

DIRECTOR OF DEVELOPMENT SERVICES

REPORT TO CITY CENTRE SOUTH & EAST PLANNING AND HIGHWAYS AREA BOARD

16 MARCH 2009

WICKER BUS GATES

1.0 PURPOSE

1.1 To respond to the resolution of City Centre, South and East Area Board of the 16th February, 2009 that the hours of operation of Wicker bus gates be amended to 7.00am-7.00pm, seven days a week.

1.2 To inform Members of the results of further investigations into road safety on Wicker, particularly the Road Safety Audit for Wicker and Northern Inner Relief Road (NIRR).

2.0 BACKGROUND

2.1 In recent months, requests from some traders have been received for the hours of operation of Wicker bus gates to be amended from 24 hours to 12, (that is from 7am – 7pm) and not to be operated on Sundays and Bank Holidays, as a way of assisting their businesses by allowing free access to the area for all traffic in the evenings etc. A report on this issue was submitted to the meeting of this Board on 15 December 2008. Following representations from local traders Board agreed to defer the item and undertake an evening site visit to Wicker and the surrounding streets. This site visit took place on 14 January 2009.

2.2 Following the site visit, a further report, including consideration of a petition collected by some 30 businesses in Wicker area, containing over 2,000 signatures, was considered by this Area Board on the 16th February 2009, requesting that the hours of operation of Wicker bus gates to be amended from 24 hours to 12, (that is from 7am – 7pm).

2.3 The meeting resolved that the hours of operation of Wicker bus gate be amended to 7.00am-7.00pm, seven days a week for a one year trial period and the Director of Development Services be requested to submit a report, within a month of the Board, outlining the work required to allow for the safe operation of the new hours. This report highlights the outcome of subsequent site investigation work and the issuing of the full Stage 3 Road Safety Audit Draft Report for the Northern Inner Relief Road, (including Wicker), along with the interim findings of the Stage 4 Road Safety Audit. This Board report sets out the road safety and legal implications of implementing the 16th February resolution of this Board.

2.4 A further petition containing 88 signatures was presented to full Council on 4 March 2009 by the Wicker businesses calling for the authority to urgently implement the decisions made by Area Planning and Highways Board on 16 February “in the light of the deteriorating economic climate.”

3.0 ROAD SAFETY ASSESSMENT

- 3.1 The Stage 3 Road Safety Audit Draft Report for the Northern Inner Relief Road project has identified serious concerns over the manoeuvring of unauthorised vehicles at Wicker/NIRR. The Road Safety Audit was undertaken by the City Council's Principal Road Safety Engineer with responsibility for Audits and the Sheffield Road Safety and Traffic Management Liaison Officer for South Yorkshire Police. The problem observed in the Road Safety Audit is that drivers of unauthorised vehicles (and some authorised vehicles), having passed through the outbound Wicker bus gate, then compound their error by turning left at the banned turn, across unsuspecting pedestrians crossing the NIRR with a 'green man' signal. The response to this audit concern is that effective enforcement of the 24 hour bus gate will dramatically reduce the incidence of this manoeuvre, because drivers will not get to this junction to be able to make the illegal left turn.
- 3.2 Surveys have been carried out at Wicker / NIRR junction subsequent to Area Board on the 16th February. These have been carried out on Tuesday the 17th, Friday the 22nd and Saturday the 23rd of February 2009. The surveys covered pedestrian movement and all vehicle manoeuvres at the junction of Wicker and Derek Dooley Way for the period 1900 – 0700. Between 22 and 40 vehicles made the illegal left turn manoeuvre per night. Most of these were cars, with a small number of taxi and private hire vehicles turning illegally. In addition, one or two vehicles per night made the illegal right turn from Wicker (inbound) into Derek Dooley Way. Of those vehicles illegally entering the Outbound bus gate on Wicker, between 14% (Fri) and 22% (Sat) went on to make the illegal left turn in Derek Dooley Way. The same surveys found that there were about 600 pedestrians using the crossing across Derek Dooley Way over the same period. The busiest period was up to 11.00pm, but pedestrians crossed the NIRR every hour of the night. The majority of vehicle manoeuvres (both legal and illegal) occurred during the evening, with the peak movements being in the hour between 1900 and 2000 hours.
- 3.3 If the bus gate times are relaxed, a significantly greater number of vehicles will legitimately arrive at this junction. Comparing counts carried out in 2000 (the most recent survey prior to work starting on the NIRR), with the recent count, it is anticipated that traffic in the period 1900-0700 could increase from what it is now (around 1400 vehicles over 12 hours) to somewhere up to where it used to be, that is over 6,000 vehicles. This change would represent a three- or four-fold increase. On the evidence of the current situation, the volume of traffic ignoring the banned turns and turning across pedestrians crossing on the 'green man' could grow by a similar percentage. This serious hazard cannot, knowingly, be ignored by the Council. South Yorkshire Police made this a key observation at the interim Road Safety Stage 3 Audit (see section 5).
- 3.4 Following a request from the Cabinet Member for Sustainable Development and Transport the Sheffield Road Safety and Traffic Liaison Officer for South Yorkshire Police have submitted a report on his view about the potential opening of Wicker bus gates. The report states:

"I am the Chief Constables representative on Traffic Management and Road Safety issues in the Sheffield area. I have discussed this matter with Chief Inspector

Male, who is the Head of Roads Policing in South Yorkshire, and he adds his support for the content.

I would like to formally place on record the position of South Yorkshire Police in respect of the proposal to amend the current 24 hour restriction at the above location. My observations relate solely to our road safety concerns and are a reiteration of my comments included in the Board report of the 16 February 2009 and e-mail to you dated the 13 February 2009.

We do not support the relaxation of the current 24 hour restriction; this would be contrary to the original design brief for the inner ring road and was a key element in reducing danger to the general public by the removal of extraneous traffic travelling through Wicker.

I am aware that there are currently numerous violations of the various turning restrictions through the junction several of which seriously jeopardise the safety of other road users. The presence of the bus gate, with camera enforcement, minimises the number of vehicle movements across the junction, if the operational period were to be reduced then vehicle numbers would rise incrementally and the degree of abuse increase pro-rata. Arguably, even more so during the evening and night when opportunities to offend are greater because of lower traffic levels, and a heightened level of risk taking by drivers who believe their illegal manoeuvres will go undetected. The risk of a collision in these circumstances would undoubtedly increase to an unacceptable level.

I am working through the road safety audit process with your road safety team, signal engineers and highway design officers to address the concerns we share for safety at this location. It appears that engineering solutions are extremely limited, in the main they rely upon improved signing and markings which the errant driver will choose to ignore anyway. I have, in the past, requested our roads policing officers give the area increased patrol attention, however this is in no way a permanent solution, because the presence of our officers at this location cannot be relied upon, other than on an ad-hoc basis..... “

- 3.5 South Yorkshire Police have carried out operations at this junction to reduce offending, but the reality of having a Police presence is that offenders are deterred whilst the officers are there, so few are caught, once officers move away, the problem returns. The availability of Police time for such operations is limited. The City Council currently does not have the legal power to carry out civil enforcement of such moving traffic offences using CCTV cameras. The Department for Transport has not released a timetable for bringing forward the necessary legislation to enable such enforcement.
- 3.6 In addition to the road safety risks resulting from illegal manoeuvres, the other main road safety concern is that road traffic accidents on Wicker may increase if traffic volumes are allowed to increase in the evenings / overnight. Looking at accident data for the three years 2000 – 2003, there were some 7 reported injury accidents per year on Wicker during the 1900-0700 period. That accident rate has dropped to 2 per year following completion of the NIRR. The impact of relaxing the bus gate restrictions in the evening and overnight is likely to increase accidents by between 4 and 5 per year. By reducing the hours of operation of the

bus gates, the City Council would be knowingly increasing the risk of accidents occurring and could be liable if injury results from such accidents

- 3.7 There is also the potential impact of additional evening / night time traffic on other roads in Wicker area. The main effect of a reduction in operational hours of the bus gate would be to cause increased delays on all three approaches to the Nursery Street/Blonk Street/Lady's Bridge/Wicker junction – at busier times these delays could be long and could directly affect other parts of the central area, with a potential knock on effect beyond this. This junction, because of its layout and the need to accommodate pedestrians, operates as a four stage junction. This traffic signal arrangement involves a significant amount of lost time, between stages, and that inefficiency reduces the capacity of the junction, with consequent delays to traffic. The complexity of the interactions in this part of the road network mean that any reduction in operating hours could lead to serious increases in delay in the area, including on the NIRR. The effective operation of the NIRR is important not only for city traffic movements but also the vitality of the City Centre and Wicker
- 4.0 POTENTIAL DESIGN SOLUTIONS CONSIDERED
- 4.1 Option 1 – Move the Pedestrian Crossing. One potential solution, that would enable the relaxation of the bus gate restrictions to 12 hours, would be to move the pedestrian crossing on Derek Dooley Way away from the junction, away from the straight pedestrian desire line, several metres to the west. In that way a separate stop line and signals could be provided for drivers who ignore the banned turn, without reducing the capacity of the junction. Having a crossing away from the desire line is not good practice and would require pedestrian guard rail to encourage pedestrians to cross on the crossing, not on the desire line. This proposal raises the following road safety issues.
- 4.2 There is a significant risk that pedestrians would cross around the end of any barrier and then be in a worse position, in safety terms, than we have at present. Pedestrians making this manoeuvre would do so with their backs to the traffic travelling along Wicker and as they cross Derek Dooley Way and would therefore be at risk. The design of a remote crossing would also require the stagger of the two pedestrian crossings to be the wrong way around. That is, pedestrians crossing the central reserve will not be facing the flow of traffic on the carriageway they are about to cross, but would have to look back. This is not the recommended orientation of staggered pedestrian crossings and has its own serious safety implications.
- 4.3 There is also recorded evidence of other drivers who have come through the bus gate compounding their error by turning right from Wicker onto the Ring Road, which has the obvious serious potential for a bus or other permitted vehicle to be in collision with such a vehicle, particularly during the hours of darkness. There has been one such reported injury accident resulting from this illegal manoeuvre since the opening of the NIRR. This collision occurred in daylight at 0715 hours on a Sunday morning. Once again, pedestrians are put at risk.
- 4.4 Option 2 – All red phase within the signal cycle. The second option considered is the implementation of an 'all red' phase to vehicles within the junction, to enable pedestrians to cross on the desire line, but minimising the risk

of conflicting vehicular movements. However, the Traffic Information and Control Team advise that this change would increase the cycle time (the length of time it takes to complete a whole cycle of traffic signal changes), from 60 seconds to 90 seconds, just to accommodate the “all red phase”. The overall effect of this alteration would be to seriously reduce the capacity of both the NIRR and Wicker. This reduction in traffic capacity would have significant impacts on the operation of the NIRR and would cause severe congestion, especially in the evening between 7.00pm – 9.00pm, when traffic levels are still quite high. It would also impact on traffic flows on the occasion of football matches with an evening kick-off.

- 4.5 This proposal also introduces unacceptable road safety hazards. Increasing the cycle time by 50% will significantly increase the risk of pedestrians crossing against a ‘red man’ signal, because of the increased delays increasing the signal cycle time would introduce. There is a similar risk of increased incidence of red light running by drivers for the same reasons. This risk would occur at times when vehicle flows are lighter and speeds generally faster, increasing the risk of collision and of collision resulting in serious injury. Raising the cycle time of just one junction on the NIRR will lead to a loss of signal timing co-ordination with neighbouring junctions, leading to further significant lost capacity and increased delays on both the NIRR and Wicker. This loss of signal timing co-ordination can only be offset by increasing the cycle time of all the junctions on the NIRR to 90 seconds, resulting in significantly increased delays along the entire length of the NIRR for any vehicles joining or turning off the ring road and for any pedestrians or cyclist crossing the NIRR.

5.0 LEGAL IMPLICATIONS

- 5.1 Case law makes it clear that whilst a Highway Authority is not normally liable for breach of the duty to promote road safety in Section 39 of the Road Traffic Act 1988, it will be liable if it creates a known danger to highway users which cannot be designed or mitigated away. In the light of the comments in sections 3 and 4 of this report it is the view of the Assistant Chief Executive, Legal and Governance that there is a very strong probability that the Council would be liable if a pedestrian or other road user was killed or injured at this junction following the relaxation of the restrictions. In addition the Council might be in a difficult position were there to be a Coroner’s inquest into a fatality (see the comments in section 5.2 below)
- 5.2 The Sheffield Road Safety and Traffic Liaison Officer for South Yorkshire Police has commented that: “If Members decide to make timing changes against the advice from their officers and South Yorkshire Police then in the event of a Road Traffic Collision any subsequent investigations may result in them having to explain the rationale behind that decision. This is obviously open to legal interpretation, I am sure there will be differing legal opinions; however I feel it incumbent on me to raise awareness of the implications for those involved in deciding this matter.”
- 5.3 As well as the possibility of giving evidence at a Coroner’s inquest, the views expressed in 5.2 raise the possibility of judicial review proceedings to challenge the validity of the decision. Whilst it is considered that such proceedings would fail it would be of assistance if Members were able to indicate, and have recorded,

their views on the road safety issues referred to in this report, to demonstrate that the Council had acted reasonably in considering them.

6.0 ADDRESSING THE EXISTING ROAD SAFETY ISSUES

- 6.1 Irrespective of the future hours operation of the bus gates on Wicker, there is a road safety issue to be addressed, as there is clear evidence of illegal manoeuvres being made and road safety risks occurring as a result (including one reported injury accident in the past 12 months).
- 6.2 It is proposed that South Yorkshire Police be requested to continue to carry out enforcement operations at the junction of Wicker and NIRR. It is also proposed that more intensive camera enforcement of Wicker bus gates be carried out on evenings and Sundays, to deter abuse of the bus gates at these times and reduce the risk of abuse of banned turns and the risk of accidents.
- 6.3 With regard to taxis and private hire vehicles making such illegal manoeuvres, any observed abuse will be reported to the Taxi Licensing Board and appropriate action taken. Taxi and private hire drivers will be advised about this problem via regular newsletters and via the trade associations.
- 6.4 As requested by Area Board, officers will carry out a full review of the signing and lining of the bus gates and prohibited turns, to ensure that it is clear to motorists what routes they are permitted to use and will also develop proposals for improved alternative route signing to help motorists to get to their destination in the Wicker area, avoiding the bus gates. These proposals will be reported back to Area Board for approval in June.
- 6.5 Publicity material will be developed to help people to access the businesses in Wicker, especially helping motorists to locate businesses using routes that avoid the bus gates and guidance on where parking facilities are located.

7.0 FINANCIAL IMPLICATIONS

- 7.1 The proposed additional enforcement to reduce abuse of the bus gate will be self financing from increased Penalty Charge Notice (PCN) income. Any improved or additional signing and publicity material will also be funded from PCN income.

8.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 8.1 There is the potential for increased danger for slower moving pedestrians, such as those with disabilities, especially in wheelchairs and blind/partially sighted people, if the left turning abuse increases.

9.0 ENVIRONMENTAL IMPACT

- 9.1 The Environmental Impact Assessment carried out for the NIRR recognised that the removal of through traffic from many City Centre streets and areas, which includes a number of streets in the Wicker area, would have a positive and beneficial effect. This improvement would be due to a reduction in airborne pollutants and noise. The new road will also assist regeneration by attracting new business and improving the visitor experience and access overall. Any increase in through traffic will reduce the benefits identified in the Environmental Assessment.

10.0 CONCLUSION

- 10.1 Reducing the hours of operation of the Wicker bus gates from 24 hours to 12, (that is from 7am – 7pm) would have significant road safety implications. The results of the video surveys reveal that there is currently an unacceptable level of abuse of the banned left turn by vehicles travelling out of town on Wicker. Reducing the hours of operation is considered very likely to increase this level of abuse and introduce unacceptable road safety risks. The full Stage 3 Road Safety Audit Draft Report is unequivocal about the negative impact on pedestrian safety, which any reduction in hours of operation would have. The interim Stage 4 Road Safety Audit has revealed a significant reduction in accidents in the area following completion of the Northern Inner Relief Road. Both of the design options discussed above, which aimed to enable the bus gate hours to be amended, would put road users, but especially pedestrians more at risk. Each would carry an increased risk of pedestrians crossing in unsuitable locations to avoid the detours this would entail or would increase the risk of 'red light running' because of the delays which would be caused. The 'all red' phase option (option 2) would also impact on the operation of the whole of the NIRR and lead to increased delays for all road users at other junctions. Relaxation of the bus gates between 1900 and 0700 would increase the risk of accidents occurring in Wicker, evidence indicates this increase could be of the order of 4 to 5 additional accidents a year.

11.0 RECOMMENDATIONS

- 11.1 No change be made to the timings of the Wicker bus gate.
- 11.2 South Yorkshire Police be requested to continue to carry out enforcement operations at the Wicker bus gates and the prohibited turns at Wicker junction with Derek Dooley Way.
- 11.3 More intensive camera enforcement of Wicker bus gates be carried out on evenings and Sundays, to deter abuse of the bus gates at these times and reduce the risk of abuse of banned turns and the potential for accidents.
- 11.4 A full review of bus gate warning and direction signing be undertaken and reported back to Area Board in June 2009.