Birmingham Box Phase 3
Managed Motorways

BB3MM
Consultation Paper
TERMINOLOGY

The term “Managed Motorways” refers to a ‘tool-box’ of measures to manage road capacity, traffic demand and incidents in order to increase the efficiency of road use and reliability of journey times, as well as potentially improving safety and reducing the environmental impact of motorway use.

Specific measures included in Managed Motorways potentially include:

- **Hard Shoulder Running**: using the Hard Shoulder as a running lane between junctions when traffic demand exceeds the capacity of the normal running lanes;

- **Controlled All Lane Running (CALR)**: converting the Hard Shoulder permanently to a running lane with speed control across all lanes;

- **Emergency Refuge Areas**: providing special areas adjacent to the Hard Shoulder where drivers can stop in an emergency;

- **Variable Mandatory Speed Limits**: setting speed limits in response to congestion levels;
**Summary of the Consultation**

<table>
<thead>
<tr>
<th>Topic of this consultation:</th>
<th>Phase 3 (M6 Junctions 5 to 8) of the Birmingham Box Managed Motorways Scheme (“the Managed Motorway Scheme”).</th>
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<tbody>
<tr>
<td>Scope of this consultation:</td>
<td>We are keen to have your comments on the draft Regulations needed to provide Variable Mandatory Speed Limits, Hard Shoulder Running and other Managed Motorway measures on the M6 motorway between junctions 5 and 8; specifically on how the Regulations could affect your organisation or those you represent. A copy of the draft Regulations is enclosed with this consultation paper. The Managed Motorway Scheme will include the motorway and the on-slip and the off-slip roads between junctions 5 and 8 of the M6 motorway on both carriageways.</td>
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<tr>
<td>Geographical scope:</td>
<td>The Managed Motorway Scheme will enable proactive management of the motorway network in the area north of Birmingham.</td>
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<tr>
<td>Impact Assessment:</td>
<td>The Impact Assessment can be found at Appendix A. When responding to the consultation, please comment on the analysis of costs and benefits, giving supporting evidence wherever possible.</td>
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**General Information**

<table>
<thead>
<tr>
<th>To:</th>
<th>The consultation is aimed at any affected stakeholder groups and the general public.</th>
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<tbody>
<tr>
<td>Body/bodies responsible for the consultation:</td>
<td>The Highways Agency.</td>
</tr>
<tr>
<td>Duration:</td>
<td>The consultation will last for a period of 9 weeks commencing on 2\textsuperscript{nd} April 2012. The consultation will close on 4\textsuperscript{th} June 2012. Please ensure responses arrive no later than that date.</td>
</tr>
</tbody>
</table>
| **Enquiries:** | Rob Edwards  
Project Manager  
Highways Agency  
The Cube  
199 Wharfside Street  
Birmingham  
B1 1RN  
Tel: +44 (0) 121 6788518 | Fax: + 44 (0) 121 6788098 |
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<tbody>
<tr>
<td><strong>How to respond:</strong></td>
<td>Please send your consultation response using the Consultation response form at Appendix B to:</td>
</tr>
</tbody>
</table>
| | Highways Agency  
C/o: Paul Marsh  
Mouchel  
2 Rye Hill Office Park,  
Allesley, Coventry,  
CV5 9AB |
| | Or alternatively you can respond to the consultation by email: |
| | bb3mm.pmo@mouchel.com |
| | When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation please make it clear who the organisation represents, and where applicable, how the views of members were gathered. |
| **Additional ways to become involved:** | The Highways Agency website will include a copy of this consultation pack which will be available to the general public. The website address is: |
| **After the consultation:** | All responses received from consultees within the consultation period will be considered and responded to as necessary. Following the consultation a summary report will be made available on the Highways Agency website. The summary report will provide an analysis of responses received and the Highways Agency response. |
| | Subject to the results of the consultation; we envisage that the Managed Motorways Scheme will be operational in |
### Compliance with the Code of Practice on Consultation:

This consultation complies with the Government’s Code of Practice on Consultation.

### Background

#### Getting to this stage:

In October 2010, following the Spending Review, the Government announced its £1.4 billion programme of 14 schemes to start work before 2015, including the M6 Junctions 5-8 Managed Motorway Scheme. The introduction of the Managed Motorway Scheme builds upon the positive results of a pilot scheme for Variable Mandatory Speed Limits and Hard Shoulder Running introduced on the M42 between junctions 3A to 7. The Managed Motorway Scheme aims to smooth traffic flows and provide more reliable journey times. The Government further announced in April 2011 that the Highways Agency will (subject to the outcome of this consultation) start work on the scheme in 2012.

#### Previous Consultation:

A consultation on the content of the draft Regulations for the Birmingham Box MM Phase 1 scheme (M6 J4-5) was held between 8th January 2009 and 2nd April 2009. A consultation was also undertaken from 8th September 2009 to 21st December 2009 on the Birmingham Box MM Phase 2 (M6 J8-10A) scheme. Following the consultations on Phase 1 and 2 it was recommended that the Secretary of State proceed with making the Regulations necessary to provide for Variable Mandatory Speed Limits, and where specified Hard Shoulder Running, that together form the Phase 1 and 2 scheme for Managed Motorways on the Birmingham Box.

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early 2014.
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Appendix B - Consultation Response Form

Appendix C - List of Consultees

Appendix D - Q&A for M6 Juncions 5-8 Consultation on Birmingham Box Phase 3 Managed Motorways

Appendix E - The M6 Motorway (Junctions 5 to 8) (Actively Managed Hard Shoulder and Variable Speed Limits) draft Regulations 201X
Executive Summary

This consultation will provide an opportunity for interested parties and individuals to comment on the proposal to introduce Variable Mandatory Speed Limits and Hard Shoulder Running on the M6 motorway between junctions 5 to 8 (“the Managed Motorways Scheme”). Secondary legislation in the form of Regulations made under section 17 of the Road Traffic Regulation Act 1984 is required to implement the Managed Motorways Scheme.

The proposed Regulations will, within the area of the Managed Motorway Scheme, restrict drivers from driving at a speed exceeding that displayed on the variable speed limit signs or the national speed limit where no other speed limit sign is displayed. The proposed Regulations will also permit drivers to use the hard shoulder as an additional lane when indicated.

The Managed Motorway Scheme will enable proactive management of the motorway network around the Birmingham area. The speed limits displayed on the motorway will take account of prevailing traffic conditions with the aim of ensuring the smooth flow of traffic. The Variable Mandatory Speed Limits will be clearly displayed on gantry mounted Advanced Motorway Indicators above each lane of the main carriageway when open for use by traffic and on post mounted Advanced Motorway Indicators on the slip roads. The hard shoulder can be deployed as an additional lane to ensure the smooth flow of traffic when demand is high, during incident management and when roadworks are being undertaken.

This consultation exercise is concentrated on the draft proposed Regulations that are needed in order to implement the Managed Motorway Scheme by way of Variable Mandatory Speed Limits and Hard Shoulder Running. A copy of the Regulations is included at Appendix E. We would welcome comments specifically on how the draft Regulations could affect your organisation or those you represent. Similarly we would welcome your comments on the Impact Assessment which can be found at Appendix A. Consultees are invited to offer views on the treatment of costs and benefits in the accompanying Impact Assessment.

The Introduction of Variable Mandatory Speed Limits and Hard Shoulder Running

The Highways Agency is committed to building upon the success of the M42 junctions 3A to 7 where Hard Shoulder Running and Variable Mandatory Speed Limits have been in operation since September 2006. It is expected that the Managed Motorway Scheme in the area of the motorway network near Birmingham will:

- Smooth traffic flows;
- Provide more reliable journey times;
- Reduce the number and severity of accidents;
• Increase and improve the quality of information for the driver;

• Maintain current safety levels for road workers;

The Managed Motorway Scheme also has the potential to reduce driver stress.
1. **HOW ARE WE CONDUCTING THE CONSULTATION**

1.1 **WHAT IS THIS CONSULTATION ABOUT?**

We are consulting on the proposal to operate Variable Mandatory Speed Limits and Hard Shoulder Running on the M6 between junctions 5 and 8 (“the Managed Motorway Scheme”).

1.2 **WHY DO WE NEED THE MANAGED MOTORWAYS SCHEME?**

From Junctions 5 to 8, the M6 is a heavily congested link in the motorway network that carries strategic transport flows, including between 13% and 21% heavy goods vehicles, through the major conurbation of Birmingham in the West Midlands linking the M1 and the North of England. The AM and PM peak journey times between J5 and J8 are 55% greater than during free flow conditions. The resulting congestion increases business costs and reduces mobility.

In October 2010, the Government announced it was providing £1.4 billion to fund new strategic road schemes. The M6 junction 5-8 Managed Motorway Scheme is one of 14 schemes announced as starting work before 2015. The Highways Agency is developing its role as Network Operator through a series of traffic management, network control and other measures with the aim of:

- Achieving best use of existing road space.
- Responding more quickly to incidents.
- Smoothing traffic flows and improving the reliability of journey times.

The use of Variable Mandatory Speed Limits and Hard Shoulder Running is an essential element in achieving these objectives. Through the introduction of technology the aim is to make best use of the existing road space whilst maintaining and where possible, improving current safety standards.

1.3 **JOINING THE DEBATE**

We would like to encourage any representative organisations, businesses or individuals affected by the proposed Managed Motorway Scheme to make contact with us and communicate their views.

If you are responding on behalf of an organisation, it would be helpful if you could note this in your reply. Please also indicate the nature of the organisation, how many individuals’ views are included in the response and ways in which these views were gathered.
A response form has been included in Appendix B and a list of the consultees is contained in Appendix C.

1.4 SENDING YOUR CONSULTATION RESPONSE

All responses should be sent in writing (email or by post) to the address below. Please let us have your comments by the 4th June 2012.

Highways Agency
C/o: Paul Marsh
Mouchel
2 Rye Hill Office Park
Allesley
Coventry
CV5 9AB

Email: bb3mm.pmo@mouchel.com
Telephone: +44 (0)7976 456433

1.5 HOW WE WILL ACT ON YOUR RESPONSES

Following the consultation period, we will publish a ‘Response to Consultation Report’. This will be published on the Highways Agency website.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Highways Agency.

The Highways Agency will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.
1.6 FURTHER INFORMATION

To receive further information on the Managed Motorway Scheme you can contact:

Rob Edwards
Project Manager
Highways Agency
The Cube
199 Wharfside Street
Birmingham | B1 1RN
Tel: +44 (0) 121 6788518 | Fax: + 44 (0) 121 6788098

Alternatively visit the Highways Agency website at:


1.7 GOVERNMENT’S CODE OF PRACTICE ON CONSULTATION

We are conducting this consultation in accordance with the Government’s Code of Practice on Consultation. The consultation criteria are listed below.

1) When to consult - Formal consultation should take place at a stage when there is scope to influence the policy outcome.

2) Duration of consultation exercises - Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible¹.

3) Clarity of scope and impact - Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

4) Accessibility of consultation exercises - Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

5) The burden of consultation - Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees¹ buy-in to the process is to be obtained.

6) Responsiveness of consultation exercises - Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

7) Capacity to consult - Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

¹ The BB3MM consultation will last for a period of 9 weeks. There has been previous consultation on operational Managed Motorways schemes in the region through Birmingham Box Managed Motorways Phases 1 and 2.
If you have reason to believe this consultation document does not comply with this Code of Practice, please write to our consultation co-ordinator at the address below, setting out the areas where you believe this Paper does not meet the criteria:

Ian Sweeting  
Highways Agency,  
The Cube,  
199 Wharfside Street,  
Birmingham, B1 1RN

Or alternatively  
ian.sweeting@highways.gsi.gov.uk

Further information about the Code of Practice can be located on the Department for Business Innovation and Skills website:

http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html
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2. **GENERAL INFORMATION ON THE BIRMINGHAM BOX MANAGED MOTORWAYS SCHEME**

2.1 **PROPOSED EXTENT OF THE MANAGED MOTORWAYS SCHEME**

A map showing the Managed Motorway Scheme is shown in Figure 2A, including the proposed coverage of the scheme. The precise configuration of the extent of the roads that are included within the scheme may be subject to variation. The Managed Motorway Scheme will include the motorway and the on-slip and the off-slip roads between junctions 5 and 8 of the M6.

![Figure 2A: Birmingham Box Managed Motorways Scheme Map](image-url)
2.3 Key Features

The Managed Motorway Scheme will include the following key features:

- Gantries at regular spacing with lane specific Advanced Motorway Indicator signals to allow the speed limit to be varied in response to traffic conditions. This also enables the flexible use of the carriageways by displaying a red X and lane divert signals in order to close appropriate lanes for incident management;
- Variable Message Signs to provide the latest travel information and advanced warning of incidents;
- Digital speed enforcement equipment to facilitate enforcement and manage compliance;
- A national strategic agreement with the Police and all other emergency services;
- A system where in-road vehicle detector loops will detect queuing traffic, predict flow breakdown and set warning signals to smooth traffic flows. In addition CCTV cameras will be used to monitor traffic conditions;
- Use of the hard shoulder as an additional lane both for incident management and for use by traffic during periods of heavy congestion; and
- Emergency Refuge Areas, equipped with roadside telephones, and monitored by CCTV cameras. Emergency Refuge Areas will be set out at regular intervals and will be an area of refuge for vehicles providing an increased level of protection to the driver and passengers in the event of a breakdown or emergency.

2.4 Enforcement

Obtaining an acceptable level of compliance with the speed limits displayed on overhead gantries and on post mounted Advanced Motorway Indicators on the slip roads is key to the successful and safe operation of the Managed Motorway Scheme. No new offences or sanctions will be introduced as a result of the proposed changes to legislation. Enforcement of Variable Mandatory Speed Limits is planned to be carried out using a combination of gantry-mounted speed enforcement equipment and traditional enforcement by the Police.
3. VARIABLE MANDATORY SPEED LIMITS WITH HARD SHOULDER RUNNING

3.1 INTRODUCTION

In order to inform motorists that they are entering the Managed Motorways Scheme area, fixed signage on main carriageways and slip roads will indicate entry and exit locations.

During normal motorway operation, the Advance Motorway Indicators will be blank and the motorway will operate as a standard motorway with the hard shoulder available for emergency use only.

When the Variable Mandatory Speed Limits are in operation, speed limit signs will be displayed on Advanced Motorway Indicators. The speed limit displayed will take account of prevailing traffic conditions.

To signify that the speed limit is mandatory and enforceable, the speed shown will have a red circle around it, as is the case with all other mandatory speed limit signs.

During the period when the hard shoulder is open for use as an additional lane, a speed limit sign will be displayed on the Advanced Motorway Indicator over the hard shoulder. When a hard shoulder is not available for use as an additional lane but Variable Mandatory Speed Limits are in operation a Red X signal will be displayed over the hard shoulder to clearly indicate that it is not available for use by traffic.

Some gantries will be fitted with digital speed enforcement equipment capable of providing evidence to secure prosecutions for speeding under the Road Traffic Act 1988.

The operational regimes to be implemented within the Hard Shoulder Running scheme include:

- Normal Operation;
- Variable Mandatory Speed Limits;
- Variable Mandatory Speed Limits and Hard Shoulder Running
- Incident Management; and
- Controlled All Lane Running (CALR)
3.2 NORMAL OPERATION

During normal motorway operation the Advanced Motorway Indicators will remain blank and the motorway will operate as a standard motorway, as shown in Figure 3A below. This follows the same operating approach as the existing Managed Motorway scheme on the M42 motorway between junctions 3A and 7. The hard shoulder will be available for emergency use only and will provide access to the Emergency Refuge Areas, if required.

![Figure 3A: Hard Shoulder Running section operating in normal motorway conditions](image-url)
3.3 THREE LANE VARIABLE MANDATORY SPEED LIMITS

When variable mandatory speed limits are operational, clear instructions will be given to drivers via speed limit signs displayed on post mounted Advanced Motorway Indicator signals on the entry slip roads and via speed limit signs displayed on the Advanced Motorway Indicator signals above the main carriageway, as illustrated in Figure 3B below. The speed limit displayed will take account of prevailing traffic conditions and will be automatically calculated from sensors buried in the road surface or alternatively set by the West Midlands Regional Control Centre. Variable Message Signs will provide further information for drivers.

![Figure 3B: Three lane Variable Mandatory Speed Limits (with queuing traffic ahead)](image)

A Red X signal will be displayed over the hard shoulder, indicating that the hard shoulder is not available for use by traffic as an additional lane. However, as under normal operation the hard shoulder can still be used in the event of an emergency or breakdown and can also be used to access the Emergency Refuge Areas.
3.4 VARIABLE MANDATORY SPEED LIMITS AND HARD SHOULDER RUNNING

Upon activation of Hard Shoulder Running, clear instructions will be given to drivers via the Variable Message Signs that the hard shoulder is open for use by traffic as an additional lane. When the hard shoulder is open for use by traffic a speed limit sign will be displayed on the Advance Motorway Indicator signal as illustrated below in Figure 3C.

![Figure 3C: Hard Shoulder Running in operation](image)

The hard shoulder will be opened to traffic by the West Midlands Regional Control Centre and is never opened automatically. An operator must decide that the additional capacity is needed and then go through a series of safety checks. The decision on whether to open the hard shoulder depends on a number of factors including traffic flow. As traffic flows rise (for example during the morning or evening peak) monitoring systems alert the control centre staff.

Vehicles experiencing an emergency or breakdown will be able to stop in the Emergency Refuge Areas provided at regular intervals and which will be equipped with roadside telephones. There will be comprehensive CCTV coverage of the hard shoulder and Emergency Refuge Areas.

When closing the hard shoulder to revert back to normal operations or three lane Variable Mandatory Speed Limit operations a Red X signal will be displayed over the hard shoulder clearly indicating to motorists that the hard shoulder is no longer available as an additional lane and is for emergency use only.
3.5 INCIDENT MANAGEMENT

During incident management, the Advanced Motorway Indicators can be set in order to protect the scene of an incident and assist the access of Emergency Services and other core responders if required. Speed limits and lane availability will be indicated through the use of Variable Mandatory Speed Limits, lane divert arrow signals with flashing amber lanterns and Red X signals with flashing red lanterns, as shown below in Figure 3D, which can be displayed over any lane, including the Hard Shoulder.

![Figure 3D: Red X (STOP) aspect with flashing red lanterns shown over any lane](image)

In the Hard Shoulder Running sections of the Managed Motorway Scheme the hard shoulder could be used as an additional lane to manage the flow of traffic around an incident that may have occurred in an outside lane.

3.6 CONTROLLED ALL LANE RUNNING (CALR)

CALR will be implemented on the M6 between junctions 7 and 8. CALR has the following features:

- Variable Mandatory Speed Limits;
- The speed limit displayed will take account of prevailing traffic conditions and will be automatically calculated from sensors buried in the road surface or alternatively set by the West Midlands Regional Control Centre.
- No hard shoulder – There is no hard shoulder as the hard shoulder will be converted to a permanent running lane;
- All lanes are operational and remain open except during incident management.

During peak periods (when lower speed limits are applied) the operation of CALR and Hard Shoulder Running is similar. In terms of the driver experience, the driver would see speed limit signs displayed on the Advanced Motorway Indicators above each lane under both CALR and Hard Shoulder Running. The difference between these two modes of operation is that for Hard Shoulder Running Variable Message Signs indicate that the hard shoulder is available as an additional lane however, no message is displayed on the Variable Message Signs regarding the availability of the lane for CALR as the lane is always operational.
4. **LEGISLATIVE CHANGES**

4.1 **LEGISLATIVE CHANGES FOR THE IMPLEMENTATION OF THE MANAGED MOTORWAYS SCHEME**

Regulations need to be made under section 17(2) and (3) of the Road Traffic Regulation Act 1984 (‘the 1984 Act’) for the implementation of the Managed Motorway Scheme. The proposed regulations will restrict drivers from driving within the area of the Managed Motorway Scheme at a speed exceeding that displayed on the speed limit signs or the national speed limit where no other speed limit sign is displayed.

The relevant legislative power in the 1984 Act permits the making of regulations that regulate the manner in which and the conditions subject to which motorways may be used by traffic authorised to use such motorways.

The proposed regulations will also permit drivers to use the hard shoulder as an additional lane when so indicated by signals placed above the carriageway. For drivers to be permitted to use the hard shoulder as an additional lane the proposed regulations will modify the Motorways Traffic (England and Wales) Regulations 1982 (S.I. 1982/1163) in relation to the Managed Motorway Scheme.

Within the Managed Motorway Scheme, it will be an offence to use a motorway in contravention of regulations applying to the scheme made under section 17(2) of the 1984 Act.

Drivers of vehicles that pass a speed limit sign indicating that a speed limit other than the national speed limit applies, should obey that sign until the vehicle passes another sign indicating either that a new speed limit or the national speed limit applies.

Where a speed limit changes less than 10 seconds before a vehicle passes the sign, the Regulations allow a driver to proceed at a speed up to the maximum applicable before the change, and to continue to do so until the driver leaves the specified road, the national speed limit applies or until the next speed limit sign. The intention behind this ‘10 second’ rule is to protect the driver from being prosecuted if, on the approach to a speed limit sign; it changes to a lower speed. For example should a driver approach a speed limit sign and it changes from 60mph to 50mph and he/she is within 10 seconds of passing that sign then the driver can legally continue beyond that sign at 60mph until a subsequent speed limit applies or until he/she leaves the specified road. If there was no 10 second rule, the issue of safety arises, as the driver would be required to brake sharply in order to comply with the new lower speed limit.

Subject to the outcome of the consultation, the proposed regulations when made will apply in relation to the M6 between junctions 5 and 8 and to the on-
slip and off-slip roads between junctions 5 and 8. The roads governed by the regulations will be set out in the regulations.

The proposed draft Regulations will not apply nationally – they will apply only to those parts of the motorway as specified in the Regulations (namely, junctions 5 to 8 of the M6 motorway). As drafted, these draft Regulations would put in place the legislative framework required to operate Phase 3 of the Birmingham Box Managed Motorway scheme.

A copy of the draft regulations is included at Appendix E. The roads governed by the regulations will be set out in the regulations.
5. APPENDICES

APPENDIX A – IMPACT ASSESSMENT (IA)
APPENDIX B – CONSULTATION RESPONSE FORM
APPENDIX C – LIST OF CONSULTEES
APPENDIX D – Q&A FOR M6 JUNCTIONS 5-8 CONSULTATION ON BIRMINGHAM BOX PHASE 3 MANAGED MOTORWAYS
APPENDIX E – THE M6 MOTORWAY (JUNCTIONS 5 TO 8) (ACTIVELY MANAGED HARD SHOULDER AND VARIABLE SPEED LIMITS) DRAFT REGULATIONS 201X