

Title of meeting:	Cabinet Member for Transport
Date of meeting:	30 January 2024
Subject:	Private Hire Vehicles (PHVs) in bus lanes trial - Experimental Traffic Regulation Order (ETRO) 184/2022
Report by:	Felicity Tidbury – Assistant Director for Economy, Planning, and Transport
Report author:	Gareth James, Strategic Transport lead
Cabinet Member:	Councillor Gerald Vernon-Jackson, Cabinet Member for Transport
Wards affected:	All
Key decision:	No
Full Council Decision:	No

1. Purpose

- 1.1. The purpose of this report is to provide an update on the trial permitting private hire vehicles (PHVs) to utilise five bus lanes, which was approved at the meeting of the Traffic & Transportation Cabinet Member on 5 July 2022 and subsequently implemented on 14 November 2022, and to recommend next steps for the trial.
- 1.2. The report details the current status of this trial and the data collected, and it covers recommendations for the future of PHVs in Portsmouth’s bus lanes.

2. Recommendations

It is recommended that the Cabinet Member for Transport:

- 2.1. **Approves making permanent the provisions of Portsmouth City Council (Various Roads) (Bus Gates and Bus Lanes) (No. 184) Experimental Traffic Regulation Order 2022 permitting Portsmouth City Council licensed PHVs to continue to utilise the five bus lanes that were included in the trial, as specified in section 3 of this report;**
- 2.2. **Approves commissioning independent Road Safety Audits to assess the implications of Portsmouth City Council licensed PHVs being permitted to**

utilise a further 22 bus lanes, as specified in section 8 of this report, and to determine the necessary mitigation measures and implementation costs;

- 2.3. **Approves the ongoing monitoring of road safety and air quality data for the five bus lanes that were included in the trial to help inform any future plans to permit Portsmouth City Council licensed PHVs to utilise more bus lanes.**

3. Background

- 3.1. At the meeting of the Traffic and Transportation Cabinet Member on 5 July 2022, a trial was approved for a minimum of three months to allow access for Portsmouth City Council licensed PHVs to use the following five bus lanes in Portsmouth (shown in Appendix A):
- Cavell Drive (Bus Lane 1),
 - Marketway (Bus Lane 2),
 - Mile End Road (Bus Lane 3),
 - Queen Street (Bus Lane 4), and
 - Bishop Crispian Way (Bus Lane 5)
- 3.2. These locations were brought forward following officer assessment, stakeholder engagement and independent road safety audits.
- 3.3. This trial was introduced to support private hire vehicles as an important mode for many, providing 24-hour on-demand travel across the city.
- 3.4. The trial supports the [Portsmouth Transport Strategy](#) in trying to reduce the demand for private car ownership, providing residents confidence in the reliability and attractiveness of private hire vehicles as an alternative transport mode.
- 3.5. Bus lanes are traffic lanes reserved for the use of buses and other authorised vehicles. They provide a dedicated right of way, enabling buses to avoid queues of traffic and other sources of delay, and address the problem of bus travel times becoming longer and less reliable and attractive than those possible by private car.
- 3.6. Portsmouth currently has 32 bus lanes in the city, providing a combined total of 9.8km of dedicated priority.
- 3.7. The vehicle types permitted to use the bus lanes not included in the trial are specified in their respective Traffic Regulation Orders (TROs). These currently include buses, hackney carriages (taxis), cyclists, emergency service vehicles travelling under blue lights, and rental e-scooters as part of the council's approved trial scheme.

- 3.8. Under the 1985 Road Traffic Act, the Local Transport Authority (in this case Portsmouth City Council) is accountable to the Traffic Commissioner for any action that it has taken which negatively impacts on bus punctuality.

4. Background and results

- 4.1. To clearly indicate which vehicles are permitted to enter the five bus lanes during the trial, all current bus lane signage was reviewed and updated ahead of the launch to include "authorised vehicles". This is in accordance with the Traffic Signs Regulations and General Directions (TSRGD) 2016.
- 4.2. An experimental traffic regulation order (ETRO) was put in place to enable the addition of PHVs in trial bus lanes. The maximum period of an ETRO is 18 months with the formal consultation period covering the first six months. This provided stakeholders the opportunity to respond to the consultation during the trial. No objections were received.

Governance

- 4.3. This trial was established with clear governance to ensure visibility for and feedback from key stakeholders and users. The key elements of this governance include:

An external review panel (ERP)

The purpose of the external review panel is to provide key updates to relevant stakeholders at important project milestones such as pre-trial planning, pre-trial commencement, baseline data collection review and final trial review, and to collect their feedback on the trial. This group includes representatives from bus operators, the PHV and hackney carriage trades, Portsmouth Cycle Forum, as well as statutory consultees. These meetings are typically arranged at appropriate intervals, aligning with key programme milestones.

Project working group

The project working group comprises internal council officers (licensing, transport, parking and enforcement) and is held at appropriate intervals, aligning with key programme milestones, ahead of the ERP meetings to review the status of the trial, risks, and issues, as well as trial safety updates and communications.

Project board

The project board meets in between the working group and ERP meetings to discuss the status of the trial, any issues and provide direction and decision making on the project. The project board comprises of the project sponsor (Assistant Director of Transport), the Cabinet Member and the Opposition Spokespersons for Transport, as well as senior managers from the council's transport and licensing departments.

Trial monitoring

- 4.4. Following approval in July 2022 the trial commenced with a period of baseline data collection between April 2022 and 13 November 2022, with the trial going live on 14 November 2022.
- 4.5. The duration of the baseline data collection period varies for each of the metrics concerned, according to availability and appropriateness but to facilitate robust comparison, it was proposed that data be collected for a minimum of one month before the trial and continuously during the trial.
- 4.6. The following monitoring methods were agreed for the trial to ensure there were measurable datasets alongside any qualitative stakeholder feedback:

Road traffic incident data

All road traffic incidents at trial sites are being reviewed, where practicable, monthly throughout the trial.

Bus/PHV journey time data

Bus service providers and PHV service providers have been providing pre-trial and trial journey time data.

Journey time monitoring

General traffic journey times were measured across the city to provide a comparison to any trial data trends identified. Only routes identified near the trial sites were monitored; the locations of these routes can be found in appendix B.

Junction performance data

A junction data analytics system was procured to enable the impact on the length of time it takes to pass through key junctions affected by the trial to be monitored.

Bus lane contraventions

Contraventions in enforced bus lanes were monitored, to indicate any confusion caused by the trial.

Air quality monitoring

Air quality monitors were procured and installed for use prior to and during the trial to help assess the impact, if any, on air quality along these routes. These monitors measure particulates (PM1, PM2.5, and PM10) and NOx.

5. Trial Outcomes: Air quality, journey times, contraventions, and traffic counts

Air quality

- 5.1. It was not anticipated that the trial would worsen local air quality, as no additional traffic was being introduced onto the streets or moved from one street / locality to another, but a sensor to monitor particulates and NOx was installed at each of the five bus lanes for the duration of the trial to ensure there were no early indications of any unexpected outcomes that may warrant further monitoring.
- 5.2. Consideration of the sensor data (see Appendix C) does not suggest that allowing PHVs in bus lanes is likely to have a positive or negative impact on local air quality. The data for these sites tends to indicate the typical seasonal variability of these pollutants, consistent with the wider network of sensors in the city, and there is no statistically significant difference compared to available baseline data.

Journey times

- 5.3. Existing Bluetooth journey time sensors in the city as shown in Appendix B have been utilised to collect data on journey times of all vehicles with a Bluetooth device switched on. This data source is used for monitoring the journey times of general traffic in the city. Analysis of the data collected pre and post-trial implementation has shown that there has been a negligible improvement of less than a second in Bluetooth Journey Times along the monitored routes. It is unlikely that these improvements are attributable to the trial.

Junction times

- 5.4. The amount of time taken to pass through key junctions at trial sites has been monitored as part of this trial. As with the results of the Bluetooth Journey Times Analysis, a negligible improvement of less than a second in junction times has been noted. It is unlikely that these improvements are attributable to the trial.

PHV and bus journey times

- 5.5. PHV and bus service providers have provided journey time data as a means of measuring the impacts the trial has on the public transport network in Portsmouth. It should be noted that the trial has not had any detrimental effect on bus or PHV journey times. External review panel meetings throughout the trial have also provided insight to the trial from the bus operators in the city. The feedback received from bus service providers has been neutral and there have been no concerns raised with PHVs having access to the trial bus lanes.

Contraventions and traffic counts

- 5.6. Bus lane contraventions have been measured to understand if the trial led to confusion from non-authorised users, or PHV drivers in other bus lanes.
- 5.7. Manual traffic counts were undertaken between 7am and 7pm to identify how the bus lanes were used prior to the start of the trial; the counts took place at various times during the weeks commencing 19 September 2022 and 17 October 2022.
- 5.8. A review of baseline and trial contravention data did not indicate that the trial has caused any confusion. However, potential confusion will need to be a key factor in the consideration of opening additional bus lanes to the PHV trade. This is because not all bus lanes are considered compatible for additional users due to a number of external constraints such as road safety, and it will become more difficult for the PHV trade to identify which bus lanes across this city with authorised access. This is covered further in section 8 of this report.

6. Trial Safety

Road Safety Audits

- 6.1. During the planning phase of the trial, there were concerns raised by stakeholder groups regarding the potential safety impacts of the trial on vulnerable road users such as cyclists.
- 6.2. Safety of road users is of critical importance, and independent stage 1/2 Road Safety Audits (RSAs) were undertaken prior to the trial to confirm the acceptability of the proposed bus lanes being used. All issues and comments raised in these Road Safety Audits were rectified, and casualty data is continually monitored along with near miss data reported to us.
- 6.3. In addition to the stage 1/2 Road Safety Audits described above, independent stage 3 Road Safety Audits were conducted after trial implementation. No further issues were identified through these audits. The auditor made some minor comments on the placement of some signage and work is currently underway to address these.

Casualty and near miss data

- 6.4. Since the commencement of the trial on 14 November 2022, there have been no casualties involving cyclists within trial bus lanes. However, there have been three near misses reported relating to PHVs in bus lanes. Following investigation, it was determined that only one of the near misses reported was at a trial site. Each near miss report was investigated by transport officers and through collaboration with the licensing team, necessary process has been followed to raise awareness with the drivers concerned.

7. Stakeholder feedback

- 7.1. The key themes from stakeholder feedback received both before and after trial launch have centred around the safety of vulnerable road users, as well as the omission of Commercial Road bus lane from the trial.
- 7.2. In its TRO, Commercial Road bus lane encompasses the whole section of Commercial Road down to Edinburgh Road. This bus lane would therefore have needed to be split into separate sections in any new ETRO/TRO, while Commercial Road bus lane also allows loading and unloading, potentially hampering monitoring of this bus lane. As a result of these factors and road safety concerns, Commercial Road bus lane was discounted from the trial.
- 7.3. As a result of the concerns raised that the omission of Commercial Road may cause confusion, we have been monitoring the number of contraventions on this bus lane. In the months after the trial commenced, there was a reduction in the number of contraventions in this bus lane indicating that the exclusion of this bus lane from the trial had not caused confusion.

8. Next Steps, Additional Bus Lanes for Consideration, and Timeframes

- 8.1. As outlined by the data included in section four of this report, there have been no significant negative outcomes arising from this trial. As a result, it is recommended that the PHV access to the following trial bus lanes be made permanent:
 - A. Cavell Drive
 - B. Mile End Road
 - C. Marketway
 - D. Bishop Crispian Way
 - E. Queens Street
- 8.2. A review of all other bus lanes in the city has been conducted to identify additional bus lanes that may be further considered for authorised use by PHVs. The results of this review are as outlined in this section of the report.
- 8.3. The 14 bus lanes listed in Table 1 below are not located within a higher-than-average casualty area and have therefore been shortlisted as potential routes to consider authorised access by Portsmouth City Council licensed PHVs. Potential access will be subject to the findings of independent Road Safety Audits and further desktop review, considering bus lane layout, Local Transport Note (LTN) 1/20 and other relevant guidance issued by the Department for Transport, and lessons learned from the PHV Bus Lane Trial.

Table 1

Bus Lane	Review Outcome
Baffins Road	Consider for PHV access

Bus Lane	Review Outcome
Eastern Road	Consider for PHV access
Eastney Road	Consider for PHV access
Highland Road	Consider for PHV access
Isambard Brunel Road	Consider for PHV access
Kingston Crescent	Consider for PHV access
Northern Parade	Consider for PHV access
Northern Road	Consider for PHV access
Portsmouth Road	Consider for PHV access
St Helens Parade	Consider for PHV access
Tangier Road	Consider for PHV access
Unicorn Road	Consider for PHV access
Portsbridge Roundabout	Consider for PHV access
Commercial Road	Consider for PHV access

- 8.4. The bus lanes listed in Table 2 below are located within a higher-than-average casualty area and have therefore been discounted as potential routes to consider authorised access by Portsmouth City Council licensed PHVs at this stage. Potential access should not be considered until resolution of any road safety issues present at these locations. Road Safety Audits are recommended to be undertaken to help establish their potential suitability for PHV access in the future, while noting that this would be expected to be after the bus lanes listed in Table 1.

Table 2

Bus Lane	Review Outcome
London Road, A3	Do not consider for PHV access
London Road, Hilsea	Do not consider for PHV access
London Road, North End	Do not consider for PHV access
London Road Access Road, Hilsea	Do not consider for PHV access
Fratton Road	Do not consider for PHV access
Lake Road	Do not consider for PHV access
Winston Churchill Avenue	Do not consider for PHV access
Portsmouth Road North	Do not consider for PHV access

- 8.5. The bus lanes listed in Table 3 below do not currently permit access to the Hackney trade and should not be considered for access by PHVs.

Table 3

Bus Lane	Review Outcome
Furze Lane	Do not consider for PHV access
M275 Bus Lane	Do not consider for PHV access
Ferry Road	Do not consider for PHV access
Southsea Esplanade Link Road to St Helens Parade	Do not consider for PHV access
The Ocean at the End of the Lane	Do not consider for PHV access

- 8.6. It is proposed to commission Road Safety Audits for the 22 bus lanes listed Tables 1 and 2 to be considered for PHV access. Any issues identified during these Road Safety Audits would need to be rectified before authorising access for PHVs.
- 8.7. Additionally, consideration to the impact on cyclists will be required during this review. The DfT's Local Transport Note 1/20 has this specific guidance (section 6.6.1) on this consideration:
- "Cyclists are usually permitted to use with-flow and contraflow bus lanes. Whilst not specifically a cycle facility, bus lanes can offer some degree of segregation for cyclists as they significantly reduce the amount of interaction with motor traffic. However, they do not provide an environment attractive to a wide range of people and should therefore not be regarded as inclusive. Some bus lanes also allow taxis and motorcycles to use them, which can significantly increase traffic flows, thereby acting as a deterrent to cycling while also increasing risk of conflict."*
- 8.8. If the recommendations of this report are approved, 22 independent RSAs will be commissioned and would be anticipated to be completed in spring 2024.
- 8.9. All future PHV access for bus lanes will need to be considered on a case-by-case basis in consideration of casualty data, air quality data, Portsmouth City Council policy, Local Transport Note 1/20 (or, if superseded or supplemented, the latest relevant guidance issued by the DfT and other government departments), stakeholder feedback, the findings of the independent RSAs, and adequate resolution of all issues identified. It should be noted that three to five years' worth of data will typically be required to robustly establish road safety or air quality trends.
- 8.10. Further stakeholder feedback will be sought once the findings of the independent RSAs are known to inform future plans and phasing. This will include surveying PHV drivers regarding their priority bus lanes for inclusion, and vulnerable road users such as cyclists regarding their specific concerns and suitable mitigation. We will also continue to liaise with other local authorities as part of our ongoing review.
- 8.11. A Traffic Regulation Order (TRO) will be required to authorise PHV access in any additional bus lanes, subject to the statutory process including public consultation.

9. Reasons for Recommendations

- 9.1 Following the trial to allow PHVs in five bus lanes within the city, it has been determined that there has not been a significant impact on the metrics being monitored. There are many bus lanes in the city that should not yet be considered for PHV access for reasons detailed within this report.
- 9.2 The 14 bus lanes shortlisted for further consideration have been identified as bus lanes with similar conditions to the trial bus lanes, and it is believed that authorising access by PHVs could provide additional priority to this form of transport, which is important to many residents within the city, without detrimental impact to other road users.

10. Integrated Impact Assessment

- 10.1 An integrated impact assessment has been completed for this proposed scheme and is included as Appendix D to this report.

11. Legal Implications

- 11.1. It is the duty of a local authority to manage their road network with a view to achieving, as far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives:
- a) securing the expeditious movement of traffic on the authority's road network; and
 - b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
- 11.2. Local authorities have a duty to take account of the needs of all road users, take action to minimise, prevent or deal with congestion problems, and consider the implications of decisions for both their network and those of others.
- 11.3. Experimental traffic regulation orders (ETROs) can be made for the same reasons as standard traffic regulation orders, including avoiding danger to persons or other traffic using the road or for preventing the likelihood of such danger arising or facilitating the passage on the road of traffic. ETROs may last for up to a maximum of 18 months.
- 11.4. An order may specifically include provisions prohibiting, restricting, or regulating the use of a road or any part of the width of a road by any specified class of traffic.
- 11.5. There is no statutory requirement to consult before making an ETRO permanent but notice of the order must be given in the prescribed form. Specified documents

must also be placed on deposit. The order cannot come into force until the expiry of 7 days from the date that notice was given.

- 11.6. Any person or body may object to the ETRO being made permanent by no later than 6 months from the order coming into force.
- 11.7. Regulation 23 provides that an experimental order can be made permanent providing the following requirements are adhered to:
1. The following statements were included in the notice of making the experimental order:
 - That the order making authority will be considering in due course whether the provisions of the experimental order should be continued in force indefinitely
 - A person may object to the experimental order continuing for an indefinite period within 6 months of the order beginning on the date the order came into force (or within 6 months beginning on date the order is varied or modified)
 - That any objections must be in writing, state the grounds on which it is made and be sent to an address specified in the notice.
 2. The following documents were deposited and kept available for inspection beginning from the date on which the advertisement of the experimental order is first published and ending on the date the order ceases to have effect:
 - a) a copy of the relevant notice of proposals and, if the order has been made, of the relevant notice of making;
 - b) a copy of the order as proposed to be made or as made (as the case may be);
 - c) a map which clearly shows the location and effect of the order as proposed to be made or as made (as the case may be) and, where appropriate, alternative routes for diverted traffic;
 - d) a statement setting out the reasons why the authority proposed to make the order including, in the case of an experimental order, the reasons for proceeding by way of experiment and a statement as to whether the authority intends to consider making an order having the same effect which is not an experimental order;
 - e) if the order varies, revokes, applies, or suspends another order, a copy of that other order;
 - f) if the order has been made after the holding of a public inquiry, a copy of the report and recommendations (if any) of the inspector; and
 - g) where the experimental order has been modified in accordance with section 10(2) RTRA a statement of the effect of each such modification

12. Director of Finance's comments

- 12.1 The cost of the trial to date has been met from the Council's Parking Reserve.
- 12.2 The cost of the Road Safety Audits for a further 22 bus lanes would be £15,400.
- 12.3 Should the recommendations in this report be approved, this additional cost will also need to be approved for release from the Council's Parking Reserve.

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Signed by (Director)

Appendices:

- Appendix A - Plan of trial bus lanes
- Appendix B - Plan of Bluetooth journey time sensors
- Appendix C - Air quality sensor data
- Appendix D - Integrated Impact Assessment (IIA)



Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

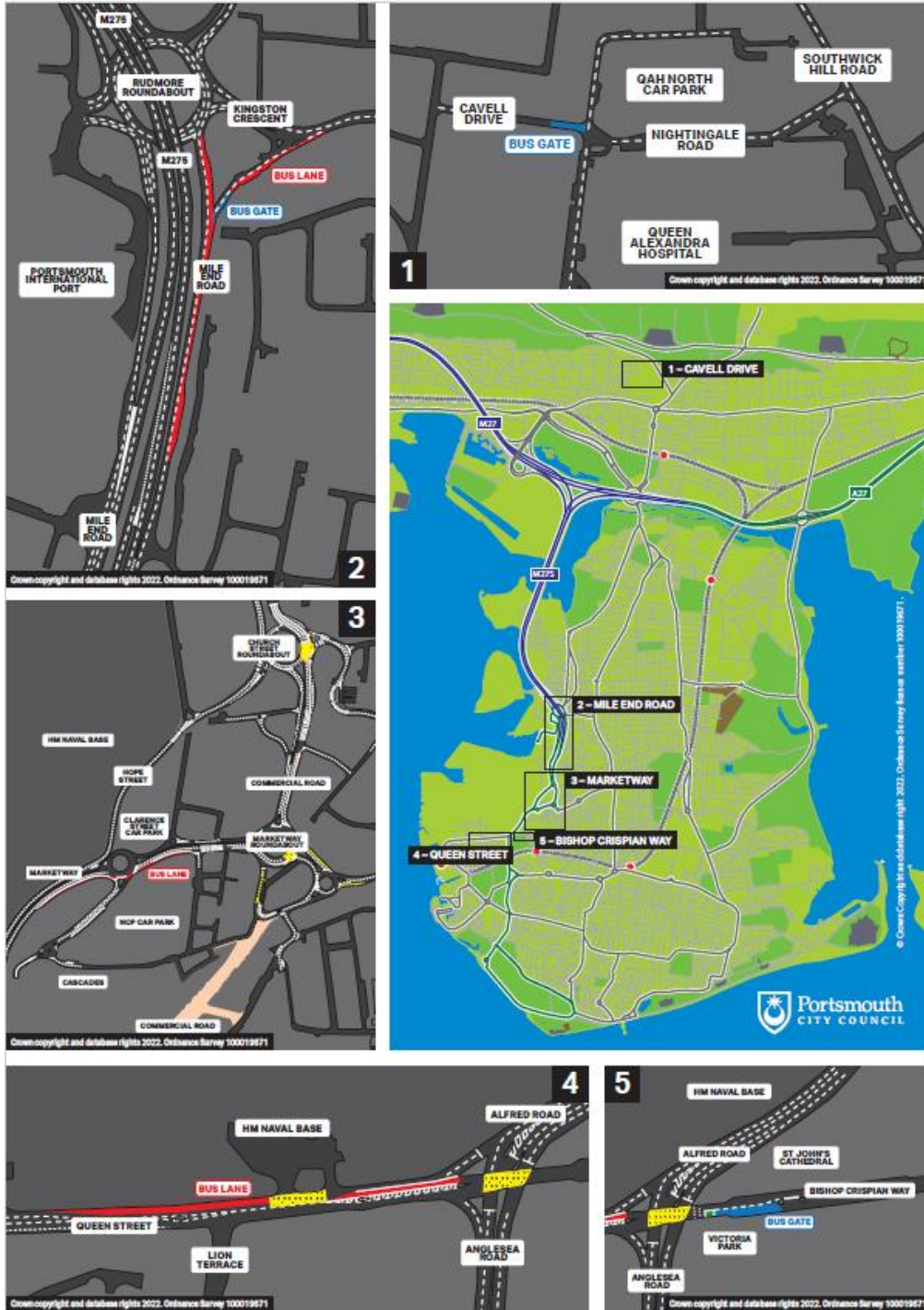
Title of document	Location
Private Hire Vehicle in Bus Lane Trial Report to Cabinet Member of Traffic and Transportation 5 July 2022	Agenda for Cabinet Member for Traffic & Transportation on Tuesday, 5th July, 2022, 4.00 pm Portsmouth City Council
The Portsmouth City Council (Various Roads) (Bus Gates and Bus Lanes), (No.184) Experimental Order 2022	Portsmouth City Council (Various Roads) (Bus Gates and Bus Lanes) (No. 184) Experimental Order 2022

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

*.....
Signed by Councillor Gerald Vernon - Jackson, Cabinet Member for Transport*

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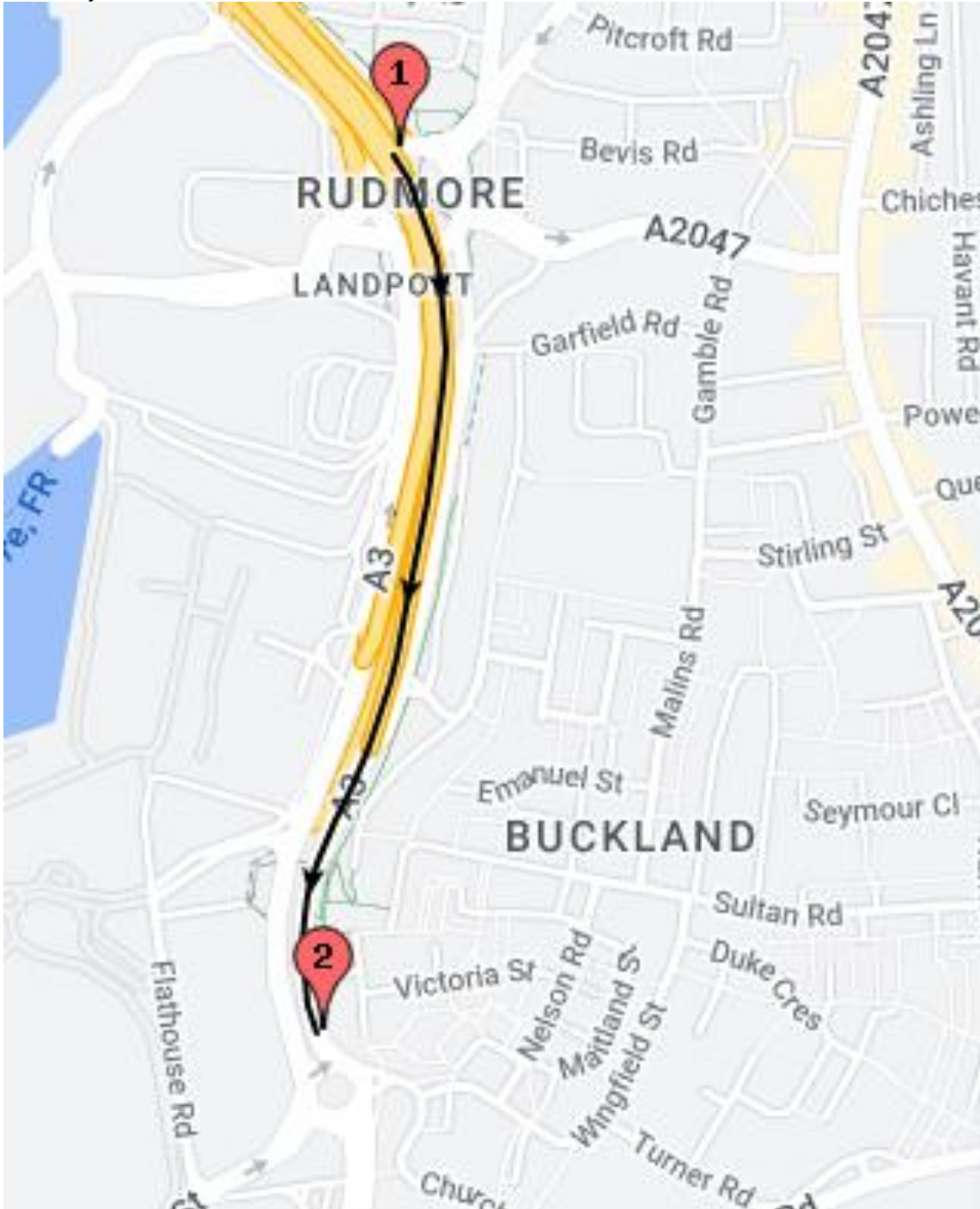
Appendix A



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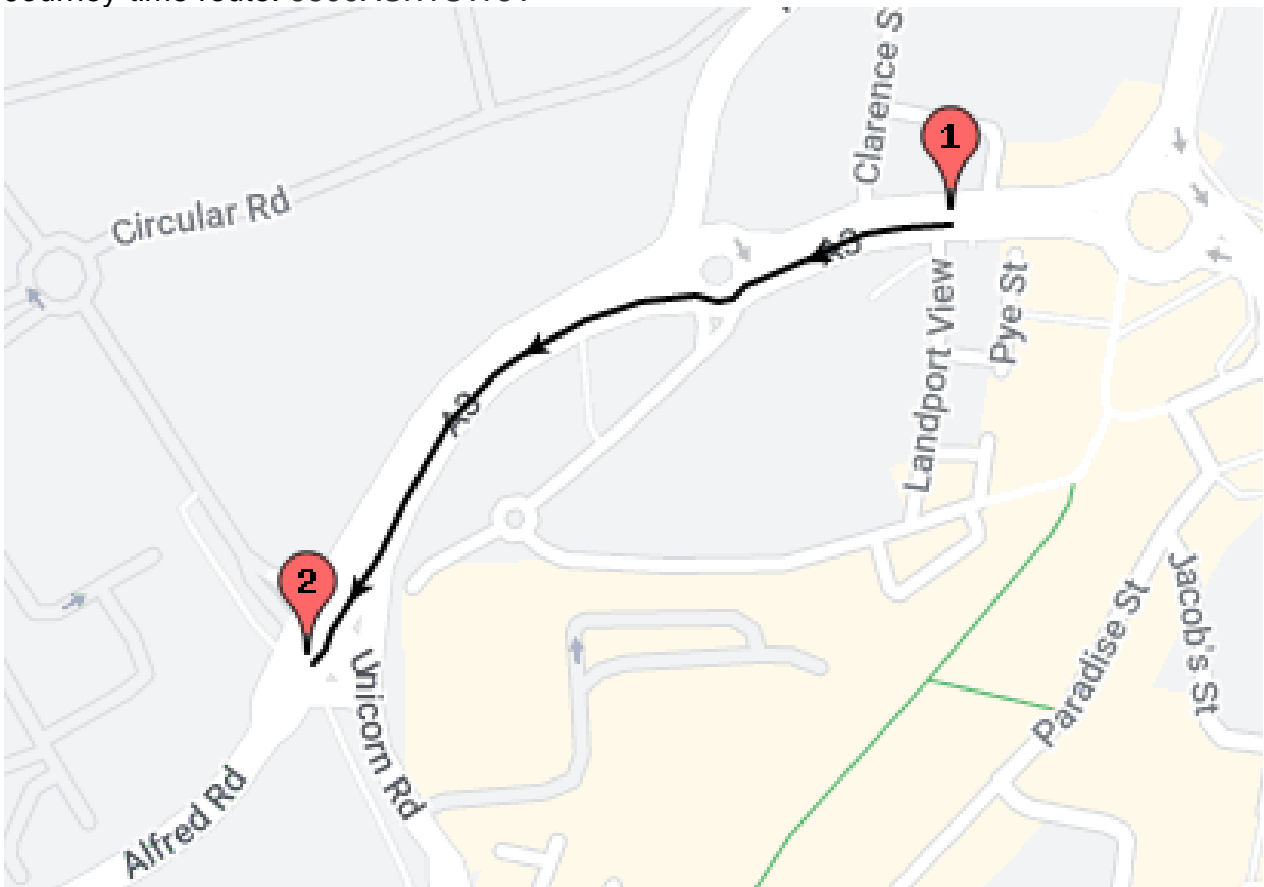
Appendix B

Journey-time route: 9800ZGROCHKO



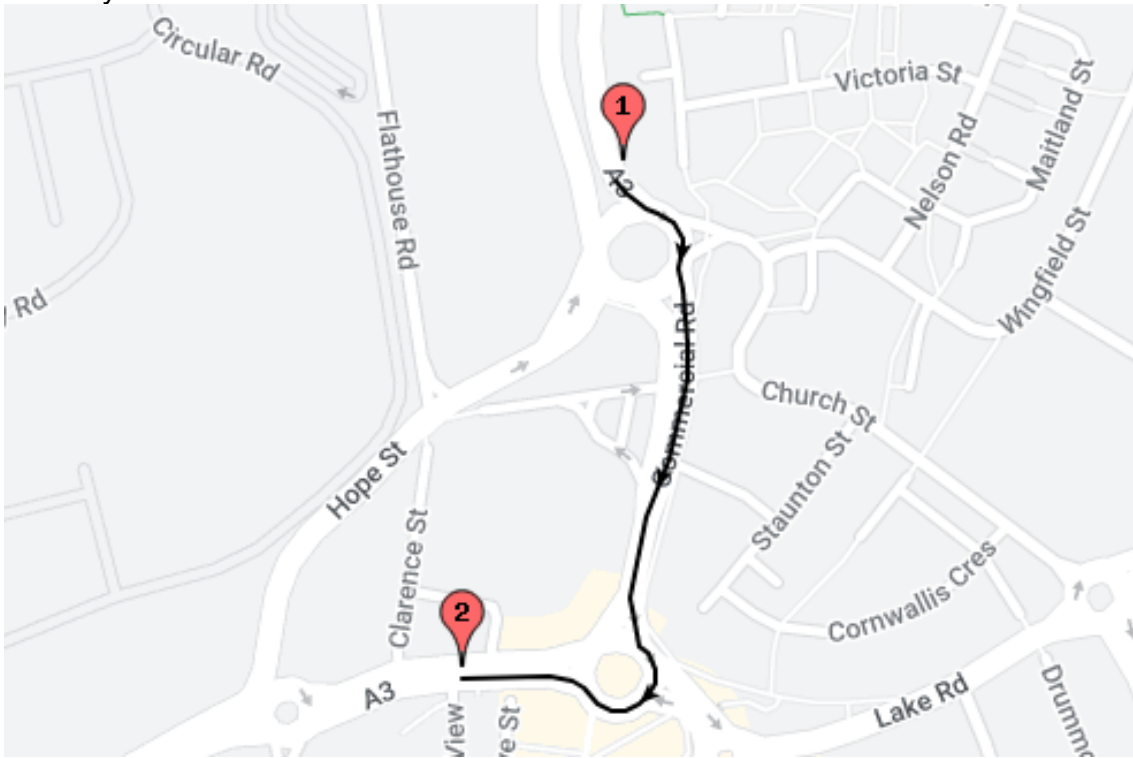
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Journey-time route: 9800XSIWUW6V



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Journey-time route: 9800XTE0VC76

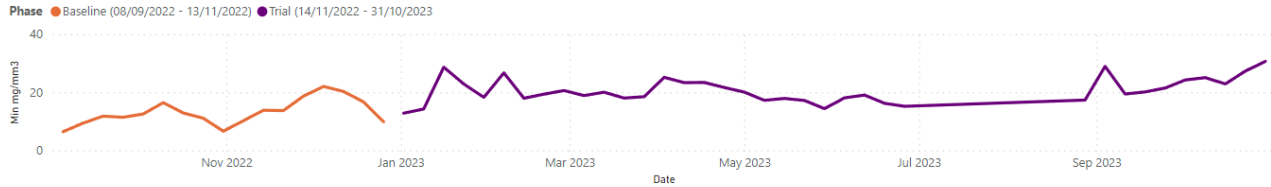


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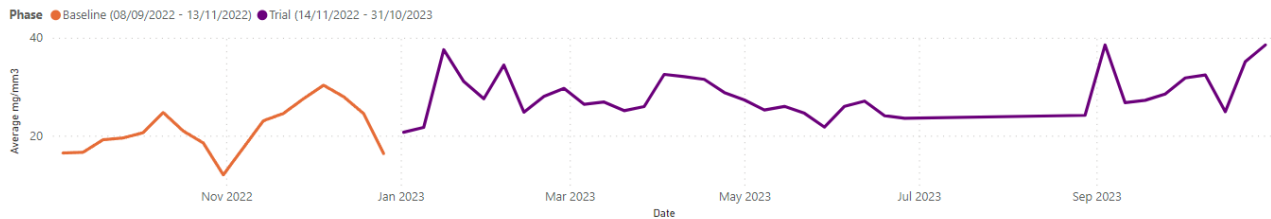
Appendix C

NOx Data:

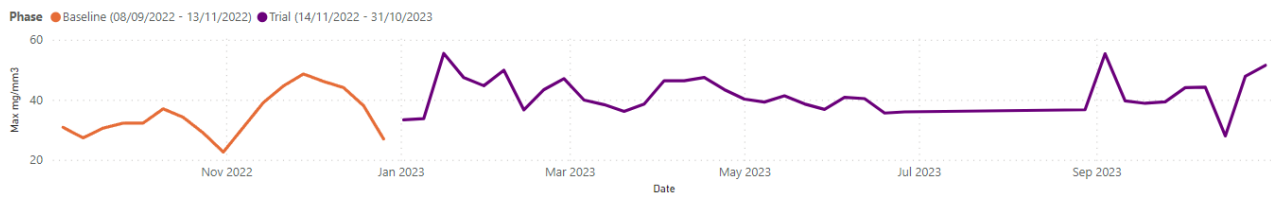
Min mg/mm³ by Date



Average mg/mm³ by Date

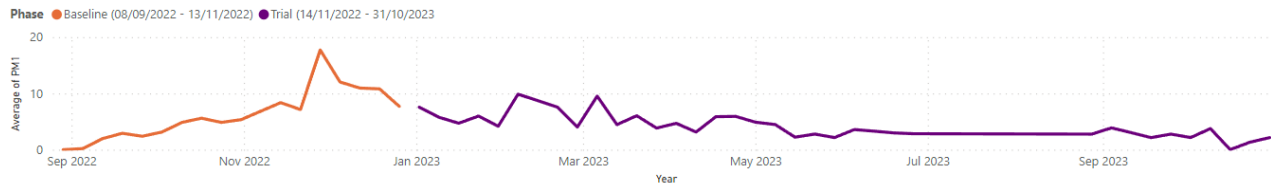


Max mg/mm³ by Date

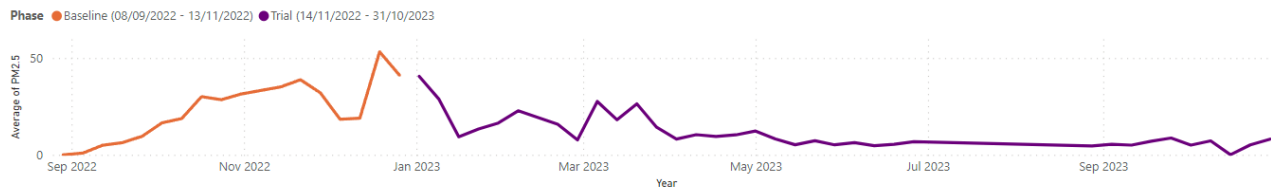


Particulate Data:

Average of PM1 by Date



Average of PM2.5 by Date



Average of PM10 by Date



* Data shown for particulate pollution is for the Bishop Crispian Way and Queen Street sites due to outages in the monitoring equipment at other locations.