

Explanatory Memorandum to the M4 Motorway (Junction 28 (Tredegar Park) to Junction 24 (Coldra)) (50mph Speed Limit) Regulations 2021

This Explanatory Memorandum has been prepared by the Department for Economic Infrastructure and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the M4 Motorway (Junction 28 (Tredegar Park) to Junction 24 (Coldra)) (50mph Speed Limit) Regulations 2021. I am satisfied that the benefits outweigh any costs.

Ken Skates MS

Minister for Economy, Transport and North Wales

02 February 2021

PART 1 – EXPLANATORY MEMORANDUM

1. Description

These regulations (the Regulations) revoke the M4 Motorway (West of Junction 23A (Magor) to East of Junction 29 (Castleton)) (Variable Speed Limits) Regulations 2015 and impose a maximum speed limit of 50 mph on the lengths of the M4 Motorway between Junction 28 (Tredegar Park) and Junction 24 (Coldra) specified in the Schedule to the Regulations.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

None.

3. Legislative Background

The powers enabling this instrument to be made are under sections 17(2), (3) and (3ZAA) of the Road Traffic Regulation Act 1984 (RTRA). These give the Welsh Ministers the power to make provision by regulations with respect to a particular special road (such as a motorway) in Wales and for regulating the speed of vehicles on such roads in Wales.

This instrument is to be made following the negative procedure.

4. Purpose and intended effect of the legislation

The Regulations allow for the operation and enforcement of a 50 mph mandatory speed limit in relation to the lengths of the M4 specified in the schedule to the Regulations.

The imposition of the mandatory 50 mph speed limit will help to maintain the safe passage of vehicles and is expected to reduce carbon dioxide emissions and improve air quality.

5. Implementation

If this legislation were to be annulled, road safety would be compromised and nitrogen dioxide levels at this location would remain above the acceptable levels. This Instrument has a coming into force date of 28 February 2021.

6. Consultation

In accordance with section 134(10) of the RTRA, the views of representative organisations were sought between 19 November 2020 and 10 December 2020. No representations were made to the Welsh Government within the consultation period

The list of consultees and summary of any responses is attached in the Annex to this Explanatory Memorandum.

7. Regulatory Impact Assessment

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations and a Regulatory Impact Assessment has been conducted and is set out in Part 2 of this document.

PART 2 – REGULATORY IMPACT ASSESSMENT

1. Options

Option 1: Do Nothing

If the legislation were not made, the existing regulations that set a Variable Speed Limit (VSL) would remain. The VSL was introduced in 2011 as a method to reduce congestion. Its underlying principle is to keep traffic moving by adjusting the speed limit, helping to make journeys safer and more reliable. Variable message signs installed on posts and overhead gantries were installed to display reduced speed limit information. Fixed cameras were also installed to monitor traffic flows.

In 2016, the fixed cameras were used to enforce the VSL to further improve traffic flow and reduce the number of collisions. Speed enforcement through the use of roadside cameras is managed and coordinated by GoSafe, a multi-agency partnership comprising all highway authorities within Wales and the four Welsh police forces. Within that partnership structure the Welsh Government owns and installs the cameras located on the M4 Motorway and the police, as the enforcement authority, are responsible for operating them and carrying out enforcement on a day-to-day basis.

Option 2: Revocation of the existing regulations to allow a 50mph mandatory Speed Limit to be in operation

Making the legislation on this section of the M4 Motorway around Newport would be consistent with the recommendations published by Lord Burns' South East Wales Traffic Commission (SEWTC). The SEWTC put forward three short-term solutions to help ease congestion on the M4 around Newport, the first being the removal of the VSL, the second was to provide additional lane guidance on the westbound approach to the Brynglas tunnels and the third measure was to enhance Welsh Government Traffic Officer support by formalising response time targets and extending the range of patrolling.

A permanent 50mph is anticipated to improve traffic flow during the peak times by achieving a smoother traffic flow, minimising the effects from vehicles speeding up and slowing down which cause a ripple effect in congestion.

2. Costs and benefits

a) Costs

Option 1: Do Nothing

There are no additional costs associated with retention of the existing VSL 50mph on the M4 Motorway between J24 and J28.

Option 2: Revocation of the existing regulations to allow a permanent 50mph mandatory speed limit to be in operation

The costs of the removing the VSL and replacing it with the proposed speed limit are approximately £2.3m and include the new camera infrastructure required and removal of the current VSL signage.

b) Benefits

We have identified the benefits for both options as follows:

Option 1: Do Nothing

The benefits of retaining the existing VSL allow the speed limit to be varied according to traffic conditions. During periods of no congestion on an incident-free carriageway, no variable speed limit signs or signals would be set allowing the national speed limit to be applied. However at busy times or in the event of an incident, sensors detect congestion and the current system calculates the optimum speed limit for the current amount of traffic.

Option 2: Revocation of the existing regulations to allow a 50mph mandatory speed limit to be in operation

The SEWTC found that the current VSL was a contributing factor to the breakdown of flow on the M4 around Newport, especially on the approaches to the Brynglas tunnels. It was found that the VSL had limited impacts on improving traffic flow during peak times. Therefore the proposed speed limit is expected to have better journey time reliability in the peak flows due to smoother traffic flow.

Making the legislation would also remove intermittent differential speed limits (for example, 3 variable message signs displaying 50mph, followed by 40mph, followed by 50mph) which can result in driver dissatisfaction.

It is also expected to improve road safety by reducing the risk of collisions, reduce carbon dioxide emissions and improve air quality.

3. Competition Assessment

It is considered that this proposed legislation will not have any detrimental effect on competition as it is solely intended to ensure the safe and free passage of vehicles by removing a variable speed limit that is no longer required following a review of its suitability during peak hour flow.

4. Post implementation review

All changes to the trunk road and motorway network that may impact on road user behaviour or result in a change to the outcome of a collision are subject to independent Road Safety Audit (RSA).

A Stage 1/2 RSA was undertaken following completion of detailed design of the works to install a mandatory 50 mph speed limit and further RSAs will be carried out all works have been completed (Stage 3) and 12-months and 36-months following completion of the works (Stages 4 and 4a).

Officials are required to consider the problems identified at each stage of the RSA process and take appropriate action in mitigation.

ANNEX

CONSULTEES FOR DRAFT REGULATIONS November – December 2020

Organisation	Response
Newport City Council	No comment
Gwent Police	No comment
South Wales Fire & Rescue Service HQ	No comment
Welsh Ambulance Services NHS Trust	No comment
Road Haulage Association Ltd.	No comment
Freight Transport Association	No comment
NAVTEQ	No comment
Trafficmaster Travel	No comment
South Wales Trunk Road Agent Manager	No comment
'Go Safe'	No comment
Ministry of Justice	No comment
HERE	No comment