✓	✓	?	Survey abuse level
Stonebow	✓	✓	✓	?	Survey abuse level

X = does not meet standard; ? = not known. Further research would be necessary; ✓ = meets standards

Conclusion

13. As set out in table 3:

- Three areas are recommended for improved enforcement, with cameras – the Foss Islands retail park bus gate, the Rawcliffe Bar park and ride bus lane; and Low Poppleton Lane.
- A further area at York Railway Station Forecourt has a problem with non-permitted vehicles entering the area, but is difficult to enforce using a bollard or camera because of the nature of the site. Improved signage and carriageway markings to be considered at this location.
- Further investigation is proposed to establish the level of abuse and the need for any additional enforcement at the other bus lanes identified in Table 3.
- Installation of the cameras in 3 locations is assessed to cost approximately £45,000
- There will be additional engineering costs for enacting the restriction on Shipton Road, as signage and road markings will require modification (indicative budget of £10,000)
- There will be a cost of improving signage and carriageway markings at the Railway Station forecourt to reduce the number of non-permitted vehicles entering the area (indicative budget of £5,000).

14. It is anticipated that enforcement will change the behaviour of the people currently driving in bus lanes – if the currently seen level of abuse is largely perpetrated by a small number of people, then enforcement could rapidly reduce bus lane abuse to very low levels, reducing income to offset the costs of camera enforcements.

15. Of the other bus lanes in York:

- Five are recommended for no further action – either because cameras are already in place (Coppergate), abuse is thought to be very low (Askham Bar), the measure is no longer in use (Designer Outlet bus gate) or the physical layout of the restriction allows some legitimate general traffic access to the restricted area (Piccadilly/ Stonebow)
- Abuse levels should be monitored at the remaining 9 sites to check if they meet the thresholds for abuse at which enforcement becomes necessary, with either ANPR or Police spot checks used as required

- CEOs and Bus Wardens should continue to act against vehicles parked in bus lanes (although this is not assessed to be a serious problem at the moment)
16. It is recommended that further detailed reports are prepared where appropriate to enable the Executive Member to confirm the approach for each location prior to implementation.

Corporate Strategy

17. Considering this matter does not impact on the corporate strategy.

Implications

18. The following are the only identified implications.

- **Financial** – There is an indicative surplus from Bus Lane Enforcement identified in the Council’s budget. Initial investigation suggests that the level of surplus is likely to be lower than the budget figure. Indicative capital costs are identified in the report. Further detailed investigation will be needed for each site to determine the potential revenue implications if the proposed approach is approved.
- **Human Resources (HR)** - There are no HR implications
- **Equalities** - There are no equalities implications
- **Legal** – Enforcement will need to comply with the TRO for each site and the relevant highway design guidelines. New TROs will need to be prepared at some sites to enable enforcement.
- **Crime and Disorder** - Bus lane and bus gate enforcement is decriminalised, therefore there are no Crime and Disorder implications
- **Information Technology (IT)** - There are no IT implications
- **Property** - There are no property implications

Risk Management

19. In compliance with the Council’s risk management strategy associated with the recommendations in this report, there is the risk that the Traffic Penalty Tribunal (TPT) could consider there to be grounds to overturn PCNs issued by the Council at the Bus Lane Enforcement sites. This has the potential for serious reputational damage and could lead to the validity of the scheme in general being questioned and render its ongoing operation untenable.

20. There is also a financial risk with Bus Lane Enforcement that the level of contravention will be lower than the cost of operating and administering the system.

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**Report
Approved**



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Wards Affected:

All

Abbreviations:

ANPR - Automatic Number Plate Recognition

CYC – City of York Council

DO – Designer Outlet

P&R – Park & Ride

PCN's – Penalty Charge Notice

TPT - Traffic Penalty Tribunal

TRO - Traffic Regulation Order