

Review of Chief Adjudicator's report on signage associated with the John Dobson Street bus gate

The report, which was published more than three years after the request for the review, is considered to contain a series of contradictions, contextual misunderstandings, and even factual inaccuracies. This brief paper will outline some examples.

In many places, the review clearly attacks the framework (provided by government) within which local authorities must work.

As such, the Chief Adjudicator (CA) has on more than one occasion in this response indicated and suggested the use of signage that is not included in the Traffic Signs Regulations and General Directions (TSRGD).

The TSRGD is a document the CA describes in their report as *“a virtually incomprehensible tome, like a bygone shopping catalogue of road signs.”*

Despite this, it remains the Statutory Instrument that dictates what signage a Local Authority may or may not install on the public highway.

Local authorities can apply for special authorisation for additional signs but Department for Transport (DfT) have noted that they will not authorise anything they think could be done through TSRGD.

If a local authority had installed signage to indicate a restriction that was not in line with the statutory document we must use, it is clear that any adjudicator would have indicated we were relying on signage that did not feature in the TSRGD and therefore that the signs did not adequately convey the restrictions on the road.

It is particularly important to consider this given what is said in the Traffic Signs Manual to set out the consequences of using something that is not in TSRGD:

3.3.1. The use of non-prescribed signs on public highways without authorisation by the national authority might be deemed unlawful, with authorities using them acting beyond their powers. The erection of an unauthorised sign in the highway is an obstruction and the possible consequences of erecting or permitting the erection of obstructions can be severe. Those responsible could lay themselves open to a claim for damages, for example if an obstruction is the cause of an accident or an injury in a collision, or if it adversely affects a property adjacent to the road by blocking light or impairing visual amenity. Furthermore, the use of unlawful traffic signs might compromise enforcement of statutory provisions and be detrimental to road safety.

3.4.1. Traffic signs in use on the highway must either be prescribed by TSRGD as amended, or be specially authorised by the national authority. Signs that are neither prescribed nor authorised are obstructions on the highway and must be removed.

The CA clearly understands this to be the case, as they make reference to the need to use TSRGD in the report.

This paper will now outline some specific and important examples of where the CA's report is not considered to be entirely accurate...

- With regards to directional signage, in paras 3.9 and 3.10, the CA criticises the use of directional signage at the New Bridge Street roundabout off the junction of the Central Motorway. The sign includes direction towards ‘City Centre B1309’.
- The CA indicates that this sign, which illustrates the road link on Durant Road, should not be signed as such and that the B1309 should have been downgraded.
- There are two aspects to this that are important and interconnected, whether it was appropriate to sign a B road, and whether the ‘city centre’ was accessible from such a location.
- It is considered that the CA is incorrect to assert the sign should not have been indicated as directing to a B road. This is because the B1309 on Durant Road (as signed) is entirely appropriately described as a B road.
- Indeed, the CA (perhaps unintentionally) acknowledges this later in their review report in section 5 when describing the different designations of roads in para 5.5 – *“B roads – roads intended to connect different areas, and to feed traffic between A roads and smaller roads on the network.”*
- The B1309 (and Durant Road), signed from the roundabout is therefore clearly an appropriate B road as it connects different areas and feeds traffic between an A road and smaller roads on the network.
- The CA also then indicates that to turn the other way at the end of Durant Road (B1309) would *“take the driver away from the city centre”*. This is used as a means to indicate the signage acts to *“mislead”* people (a point made by the CA in para 5.9).
- But as the next slide shows, this assertion from the CA is clearly wrong and seems to view only one part of our city centre as ‘the’ city centre. It does not lead *“away”* from the city centre, in fact, it is actually one of the only legitimate entrances to parts of the city centre for private vehicles.

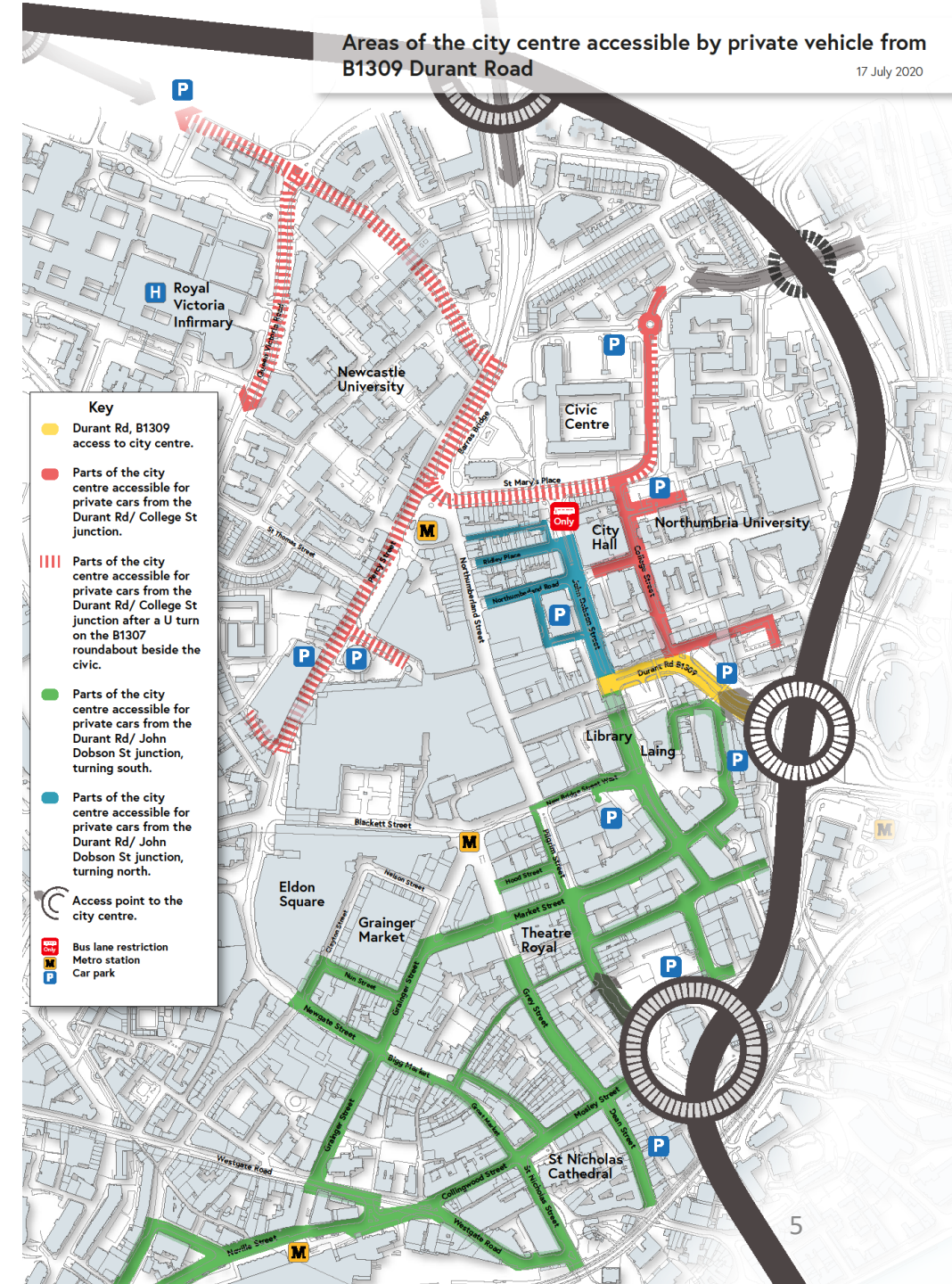
The CA asserts that the signage from the A167 “directs drivers to the city centre along the B1309, even though the city centre ceased to be accessible from the B1309 after the John Dobson Street bus gate restriction was put in place.” The CA also considers it “neglect” that such signage was retained.

This assertion is fundamentally incorrect, a significant proportion of the city centre remains accessible via the B1309 Durant Road (indicated in yellow) and John Dobson Street to the south of the Durant Road junction as shown in the image to the right.

All roads shaded green are accessible via John Dobson Street southbound (as opposed to leading “away” from the city centre).

Those shaded in blue are accessible from turning right onto John Dobson Street and heading northbound. Even those roads shaded red (or dotted red after another turning manoeuvre) are accessible via B1309 Durant Road and College Street.

It is therefore from a technical perspective clearly inaccurate to note that the city centre ceased to be accessible from the B1309 after the John Dobson Street bus gate restriction was put in place.



To quote from the CA's report:

"5.8 [The Appellants']... confusion was compounded by the sign indicating the B1309 on the approaches to the roundabout off the A167(M), and the absence of a sign at the junction of the B1309 (Durant Road) and John Dobson Street; which, together, provide inaccurate information.

5.9 Drivers are effectively misled to approach what is – in effect – a dead end, except for buses and authorised vehicles. The neglect to remove the misleading sign at the roundabout, and the failure to provide any sign indicating at the junction of Durant Road and John Dobson Street that turning right is not a through road, amount to fundamental negligence."

The previous pages clearly indicate that it is appropriate for the sign at the roundabout to refer to the City Centre B1309.

The image on this page are the road signs at the junction of Durant Road and John Dobson Street (where the CA indicates there is no sign).

Details of these signs were provided to the CA in the evidence pack, yet their existence is not referenced at all in the report from the CA, the only reference being the apparent *"absence of a sign"* in this location.



Image taken from evidence pack submitted to CA

Furthermore, and specifically in relation to the technical requirements of how road signs must be designed based on the content in the TSRGD.

The width of route arms on directional signage is determined by the TSRGD (Schedule 12, Part 7). Copied below is a paragraph relating to this from Chapter 7 of the Traffic Signs Manual. In this instance, section 5.2 *Width of route arms* is the element worth referencing.

- **5.2.1.** states... *The width of each route arm on map-type signs is related to the status of the route and is specified in the Regulations in S12-7. 6 sw must be used for primary routes and motorways, and 4 sw or 2.5 sw for non-primary routes. 4 sw should generally be used for numbered routes and other roads of traffic importance. 2.5 sw should be used to indicate minor rural roads or local urban roads that are not intended for through traffic.* (highlighting by NCC to indicate importance)

Once off the New Bridge Street junction and past the sign(s) indicating the B1309 City Centre, all advanced directional signs prior to the bus gate show all routes at 2.5 sw, indicating that these are all local urban roads that are not intended for through traffic, and certainly not indicating that a through route is available.

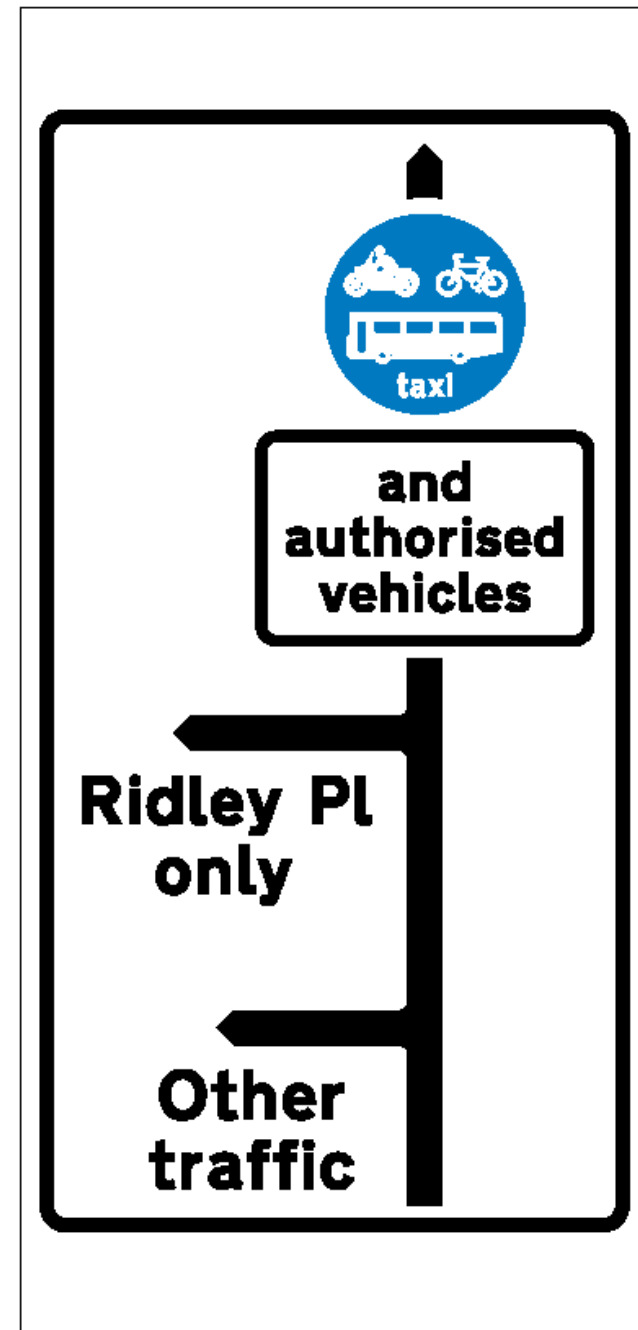
- While reference to the size of widths of roads on signs is of course a technical matter, it is one that is important in ensuring people, regardless of their origin in the UK, encounter consistency. It is also important to ensure local authorities are delivering road signs in line with national standards – which the CA again acknowledges is the case in this instance (para 4.31)
- The CA makes much of the likelihood of advanced directional signage being obscured by buses or other traffic when busy.
- The advanced directional signage on the approach to the bus gate is on a single carriageway road subject to a 20mph speed limit, as is the rest of the city centre, which should provide ample opportunity for a driver to see such signage, despite the presence of buses or other traffic.
- At the same time as indicating the existing signage on a 20mph section of road as inadequate, the CA refers to a small Shopmobility symbol on a directional sign on the A167(M), subject to a 50mph speed limit, which is indicated to be sufficient to mislead drivers as to there being a through route northbound up John Dobson Street.
- This approach is inconsistent at best. We would acknowledge that still having the Shopmobility signage on the A167(M) was incorrect, however no corresponding signage existed at the Durant Road/John Dobson Street junction to continue directing any Shopmobility users through the bus gate.
- It would appear that the CA considers that a very small icon on a road sign in a 50mph limit is misleading but a large sign in a 20mph limit cannot be seen. This is an example where the CA is inconsistent in relation to the perceived visibility of advanced directional signage.

The signage that the CA considers may not be seen is shown below (image taken from the adjudicator's report).

Our existing signage indicates the retail destination of Ridley Place and ensures we direct 'other traffic' away from the bus gate restriction.

The CA says that this signage is *"misleading and wrong. Both the turnings to the left are shown by a line with chevron point at the end indicating a through road"* ...

The CA also states that *"it is not for adjudicators to tell a council how to design and sign a traffic scheme"*, although as this note shall illustrate, this is exactly what the CA appears to then do in paras 5.11 and 5.14.



As an alternative, the CA indicates we should use the type of sign shown to the right.

“the Ridley Place turn should have the red “no through road” ending to the line. This is a fundamental error.”

We believe that the CA is incorrect.

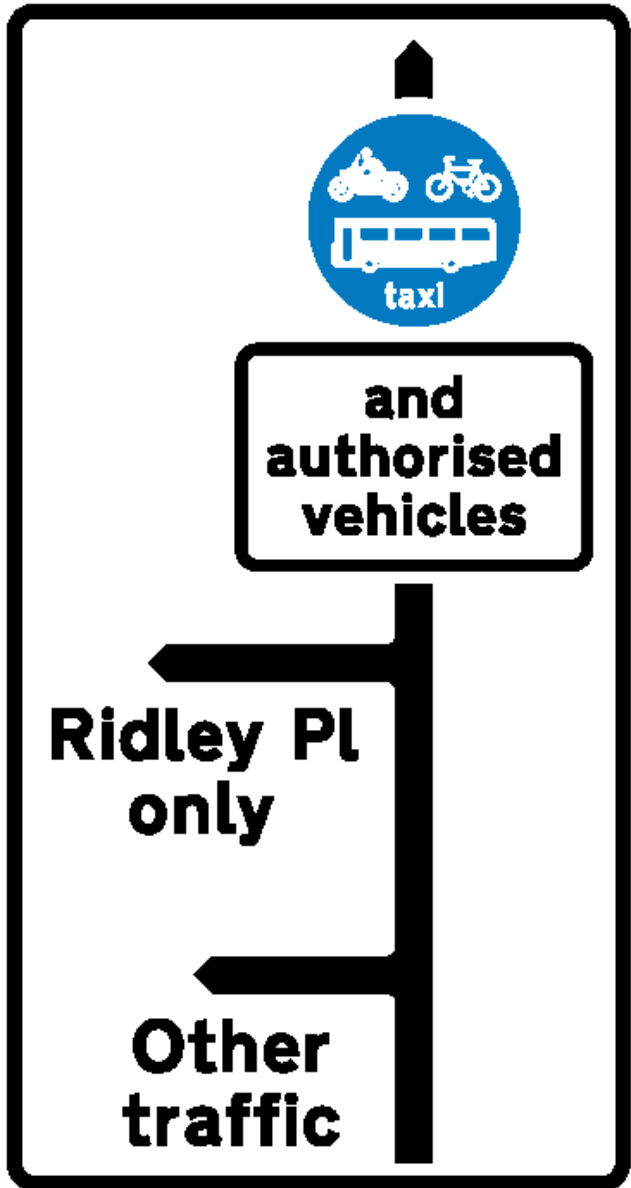
TSRGD is clear that the red ‘no through road’ ending may only be used when there is no quoted destination on the sign.

The TSRGD allows one or the other, not both.

This revised sign, suggested by the CA, fails to convey to drivers the destination of each of the turns and also fails to communicate where traffic should go to avoid the bus gate restriction.

The next slide compares the existing signage, which is deemed to be inadequate by the CA and part of a suite of signage that means that *“drivers are effectively misled to approach what is – in effect – a dead end”*, with that suggested by the CA.





EXISTING
SIGNAGE



CA'S
SIGNAGE

Another area where the CA indicates that our signage should have been changed but makes suggestions that are not incorporated within TSRGD are when referencing that a route to the 'city centre' should have been signed while 'avoiding the bus gate'.

Again, this assumes that the northern part of the City was all that constituted the city centre which we do not agree to be correct.

Even if it was, according to TSRGD, the list of things you can 'avoid' are:

“avoiding” and a place name or other destination, or one or any appropriate combination of the following –

a) steep hill; b) swing bridge; c) lifting bridge; d) weak bridge; e) ford; f) gated road; g) toll road; h) tunnel; i) town centre; ii) level crossing.

The word “and” must be inserted before the last where more than one is used.

The content above is taken from item 2 in the sign table of Schedule 12, Part 3 of the TSRGD

Avoiding a bus gate is not an agreed sign by Department for Transport.

In addition to the examples provided earlier in this paper, there are a series of other inconsistencies / contradictions presented in the review by the CA, for example:

- As identified in the legal note on this matter, the report seeks to justify its position that these cases needed to be considered differently on the basis that they brought up new evidence or concerns. Specifically it references directional signage (para 2.12) having – in para 2.9 – noted that many of the ‘first wave’ cases (CA’s use of language) brought up the same thing.
- This position is again undermined in 3.1 when referring to points that had not been raised, yet this seems to contradict para 2.9.
- Further, in 3.7, in the first wave cases (CA’s language) it was acknowledged specifically that the signage was considered to be correct / in line with DfT requirements.

It is considered unfortunate that in locations in the report where emotive language is used (such as in para 3.11 where the CA expresses “*dismay*” and that our actions illustrate “*neglect*”) that there are factual inaccuracies in the analysis that acts to justify such statements. In addition to the points raised earlier in this review:

- The report refers to it being “*more precisely, a no through road*” – but it is not, not based on designation. As was said at the hearing with the adjudicator originally, NCC may have liked to have signed it differently and in ways that it may have been easier for people to understand but are not able to. At the time of the review we had to use section 15.4 of the Traffic Signs Manual 2008, now superseded by Section 9 of the 2019 edition, which the adjudicators continue to acknowledge we comply with.
- The report then indicates we do not provide sufficient advance warning signs. Yet the report makes little reference to the advance directional signs that are in place (despite us submitting an 8 page document that included images of advance warning signs) and in one instance says no signs are in place despite an image having been provided to the CA to indicate there is (as shown on page 4 of this report).

In summary, despite having waited three years for a review it is still clear that there is not a consistent approach between DfT in outlining signage and the Traffic Penalty Tribunal in determining subsequent appeals.

This is critically important to enable Local Authorities to act with confidence in promoting active and sustainable transport systems that prioritise passenger transport and help to address the challenges associated with poor air quality and reducing carbon emissions.