

# **BUS PRIORITY ENFORCEMENT POLICY**

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## **INTRODUCTION**

### **1.1. Background**

- 1.1.1. Hampshire County Council is the Highway Authority for all local roads within its administrative area and is also responsible for supporting public transport and community transport services that are not commercially viable.
- 1.1.2. Hampshire has over 45 bus priority measures within its administrative area to assist with the movement of buses. The infringement of such measures can impact on journey times, reliability and the attractiveness of bus services as well as introducing road safety issues.
- 1.1.3. If buses are to fulfill their potential in providing an alternative to the car within a sustainable transport system, they must be made attractive by being more efficient. A well-connected bus priority network with reliable journey times is an essential enabler for access to employment, health, retail, social, educational and leisure facilities, reducing carbon emissions and other negative impacts from transport.
- 1.1.4. To support previous and future investment in bus priority measures and make local bus services more efficient, enforcement is required to make best use of the bus priority measures that already exist. Enforcement of these measures is crucial for improving bus journey times and reliability, make buses an attractive alternative transport mode to the car and to support wider policy objectives.
- 1.1.5. The County Council's Bus Priority Enforcement Policy will be subject to regular review with amendments being added to the Policy as and when required. This will enable bus priority enforcement to be commissioned and operated in a clear and consistent manner through the County.

## **POLICY**

### **2.1. Context**

- 2.1.1 The County Council has approval in principle to introduce bus priority enforcement in Hampshire following a Decision made by the Executive Member for Environment and Transport in November 2017.

- 2.1.2 On 15 March 2021 the Government published England's first National Bus Strategy 'Bus Back Better'. It sets out a vision for the future of bus services outside London and how they will be delivered through either formal partnership arrangements between local transport authorities and bus operators, or through franchising. The strategy contributes significantly to Hampshire County Council's policy objectives of transport decarbonisation and improved air quality. Achieving carbon neutrality will be aided by a shift to greener public transport.
- 2.1.2. The Strategy calls on all local transport authorities to provide more support to enable bus services to be quicker and more reliable. The strategy states that "Robust enforcement of traffic restrictions can bring benefits for buses through less congestion" which will increase passenger confidence, people will use buses more and this will support the objective of promoting the bus as an alternative sustainable travel method. A single passenger journey on public transport has approximately half the carbon impact of a car journey.
- 2.1.3. The strategy further supports the implementation of complementary bus priority measures stating that any future funding provided by the Department for Transport (DfT) for new road investment will be expected to include these measures. Government sees implementing these measures as a way to improve bus services by making them quicker, more reliable and cheaper to run. There is a strong economic case for supporting the development of a stronger local bus network. Investment by the public sector in infrastructure measures to improve bus services levers in additional private sector investment from the bus industry.
- 2.1.4 The County Council's Local Transport Plan (LTP3) and emerging in LTP4 supports improved bus journey times and is aligned to the National Bus Strategy. Engagement on two core design principles for the future LTP4 has revealed strong public and stakeholder support for measures which make bus journeys easier, more predictable, safer and an attractive alternative to the private car.
- 2.2. Objectives and outputs
- 2.2.1. The main objective is to make buses faster and more reliable in furtherance of a range of important outcomes as set out in the national and local policy background. This will be achieved by ensuring that where there is a need to do so, existing, or future bus priority measures are enforced, which will help achieve national and local objectives of:
- Reduced bus journey times.
  - Less variability in journey times

- Building confidence in public transport services and increase patronage
- Support efficient bus operations
- Widen the reach of bus services to traditional non-users
- Improved highway safety with reduced bus lane and bus gate contraventions

## **INTRODUCING BUS PRIORITY ENFORCEMENT**

- 3.1. Type approved Automatic Number Plate Recognition (ANPR) cameras will be used for bus priority enforcement. ANPR camera enforcement is widely used by other highway authorities for bus priority enforcement and the function can be delivered in conjunction with the County Council's established Civil Parking Enforcement service. There is now good experience and practice in this proven enforcement technology. Other options to improve compliance are limited but physical restrictions, such as rising bollards have proved to be costly to install and maintain.
- 3.2. The County Councils bus priority enforcement principles are:
  - Enforcement should take place where there is an established case or policy need to do so e.g., frequent non-compliance with traffic regulation orders delaying bus services or in support of a development access strategy.
  - Enforcement activity, practice (including fees and charging rates) shall comply with the relevant legislation and all equipment used will meet the relevant Type Approval as specified by the Department of Transport.
  - Enforcement should aim to at least cover the revenue costs of operation and maintenance or where this is not the case new sites should identify long term sources of funding to allow for the operation and maintenance of associated enforcement infrastructure.
  - In the event that income exceeds the overall cost of enforcement in any given year, such income shall be allocated in accordance with the relevant legislation to support transport services in Hampshire.
- 3.3. In developing proposal bus operators will be engaged and consulted to establish where there are operational or safety concerns that impede the movement of buses through contraventions of bus priority measures. Before implementation, each site will be assessed to understand the case for implementing enforcement schemes. This will include undertaking surveys to understand the level of contraventions taking place and a design review including assessing camera

locations and an audit review of current signs and markings to ensure they are in accordance with legislation.

- 3.4. In accordance with the enforcement principles above, the operational and maintenance costs of bus priority enforcement should not add to the general County Councils revenue burden. All schemes should aim to cover the cost of operation. In the event that income exceeds the overall cost of enforcement in any given year, such income shall be allocated in accordance with the relevant legislation to support transport services in Hampshire.
- 3.5. Exception to the cost recovery principle may be required on infrequent occasions. For example, the highway authority will consider implementing bus priority enforcement if required as part of a Bus Service Improvement Plan (BSIP) or a transport related scheme or as part of a planning obligation. It is accepted that such locations may not be self-financing. The County Council will first seek to recover as much costs as possible through negotiation of planning agreement including commuted sums or developer contributions. Where it is not possible, the collective income from enforcement measures that exceed the overall cost of enforcement will be allocated in accordance with the relevant legislation to support the ongoing operation and maintenance of such schemes.
- 3.6. For future planning applications considered after the issue date of this policy document and where there is a planning need to provide bus priority measures, the provision of such measures will be secured through the S106 agreement together with the necessary commuted sums to cover maintenance and operational costs in accordance with the County Council's commuted sums policy. The County Council supports an infrastructure first approach to making developments accessible by local bus services and is **not** supportive of establishing long term revenue support arrangements that have the risk of coming to an end before commercial bus operations have been established or developments have built out. The use of bus priority measures that give bus services a competitive advantage over private vehicles is encouraged. A shift towards an infrastructure first approach is enabled and made more deliverable and effective through enforcement.
- 3.7. All enforcement measures will be kept under review on a regular basis. It is anticipated that the level of contraventions will reduce over time and the amount of income generated is dependent on the number of Penalty Charge Notices (PCNs) issued for contraventions. Experience from other authorities shows the number of contraventions is likely to be higher for the first 2 or 3 months of operation. Typically, this falls by as much as 70% once road users are aware that enforcement is taking place. Thereafter the level of contraventions can plateau

as driver compliance improves, and this may result in some sites no longer being self-financing. For these sites, the County Council will need to consider the case for retention.

## **COMMUNICATIONS AND ENGAGEMENT**

- 4.1. A communications plan will be established to help raise awareness of planned bus priority enforcement measures. This will consist of a press release and launch of a new County Council webpage that will inform road users about the system, how bus lanes will be enforced and what to do if a PCN notice is received including a link for paying PCNs.
- 4.2. Prior to the commissioning of bus priority enforcement, warning signs to advise motorists of when bus priority enforcement will begin will be deployed by the County Council.
- 4.3. During the first month of a bus priority enforcement measure being introduced, anyone contravening the restriction will receive a warning notice, rather than a PCN, for their first contravention. Any subsequent contravention within that period and beyond will receive a PCN.

## **LEGAL CONTEXT**

- 5.1. The County Council is an approved Bus Lane Enforcement Authority and has approval in principle to introduce bus priority enforcement following a decision by the Executive Member for Environment and Transport during 2017 as part of broader enforcement service provisions in the county.
- 5.2. The legal powers to introduce bus lane enforcement are included in the Transport Act 2000 and supported by a statutory instrument in November 2005 when the County Council was made an approved local authority for bus lane enforcement (for the purposes of s.144 Transport Act 2000) by the Bus Lanes Contraventions (Approved Local Authorities) (England) Order 2005 (SI 2005/2755).
- 5.3. The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 (Statutory Instrument No. 2757) specifies the process by which the County Council can enforce restrictions.
- 5.4. Bus priority measures require Traffic Regulation Orders (TROs) to make them legally enforceable. TROs will be specific to the bus priority measure and will define all aspects, including permitted vehicles, hours of operation, access arrangements across the facility, and the extent of the restricted lengths of carriageway.

- 5.5. Existing bus priority measures may require revisions to the current TROs together with an audit of the associated signage and road markings to ensure they are in accordance with the Traffic Signs regulations and General Directions.

## **CODE OF PRACTICE**

- 6.1. The County Councils draft Code of Practice (Code of Practice for the Operation of Bus Lane and Traffic Enforcement Cameras), sets out the objectives and the rules by which the system will be operated. This will ensure privacy, fairness and integrity issues are managed in accordance with relevant guidance and legislation produced by the Department for Transport (DfT), including the Transport Act 2000.

## **DELIVERY & OPERATION**

- 7.1. Enforcement will be based on Automatic Number Plate Recognition (ANPR) cameras, procured through an appropriate mechanism, and installed in accordance with the manufacturer's specifications.
- 7.2. The County Councils Delivery Team will manage the detailed design, procurement, supply, installation, and commissioning of ANPR enforcement cameras, associated signage and road markings. It is anticipated the capital cost will be met from the County Councils Local Transport Plan budget for existing bus priority sites that pre-date this Policy Document.
- 7.3. The enforcement operations (back-office processes including reviewing of captured footage and informal appeals) will be undertaken by the County Council's parking service contractor with this work being overseen by the County Council's internal Parking Services team. Formal appeals related to bus lane fines will be dealt with by the County Council.
- 7.4. Upon commissioning, ANPR enforcement cameras will detect the number plate of all vehicles entering the bus priority measure and compare that plate to a database of authorised vehicles, known as the 'White-List'. Details of any vehicle that is flagged as being unauthorised will be reviewed by the County Council's parking service partner who operate the enforcement system on behalf of the County Council and if appropriate, a PCN will be issued. The County Council's Parking Services team will maintain overall responsibility for the operational aspects of enforcement, processing arrangements and formal appeals.
- 7.5. The penalty charge for bus priority contraventions will be in accordance with legislation, currently set at £60, reducing to £30 for motorists who pay within 14 days of the date of issue.



## **UK GENERAL DATA PROTECTION REGULATION (UK GDPR)**

- 8.1. The County Council and its parking service contractor will process personal data in accordance with data protection legislation, including the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.