

Briefing Note - Moving Traffic Enforcement

1. Introduction

Local authorities in England outside of London will soon receive powers to enforce moving traffic regulations under Part 6 of the Traffic Management Act 2004 (TMA). This means that those authorities who already have Civil Enforcement powers for parking and bus lanes will be able to introduce measures to enforce moving traffic restrictions, such as banned turns and yellow box junctions.

Civil enforcement of moving traffic restrictions is based on utilising established Automatic Number Plate Recognition (ANPR) camera technology as is commonly used for bus lane enforcement.

These additional powers have potential to reduce network congestion and improve highway safety. Targeted enforcement of certain types of restrictions may also help bring about improved journey times for public transport and emergency service vehicles.

It is important to note that in a recent communication to local authorities, the DfT have highlighted the need to assess locations where contravention of restrictions could be avoided by reasonable improvements to the highway or to traffic signing before camera enforcement is considered. The following is an extract of the recent DfT email:

*Individuals and businesses should be allowed the opportunity to raise any concerns about proposed enforcement schemes. Concerns might relate to any location where contraventions could be avoided by reasonable improvements to the highway or to traffic signing. **Where this is found to be the case, such improvements should be made, and appropriate monitoring carried out before enforcement action is considered. Local authorities are not required to enforce every applicable traffic sign or road marking. Instead enforcement should only be used to target problem locations.***

*The 2004 Act does not provide for the list of traffic signs on a selective basis, so all the contraventions will be available to local authorities taking on moving traffic enforcement. However, in line with the general principles of good regulation, any enforcement should be carried out in a way which is transparent, accountable, proportionate and consistent; and should be targeted **only where action is needed.***

Unlike Civil Parking Enforcement, the new powers will not pass the sole responsibility of enforcement onto local authorities, the Police will still be able to undertake enforcement of the offences in addition to the Highway Authority although it's likely that the police will decide not to enforce restrictions at sites where cameras have been installed.

2. Timescales for Part 6 Powers

In the latest timetable for delivery of the regulations giving effect to the moving traffic enforcement powers Under Part 6 of the Traffic Management Act 2004, the regulations are due to be laid on 27th January and, subject to parliamentary scrutiny, will come into force on 31 March 2022.

3. Consultation

DfT have stipulated the need for public consultation before moving traffic enforcement takes place. The following is an extract of the recent DfT email to local authorities:

- *When applying for designation of the Part 6 powers, local authorities are expected to have already carried out a minimum six-week public consultation on the detail of planned civil enforcement of moving traffic contraventions; namely the type(s) of restrictions to be enforced and the location(s) in question. We do not recommend seeking views on whether individuals or businesses agree with the principle of moving traffic enforcement.*
- *This public engagement is intended to communicate the rationale for, and benefits of, moving traffic enforcement to residents and businesses to promote compliance. The Government sees the Part 6 powers as key tool in reducing congestion and improving air quality, while promoting the attractiveness of active travel by keeping vehicles out of cycle lanes. In addition, by keeping junctions clear the policy also aims to improve punctuality of bus services making travel easier for all, including disabled people. Increasing compliance through targeted enforcement at problem locations, will also bring benefits to lives of pedestrians including people with sensory impairments, older people, children, those looking after children, as well as carers.*
- *Local authorities should consider the full range of media available to them when communicating with the public, for example using local press, issuing email newsletters and social media. They should consider telling every household in the affected area when they propose changes. Publicising forthcoming enforcement schemes should continue up to the start of enforcement and for a reasonable period thereafter.*
- *It should be noted that there is no requirement for newspaper advertising of proposed enforcement schemes.*
- *Individuals and businesses should be allowed the opportunity to raise any concerns about proposed enforcement schemes. Concerns might relate to any location where contraventions could be avoided by reasonable improvements to the highway or to traffic signing. Where this is found to be the case, such improvements should be made, and appropriate monitoring carried out before enforcement action is considered. Local authorities are not required to enforce every applicable traffic sign or road marking. Instead enforcement should only be used to target problem locations.*

4. Enforceable Restrictions

A number of different types of restrictions will be included within the Part 6 regulations. A full list of enforceable restrictions is included within **Appendix A** but the following provides a summary of those currently deemed most suitable for camera enforcement:

Banned Turns

Contravention of banned turns can compromise safety and cause congestion. Restrictions of this type that are subject to regular abuse would seem to provide good potential for camera enforcement. Some banned turns have been introduced in conjunction with highway layout changes, such as kerb line alterations that deliberately prevent contraventions.

One-Way Streets

Whilst contraventions of one-way streets do sometimes occur it is unlikely that the scale of such issues would warrant camera enforcement unless there is a clear casualty reduction need. It's likely that the ongoing revenue costs of operating cameras would exceed the revenue generated from this type of restriction.

Yellow Box Markings

Whilst contraventions of these markings do occur regularly, enforcement of Yellow Box markings has proven to be very controversial in London. Individual schemes have been reported to generate significant income with many people, including motoring groups, considering penalties to be unfair. It was widely reported that Transport for London issued almost 80,000 fines from yellow box contraventions during 2020, a period which included less traffic on the streets due to the national lockdowns.

Yellow box contraventions tend to generate controversy as they can occur as a result of seemingly free flowing traffic suddenly coming to a halt through the actions of other drivers. Issues such as stalled vehicles, minor collisions, sudden lane changes together with poor or inconsiderate driving from others can result in following vehicles being stranded on a yellow box marking through little fault of their own.

Given these issues, it is suggested that only those yellow box markings located on highly congested or strategically important routes be considered as enforcement priorities. Additionally, markings that have been installed to protect access to and from emergency services stations and depots (e.g. Police, Ambulance and Fire services) may be considered suitable for camera enforcement.

Weight Restrictions

Weight restrictions generally fall into two categories; those introduced for environmental reasons and those implemented to protect weak structures on the highway such as bridges.

Environmental restrictions are generally implemented over a network of roads covering a defined area. These types of restriction usually need to allow for access so that businesses and residents within the restricted area can still have deliveries

and hauliers are able to deliver goods and materials and make collections. The need to allow for access makes camera enforcement of environmental weight restriction very difficult. Such restrictions have also proven very resource intensive for the police to undertake.

Structural weight limits that are subject to regular contraventions would be better suited to camera enforcement as they tend to be localised to cover individual structures.

Mandatory Cycle Lanes

The new regulations will allow councils to enforce violations of cycle lanes (either through vehicle encroachment or obstruction).

Restricted Access

Prohibition of Driving restrictions may have potential for enforcement but site assessments including surveys to establish the level of contraventions would be required before schemes are brought forward.

Access restrictions that allow access for some vehicles, such as those driven by local residents, their visitors or deliveries would be very difficult to enforce due to the challenges of identifying those who have a legitimate access need from those who do not.

School Keep Clear Markings

Inconsiderate parking outside of schools, usually by parents, is a regular source of complaints. The regulations allow camera enforcement of School Keep Clear markings.

Cameras can be fixed or mobile via a dedicated camera car. Fixed cameras are more costly but have more potential to capture contraventions. Fixed cameras can also be housed within static camera housings with the camera units themselves rotated between different school sites.

Red Routes

Red routes are urban clearways that form a network of major roads which carry a significant amount of traffic, especially during rush hours.

They prohibit vehicles from stopping on the most crowded highways, in a bid to prevent traffic jams from forming or at least minimise congestion resulting from lane blockages.

5. Non-Enforceable Restrictions

A number of traffic contraventions will not be included within the Part 6 TMA Powers as their severity means they will remain as criminal offences. These include exceeding speed limits, overtaking on double white line systems, failing to stop at pedestrian crossings and red-light violations at traffic signals.

6. Costs, Scheme Feasibility and Assessment

It is anticipated that ANPR enforcement camera installations will cost somewhere in the region of £25k to £35k per site. In addition, a review of the legal Traffic Order together with the associated signs and markings will need to be undertaken with any defects corrected before camera enforcement can take place.

Sites will require suitable posts, supplementary camera signage and power supplies. The need for a mobile signal to transmit data may mean that some sites in rural locations may not be possible.

Ongoing site-specific revenue costs will include power and data charges, camera servicing and calibration, electrical safety inspections and enhanced maintenance of the associated signs and lining. Camera enforcement requires all signs and markings to be clear from vegetation and in good order at all times.

Sites with low contravention levels run the risk of operating at a deficit and therefore traffic surveys to establish the levels of contraventions should be undertaken. DfT also expect local authorities to have taken steps to improve compliance of restrictions before camera enforcement is considered, as outlined in Section 1.

Site assessments should also consider the potential for other contraventions to occur as a direct result of camera enforcement (e.g. a driver may be more likely to perform a 'U' turn manoeuvre at another point on the route as a result of a banned turn adding extra time to their journey).

The DfT have also indicated that the statutory guidance will state that, to promote compliance by helping motorists understand the seriousness of moving traffic contraventions, for a period of six months following implementation of enforcement of moving traffic contraventions, at each particular camera location, local authorities outside London should issue warning notices for first-time moving traffic contraventions. The warning notice should set out the six-month period and advise that any further moving traffic contravention at the same camera location would result in the issue of a PCN.

7. Use of fine income

Any surplus income generated from fines, must be spent in accordance with Section 55 of the Road Traffic Regulation Act 1984.

Surplus income, should there be any, will need to cover all costs related to enforcement. This includes the administration staff involved in collecting the fines, maintenance of cameras and the associated signs and markings together with energy, data and software costs. Money will also need to be set aside for the eventual replacement of equipment once it becomes unserviceable. Any surplus remaining after deduction of costs may go towards:

(i) further enforcement sites, (ii) measures to improve public transport or (iii) other highway associated improvements.

The regulations do not permit surplus income generated from fines to be used to fund routine highway maintenance activities.

Appendices

Appendix A – List of Traffic Signs Subject to Moving Traffic Enforcement

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List of Traffic Signs Subject to Moving Traffic Enforcement

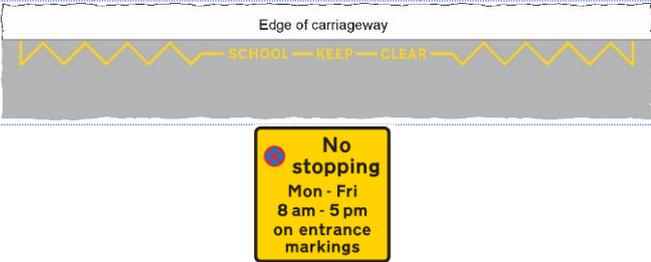
Under Schedule 7 to the Traffic Management Act 2004 (“the 2004 Act”), restrictions indicated by the traffic signs in the table below, as prescribed in the Traffic Signs Regulations and General Directions 2016 (as amended: ‘TSRGD’) are civilly enforceable as moving traffic contraventions. This applies to any permitted variant under TSRGD; for example, diagram 606 when varied to point ahead or to the right.

The 2004 Act does not provide for the list of traffic signs on a selective basis, so all the contraventions will be available to local authorities taking on moving traffic enforcement. However, in line with the general principles of good regulation, any enforcement should be carried out in a way which is transparent, accountable, proportionate and consistent; and should be targeted **only where action is needed**.

Moreover, it should be noted that Ministers have only agreed to implement the Part 6 powers in respect of this existing list of traffic signs, with the exception of the additional diagram 1027.1, to create parity with London.

Description	TSRGD diagram number & location	
Vehicular traffic must proceed in the direction indicated by the arrow	606 (Schedule 3, Part 2, item 1 and Schedule 14, Part 2, item 42)	
Vehicular traffic must turn ahead in the direction indicated by the arrow	609 (Schedule 3, Part 2, item 2)	
Vehicular traffic must keep to the left/right of the sign indicated by the arrow	610 (Schedule 3, Part 2, item 3)	
No right turn for vehicular traffic	612 (Schedule 3, Part 2, item 7 and Schedule 14, Part 2, item 43)	
No left turn for vehicular traffic	613 (Schedule 3, Part 2, item 8 and Schedule 14, Part 2, item 43)	
No U-turns for vehicular traffic	614 (Schedule 3, Part 2, item 6 and Schedule 14, Part 2, item 43)	
Priority must be given to vehicles from the opposite direction	615 (Schedule 3, Part 2, item 9)	
No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement)	616 (Schedule 3, Part 2, item 10 and Schedule 14, Part 2, item 44)	
All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians	617 (Schedule 3, Part 2, item 11)	

Description	TSRGD diagram number & location	
Entry to and waiting in a pedestrian zone restricted	618.3B (Schedule 8, Part 2, item 1)	
Entry to and waiting in a pedestrian and cycle zone restricted	618.3C (Schedule 8, Part 2, item 2)	
Motor vehicles prohibited	619 (Schedule 3, Part 2, item 12)	
Motor vehicles except solo motor cycles prohibited	619.1 (Schedule 3, Part 2, item 18)	
Solo motorcycles prohibited	619.2 (Schedule 3, Part 2, item 20)	
Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	622.1A (Schedule 3, Part 2, item 13)	
One-way traffic	652 (Schedule 9, Part 4, item 5)	
Buses prohibited	952 (Schedule 3, Part 2, item 17)	

Description	TSRGD diagram number & location	
Route for use by buses, pedal cycles and taxis only	953 (Schedule 3, Part 2, item 33)	
Route for use by tramcars only	953.1 (Schedule 3, Part 2, item 36)	
Route for use by pedal cycles only	955 (Schedule 3, Part 2, item 28)	
Route for use by pedal cycles and by pedestrians only	956 (Schedule 3, Part 2, item 29)	
Route comprising two ways, for use by pedal cycles only and by pedestrians only	957 (Schedule 3, Part 2, item 32)	
With-flow cycle lane	959.1 (Schedule 9, Part 4, item 9)	
Contra-flow cycle lane	960.1 (Schedule 9, Part 4, item 6)	
Part of the carriageway outside an entrance where vehicles must not stop when the marking is placed in conjunction with the prescribed upright sign which includes the symbol at Schedule 4, Part 3, item 10	1027.1 (Schedule 7, Part 4, item 10) 	
Box junction markings	1043 (Schedule 9, Part 6, item 25)	