

# Experimental Traffic Control Scheme (Permitted Taxis in Bus Lanes) 2018



## CONSIDERATION OF REPRESENTATIONS TO THE PROPOSAL



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## 1 BACKGROUND

- 1.1 The Department for Infrastructure is required to amend its definition of 'Permitted Taxi' in all bus lane legislation to bring it into line with the definitions of taxi classes introduced under the Taxi Licensing Regulations (Northern Ireland) 2015. These definitions of taxi classes are included in this report at Appendix 1. The current policy is that Class B and Class D taxis are permitted to use bus lanes. This is the closest available read across to the definition of 'Permitted Taxi' within bus lane legislation in Northern Ireland.
- 1.2 In 2017 a 12-week trial was carried out at the instruction of the then Minister for Infrastructure, permitting Class A taxis access to a limited number of bus lanes in Belfast. This trial provided a snapshot of the impact on traffic but did not provide sufficient evidence to allow what would be a significant policy decision to be made, which would apply to the majority of bus lanes in Belfast. Details of the technical report collating and reviewing the data gathered during that 12-week trial can be found on the Department's website at: <https://www.infrastructure-ni.gov.uk/publications/class-taxis-bus-lanes-trial-2017-data-review-technical-report>
- 1.3 On 6 December 2017 the Department published the Notices of Intention to introduce the Bus Lanes (Belfast Rapid Transit, East and West Corridors) Order (Northern Ireland) 2018 and the Bus Lanes (Belfast City Centre) Order (Northern Ireland) 2018. Following publication of these draft orders a large number of representations were received calling for the inclusion of Class A taxis within the definition of 'Permitted Taxi'. The Department, as required under the legislative process, considered the options available to address this issue.
- 1.4 Whilst it was accepted that a permanent change to the current policy could not be made in the absence of a Northern Ireland Executive Minister, it was considered that a more comprehensive assessment would be beneficial to help inform a future ministerial decision on the definition of 'Permitted Taxi' in bus lane legislation. It was also considered that any such assessment would

need to be conducted over a period of at least 12 months to allow seasonal variations to be taken into account.

- 1.5 In view of this the Department proposed that it would carry out an assessment by way of an Experimental Traffic Control Scheme, under Article 5 of the Road Traffic Regulation (NI) Order 1997. The proposed Experimental Traffic Control Scheme would permit Class A, B and D taxis access to all bus lanes in the Belfast area that are currently available to 'Permitted Taxis'. It was further proposed that the Experimental Traffic Control Scheme would initially be authorised for a period of 6 months, as stipulated in Article 5, with a likely extension for a further 6 months. The proposal would not include Class C taxis, the class of taxi covering vehicles used for chauffeur services, weddings, funerals and courtesy transport as this class of taxi only displays internally and would therefore be extremely difficult to enforce.
- 1.6 Under Article 5 an Experimental Traffic Control Scheme cannot last for longer than 18 months, after which the definition would revert to the current position of Class B and D taxis only being permitted access, unless a Minister has made a policy decision changing this in the substantive bus lane legislation.
- 1.7 The Department considered that this approach would go some way to addressing the representations calling for a change in policy whilst also allowing ample opportunity for those opposed to a change to have their concerns included in the decision making process.
- 1.8 Following the publication of the Notice of Intention proposing the Experimental Traffic Control Scheme outlined above the Department received a large number of representations both for and against its proposal.
- 1.9 The purpose of this report is to summarise the Department's considerations of those representations received and to decide on the way forward.

## 2 THE EXPERIMENTAL TRAFFIC CONTROL SCHEME

- 2.1 The Department advertised its proposed Experimental Traffic Control Scheme (Permitted Taxis in Bus Lanes) 2018 (the Scheme) on 13 June 2018. The advertisement included a statutory 21-day period inviting people “*to object or make other representations, specifying the grounds on which they are made, by writing to the Department...*” Advertisements were placed in the Belfast Telegraph, Irish News and News Letter. The statutory 21-day period ended on 6 July 2018.
- 2.2 Details of the proposed Scheme can be found on the Department’s website at:  
  
<https://www.infrastructure-ni.gov.uk/consultations/experimental-traffic-control-scheme-taxis-bus-lanes-2018>
- 2.3 Some respondents questioned the length of the statutory 21-day period as they understood it represented a public consultation on a substantive policy change. A 21-day objection period is the minimum period required under the Road Traffic Regulation (NI) Order 1997 and is routinely used by the Department in relation to proposed subordinate legislation and experimental traffic control schemes.
- 2.4 In order to ensure that it was prepared to gather data, should a decision be taken to proceed with the Scheme, transport consultants were commissioned to gather and analyse data in advance of commencement, as well as during the period of any scheme. Attitudinal surveys to gain insight into more subjective matters were also included in the commission alongside historic data to provide baseline information on peak hour bus journey times and bus patronage along the corridors being analysed. The Department is content that the type of data and scope of information to be collected can be tailored to meet issues raised by the consultation.
- 2.5 The Department propose that the need for individual impact assessments will be determined by way of a screening process prior to commencement of any scheme and that information gathered would subsequently be used to

inform any necessary full impact assessments that the Department would carry out.

- 2.6 The evidence from the Impact Assessments would be included in the overall presentation of findings to a Minister for their decision as to the future definition of 'Permitted Taxi' in bus lane legislation.

### **3 REPRESENTATIONS RECEIVED**

- 3.1 455 individual objections to the proposed Scheme were received during the statutory period. In addition 2 Petitions were received from:

- Unite – Approximately 200 letters; and
- Bikefast – Approximately 2,000 signatures.

- 3.2 744 individual representations were received during the statutory period supporting the proposal. In addition 3 Petitions of Support were received from:

- West Belfast Private Taxis & Drivers Association – Approximately 3,000 letters; and
- An unnamed taxi organisation submitted 2 separate petitions – 3,500 postcards and 535 pro-forma letters.

- 3.3 2 further representations that were neither wholly for nor wholly against the proposed Scheme were received from:

- Translink; and
- Disability Action.

- 3.4 The majority of representations focussed on the principle of allowing Class A taxis into bus lanes rather than the implementation of a time bound Experimental Traffic Control Scheme aimed at gathering robust evidence to inform a future ministerial policy decision.

## 4 ISSUES RAISED

4.1 The individual grounds for the representations to the proposed Scheme fall broadly into the following seven categories:

- Safety Risk to Cyclists;
- Environmental Impact;
- Tourism;
- Economic Impact;
- Unfair Advantage over Other Road Users;
- Equality Issues; and
- Contrary to Government Policy and Detrimental to Encouraging Modal Shift to Sustainable Transport.

4.2 Safety Risk to Cyclists

Issues relating to road safety, and particularly that of cyclists travelling in a bus lane, formed the basis of a large number of objections received. The majority of these related to a potential increased risk of injury to cyclists and the associated negative impact on the attractiveness of cycling as a mode of active travel.

The Department has collected injury collision data on a number of occasions, most recently during the 12-week trial in 2017. The statistics consistently show that bus lanes are generally a safer part of the road network in which to travel by bicycle. Collisions recorded generally involved road users carrying out legal manoeuvres either into or across the bus lane rather than between users travelling along the lane. The Department would continue to monitor these statistics during the period of the proposed Scheme.

The Department does however accept that there is a perception that bus lanes will be less safe for cyclists with the introduction of additional vehicles. The effect that this perception has on the number of cyclists using the bus



lanes would be assessed during the proposed Scheme, by gathering data on the number of cyclists using bus lanes and through attitudinal surveys to gauge the significance of this issue in people's choice of transport mode.

The Department recognises that in the absence of segregated cycle lanes, bus lanes form part of the Belfast Bicycle Network. The Department will continue to develop quality cycling infrastructure in Belfast and will take into account any future policy change in relation to 'Permitted Taxis' in bus lanes.

#### 4.3 Environmental Impact

A number of respondents expressed concern in relation to the potential for increased traffic congestion, and an associated increase in vehicle emissions, noting conflict with the high level aims of Belfast City Council's draft Air Quality Action Plan 2015-2020.

The Department does not anticipate that the proposed Scheme would lead to an increase in the number of Class A taxis on the corridors but rather expects that it would result in the redistribution of those vehicles from general traffic lanes into bus lanes. Those supporting the introduction of the proposed Scheme contend that it would reduce congestion and emissions due to this redistribution from general traffic lanes.

The Department proposes that it would gather data on the numbers and types of vehicles across all running lanes on the corridors prior to the commencement of and during the period of the proposed Scheme.

Belfast City Council's draft Air Quality Action Plan 2015 – 2020 identifies four Air Quality Management Areas in Belfast. These are located on the Westlink Corridor, Ormeau Road, Upper Newtownards Road and between Cromac Street and Short Strand. As three of these areas coincide with corridors relevant to the proposed Scheme, the Department would liaise with Belfast

City Council to establish whether data could be made available that would indicate any change in emission levels on these corridors during the Scheme.

#### 4.4 Tourism

A number of objectors suggested that the principle of allowing Class A taxis into bus lanes would be detrimental to the promotion of tourism. The Department acknowledges that a well-connected and efficient public transport system can help tourism growth. However, it could be argued that Class A taxis form part of this offering, providing an alternative option for tourists as they travel around the city. The Department will consider any evidence submitted in relation to this issue however it is unlikely to be the determining factor in consideration of any future Ministerial change to policy.

#### 4.5 Economic Impact

A number of respondents queried whether an economic impact assessment had been carried out to determine any relevant impact of allowing Class A taxis into bus lanes.

The Department acknowledges that bus priority encourages greater use of sustainable transport in support of Government's wider economic, social & environmental objectives. Using information gathered during the proposed Scheme, an economic assessment of allowing Class A taxis into bus lanes would be undertaken by the Department as part of the assessment of the case for a change in policy.

#### 4.6 Unfair Advantage over Other Road Users

A number of respondents queried the rationale of allowing Class A taxis into bus lanes while other road user groups, such as health care workers and goods delivery drivers are not allowed access. Some respondents suggested

other measures, such as car sharing, would be more effective in terms of reducing congestion.

Respondents supporting the proposed Scheme contend that there is an economic benefit to both taxi drivers and their customers from the proposal. A further suggested benefit is that it would allow customers to hail a Class A taxi on routes with bus lanes, within certain geographical limits. Although this is not common practice at present in Belfast, it is how Class A taxis were intended to operate when the Taxi Licencing Regulations were introduced in 2015.

The level of economic benefit to customers and drivers of Class A taxis is difficult for the Department to quantify, particularly the relative benefit compared to other road user groups. The Department would welcome and will continue to seek any quantitative data that could be provided in support of this position.

Under the proposed Scheme the Department would also gather data on the number of Class A, B and D taxis using the corridors during the period of the proposed Scheme as any increase in number could signify an increased demand and therefore increased attractiveness of taxi services to customers.

#### 4.7 Equality Issues

Some respondents indicated support for the proposed Scheme on the basis that it would have a positive impact on some Section 75 groups, particularly in relation to people with disabilities and the use of Class A taxis in bringing children to school. Other respondents contend that limiting taxi access to bus lanes to wheelchair accessible Class B taxis incentivises the provision of more accessible vehicles.

The Equality Impact Assessment for the Belfast Rapid Transit project, which included extensive additional bus lanes, found that it would lead to a benefit in

terms of equality by providing improved access to employment, commercial, health, education, social and leisure facilities for all groups.

As a result of representations received, the Department proposes that an Equality of Opportunity screening would be completed on the principle of allowing Class A taxis into bus lanes and, if deemed necessary, a full Equality Impact Assessment will draw upon data gathered during the Scheme to inform that assessment.

#### 4.8 Contrary to Government Policy and Detrimental to Encouraging Modal Shift

A large number of responses focused on sustainability issues associated with incentivising Class A taxi use. Some respondents expressed the view that the Department should be encouraging more sustainable modes of transport, adding that they do not consider Class A taxis to be a sustainable mode of transport. Other respondents commented that the proposed Scheme would discourage active travel by making travel by Class A taxis more attractive.

Concerns were also raised that the proposed Scheme contradicted Government Policy, in particular Indicator 25 of the Draft Programme for Government “to increase the use of public transport and active travel”. The Department recognises the health benefits of walking and cycling and therefore promotes active travel. However, it also accepts that how people travel remains a choice for the individual.

Respondents supporting the proposed Scheme highlighted that Class A taxis provide a flexible form of public transport and that permitting them access to bus lanes would help to reduce congestion on the network overall.

The Department proposes that data in relation to the use of taxis, buses and bicycles, together with attitudinal feedback, would be gathered as part of the proposed Scheme to complement historic data on bus lane usage.

## 5 CONCLUSION

- 5.1 In 2017, the then Infrastructure Minister introduced a 12-week trial that allowed Class A taxis to use the Belfast Rapid Transit bus lanes in East and West Belfast and the 12 hour city centre bus lanes linking the two Belfast Rapid Transit routes. This provided a snapshot of the volumes of traffic likely to use bus lanes if Class A taxis were to be allowed in on a permanent basis. However, in terms of bus journey times and speeds, the findings were largely inconclusive. The Department's technical report concluded, in part, that a 12-week trial period was not sufficient to provide robust data for a study of this nature.
- 5.2 Most of the grounds for objections to, and support for, extending the definition of 'Permitted Taxis' to include Class A taxis can only be substantiated or dismissed through the consideration of robust evidence. The Department considers that this evidence can only be gathered and assessed by a further experiment such as running the proposed Scheme. This evidence would then enable a future Minister for Infrastructure to determine future policy regarding the class of taxis permitted access to bus lanes in Belfast.
- 5.3 The Department is grateful to all those who submitted representations to the draft proposal as it has helped to crystallise the main issues in relation to this policy. It has helped the Department to finalise the methodology to be used in relation to data gathering and other work required during the period of any Scheme.
- 5.4 Although not all experimental schemes require Ministerial decision, the scale and nature of the representations received to this proposal means that the decision would have been put to a Minister. While the Department sees benefit in progressing the Experimental Traffic Control Scheme (Permitted Taxis in Bus Lanes) at the earliest opportunity, the recent Appeal Court decision relating to the Buick Judicial Review in relation to the arc21 incinerator has clarified the authority of civil servants to take decisions in the absence of Ministers. In light of this, and taking full account of legal advice,

the Department has decided to defer the decision on the introduction of the proposed Experimental Traffic Control Scheme. The outcome of this consultation and the rationale for an experimental scheme will be presented to an incoming Minister for Infrastructure.

## APPENDIX 1

There are four classes of taxi licence established by the Taxi Licensing Regulations (Northern Ireland) 2015. These are summarised in the table below.

There is a designated Belfast Zone that restricts permitted Class A taxi use on certain days and at certain times. This area is roughly within a two mile radius of Belfast city centre.

[Belfast taxi zone map – Department for Infrastructure \(DfI\) website \(external link opens in a new window / tab\)](#)

New Class	Old licences affected	How the taxi can be used
Class A	Taxis previously licensed as 'Private Hire' and 'Public Hire Outside Belfast' in the most part automatically became Class A although some specially adapted vehicles may have re-licensed as Class B.	Outside the Belfast Zone, Class A taxis can ply for hire, carry passengers for hire or reward and stand at taxi stands.  Within the Belfast Zone, Class A taxis can carry passengers for hire and reward, and there are specified days and hours when they can also ply for hire and reward.
Class B	Taxis previously licensed as 'Belfast Public Hire' automatically became Class B.	Class B taxis are wheelchair accessible, permitted to ply for hire or reward, carry passengers for hire or reward and stand at taxi stands throughout Northern Ireland.
Class C	Taxis previously licensed as 'Private Hire' and only used for weddings and funerals automatically became Class C.	Class C taxis can only be used on a pre-booked basis and must carry details of their booking in the taxi during the journey. Class C taxis must not display a roof sign or advertise as a taxi service but must display an internal sign.  Examples of Class C taxis are vehicles used for chauffeur services, weddings, funerals and courtesy transport.
Class D	Taxis previously licensed as a 'Taxibus' automatically became Class D.	Class D are the old taxi buses, permitted to operate only on prescribed routes when issued with a Road Service Licence or a DfI permit. In certain circumstances, these taxis can be used for executive or tour services. Class D taxis do not need to display roof signs but must display internal signs