

XXXX
Email to: XXXXX

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Web Site: www.dft.gov.uk

Our Ref: F0008668/8680

7 March 2012

Dear XXXX

Freedom of Information request F0008668

Thank you for your information request of 7 February. In your letter you asked general questions on traffic signing issues and made two requests for specific information about the authorised yellow box marking at the junction of Bagleys Lane / New Kings Road that the Department for Transport (DfT) issued to the London Borough of Hammersmith and Fulham ("the Borough"). I am replying to all your questions and will first refer to your Freedom of Information requests.

You asked for the following information:

- 1) Can you supply me with the guidelines that are applied and the rationale used by your department in this particular case?*
- 2) Can I also ask (under FOI guidelines if necessary) for a full list of non-prescribed yellow box authorisations issued across the UK since 1984 (or for as far back as records reasonably allow)?*

Your request has been considered under the Freedom of Information Act 2000 and I am writing to confirm that the DfT has now completed its search for the information.

In answer to question 1, I am enclosing the guidelines that we refer to when considering a request to authorise a yellow box marking. With regard to the Bagleys Lane application, we were made aware by the Borough of the difficulties that drivers encountered when trying to access the left-turn lane to Harwood Road when exiting Wandsworth Bridge Road via Bagleys Lane. We agreed that, given the specific local circumstances, it was appropriate to authorise the type of box proposed by the Borough.

With regard to question 2, the DfT is responsible for authorising non-prescribed traffic signs and road markings for English traffic authorities and I am enclosing a list of yellow box marking authorisations issued since 1984.

As to your non-FOI questions, you have asked –

- 1) Would you please give an informed opinion as to whether you personally feel that the authority should therefore consider some other form of traffic management arrangements at this particular junction?*
- 2) I put it to you that if this junction continues to have this level of 'infringements' despite the application of a yellow box and if it is believed and held that any vehicle driven in such a manner is somehow 'non-expeditious, inconvenient and unsafe' then the authority is very clearly failing in its duty.*
If this is indeed the case can you advise how you will proceed in instructing the authority to meet its duty?
- 3) If you do believe they are meeting their duty then can you acknowledge that this implies that you do NOT believe that this volume of vehicles driven in this manner at this junction poses any inconvenience or risk to other road users?*
- 4) Were any alternative solutions suggested or explored before authorisation was granted and what were these?*
- 5) Are you aware of any ongoing traffic studies that indicate that authority is monitoring the effectiveness of this solution?*
- 6) If no such studies are underway then would you recommend that one be carried out by an independent expert?*

In answer to questions 1, 2, 3 and 4, I can confirm that this is beyond the remit of the DfT. We are responsible for setting legislation, in this case the Traffic Signs Regulations and General Directions 2002, and for providing guidance to traffic authorities on prescribed signs and road markings in the form of the Traffic Signs Manual and other documents. As our Minister, Norman Baker MP explained in his letter to you of 25 January, local authorities have a statutory responsibility to provide appropriate traffic management schemes for their roads (under section 122 of the Road Traffic Regulation Act 1984) therefore they are free to make their own decisions about the streets under their care, provided they take account of the relevant legislation. They are also responsible for ensuring that their actions are within the law, and are accountable to local people for their decisions and their performance.

In answer to questions 5 and 6, we are not aware of any such study being carried out. Local authorities may carry out their own assessment of individual schemes' performance, but they are not obliged to share those assessments with the DfT.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. A copy of this response may now be published on our website.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/01
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DFT@dft.gsi.gov.uk

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

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Your right to complain to DfT and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF