

Laura Shoaf  
Strategic Director for Transport  
West Midlands Integrated Transport Authority  
ITA Policy & Strategy Team,  
c/o Council House Extension,  
6 Margaret Street,  
Birmingham,  
B3 3BU

Richard Coates  
Head of highways monitor development  
Office of Rail and Road  
3rd Floor  
One Kemble Street  
London  
W2B 4AN

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Dear Richard

**OFFICE FOR ROAD & RAIL – HIGHWAYS ENGLAND MONITOR CONSULTATION**

Thank you for inviting the West Midlands Integrated Transport Authority (ITA) to respond to your *“Highways England Monitoring – Consultation”*.

This response represents the collective view of the ITA and the seven metropolitan Local Authorities of Birmingham City Council, Coventry City Council, Dudley MBC, Sandwell MBC, Solihull MBC, Walsall MBC and Wolverhampton City Council.

Our response to the six consultation questions are attached to this letter.

I look forward to future correspondence between the West Midlands ITA and the Office for Rail & Road on the matters outlined in our response.

Yours Sincerely



**Laura Shoaf**  
**Strategic Director for Transport**

**Q1. Are you clear what our role will involve? Are there aspects of our role which you would like more clarity about?**

The West Midlands is satisfied that we understand the role and remit of the Office for Rail & Road (ORR) having been the subject of previous consultation by government as well as Infrastructure Act (2014).

Whilst the approach outlined by government for the strategic highway network replicates broadly the governance structure of the rail industry, the West Midlands in our response to “*Consultation on transforming the Highways Agency into a government-owned company*” we stressed the need for the ORR to have a suitable knowledge base of the strategic highway network as there are fundamental differences between the rail and road industry which means the ORR should not attempt to only utilise existing rail expertise in carrying out its function towards Highways England (HE).

The regulated and interconnected nature of operators and rail service types on the network means there is a need to ensure the network is carefully planned and operated to ensure it operates efficiently, reliably and safely. However, in relation to the strategic highway network, there is no comparable regulation of users or regulation of access to the network. Therefore the role of the ORR towards the road network needs to be different in its approach than the approach towards the rail network.

However, despite these fundamental differences, it is vital the ORR does not undertake its two separate functions independently from each other, especially in relation to how future road period programmes are developed alongside future control period programmes to ensure compatibility.

The ITA is working with the West and East Midlands Local Enterprise Partnerships and local authorities to promote ‘Midlands Connect’ which will demonstrate the economic benefits of investment in our pan regional road and rail networks. We would expect the ORR to take into account the issues and opportunities promoted by Midlands Connect when undertaking its functions towards Highways England and indeed Network Rail.

Finally, whilst the ORR processes towards escalation and enforcement are quite clearly set out in the consultation it is not clear as to how the ITA, our Local Enterprise Partnerships or local authorities can raise concerns towards performance with the HE to the ORR. The ORR should look to provide such guidance at the earliest opportunity.

**Q2. Do you agree with our strategic objective for our highways monitoring role?**

The ITA notes that the ORR consultation document outlines the following strategic objective

*“Secure improved performance and value for money from the strategic road network: Secure improved performance, including efficiency, safety and*

*sustainability, from the strategic road network, for the benefit of road users and the public, through proportionate, risk-based monitoring, increased transparency, enforcement and robust advice on future performance requirements”*

The West Midlands believes that the objective is appropriate however there will be a danger that the ORR, and indeed the HE's performance, will be focused purely on the outputs defined by this objective rather than wider policy outcomes. To that end, the West Midlands would wish to see reference specifically to supporting economic growth and carbon reduction which should be the principal outcomes the objectives should be trying to achieve.

**Q3. Are there specific ways you would like us to engage with you beyond the industry forums already referred to in this document?**

From the view point of the ORR, the identified list of stakeholders would appear appropriate. However the ITA believes that the stakeholders listed as “wider discussions with road users and stakeholders, including a stakeholder event attended by a wide range of interested parties” is too vague in both the specific stakeholders this includes the formality of the engagement.

The ITA, LEPs and local authorities are the principle facilitators of economic development in our areas and we believe the ORR should engage with us beyond a stakeholder event reflecting the importance and influence of our proposals to the HEs road network.

Recognising that on-going devolution to major cities is occurring, a one size fits all approach to local stakeholders would not be appropriate. The West Midlands would welcome the ORR approaching major city areas individually inviting them to outline how they would like to be engaged.

Finally, the West Midlands is part of PTEG and we will welcome the ORR directly engaging with PTEG through its “Strategic Highway Group”.

**Q4. Have we identified the key areas that require monitoring? Are there particular areas of Highways England's performance and efficiency which you consider require specific focus or an alternative monitoring approach?**

The metrics outlined for monitoring by the ORR are considered to be appropriate however we believe the following amendments are required:

- Economic Performance should be split to cover both journey times and journey reliability as both have impacts to economic performance and user satisfaction.
- Environment – needs to specifically include air quality reflecting the impacts to public health and the on-going EU legal action.

The West Midlands would welcome the ORR exploring it could measure closures and restrictions arising from planned maintenance works with special focus on junctions whereby such closures and restrictions have direct impacts to the adjacent local highway network.

In the West Midlands we are benefitting from investment in new or enhanced motorway junctions, asset management and Smart Motorways. However the HE will often enforce closures or extend closures beyond times originally outlined as short or little notice to allow for an adequate response from the relevant Highway Authority.

For instance, M6 J9 south bound junction was closed temporarily to support the asset management on the M6 between J8 and the M5 interchange in January 2015. However since the closure occurred the HE announced that the closure will be extended for a near full 12 months.

Similarly we experience full motorway possessions which send all motorway traffic onto the local road network which has significant traffic management and highway maintenance issues. This has occurred for instance between M6 J10 and J7.

This has significant impacts to business, residents and Local Authorities especially when adjacent major schemes are being delivered such as Darlaston SDA which will provide access to one of Black Country Enterprise Zones. In the future we are shortly to commence delivery of our £45M Highway Maintenance Challenge Fund programme and such extensions and disruption are problematic to accommodate whilst delivering such programmes.

A metric to measure the accuracy of closure or diversions and monitoring of overruns against original programmes would provide appropriate priority for the HE to ensure all is done to inform stakeholders and minimise disruption.

This adds further weight for our belief that ITAs and local authorities should be able to raise concerns with the ORR on such performance matters as outlined for question one.

**Q5. We have set out our initial plans for reporting on Highways England's performance and efficiency. Is there further information or analysis that you think we should produce?**

The West Midlands would welcome increasing levels of open data from the HE to inform and provide evidence for wider plan and strategy development as well as a more integrated approach to Smart Mobility with local areas.

Presently for instance, traffic count data is made available through the HATRIS platform which is not considered to be user friendly nor accessible. A wider open data platform should be considered and monitored by the ORR against global best practice and experience.

**Q6. Is there specific information relating to Highways England which is not currently in the public domain which you think should be prioritised for publication?**

We believe the HE and ORR have a good record of making information available in the public domain and we believe the new structures will allow this to continue.