

REQUEST FOR MAYORAL DECISION – MD1659

Title: Apex Junction Improvements

Executive Summary:

TfL recently completed a significant remodelling of Apex Junction in Shoreditch as part of Cycle Superhighway 1. The junction is one of TfL's 33 "Better Junctions" being redesigned to make them safer and less threatening for cyclists and pedestrians. The scheme which has been built differs from the visual illustrations contained in the consultation and which were approved for construction and is causing pedestrian-cyclist conflict and confusion. The Mayor therefore directs TfL to construct the scheme so that it more closely reflects the visual illustrations in the consultation report.

Decision:

The Mayor directs Transport for London in the form attached as the Appendix to this Mayoral Decision Form as follows:

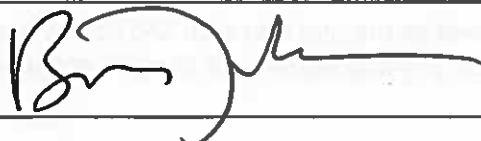
- To construct the Apex Junction scheme so that it more closely reflects the visual illustration in the consultation, and in doing so, to carry out appropriate and relevant road safety audits ensuring that the junction is safe and efficient, and obtain highway engineering advice. The scheme should include:
 - a clear, continuous, separately delineated cycle track through the shared space across the junction
 - separate, parallel cycle crossings, within the overall shared space
 - installation of appropriate and effective vehicle blockage of Pitfield Street which enables access for emergency service vehicles; and the
 - removal of shared space designation from the surface of the cycle track.
- By 31 October 2016, to commence with the changes to Balls Pond as proposed in Option B of the response to consultation report dated June 2015, and in doing so to carry out appropriate and relevant road safety audits ensuring that the junction is safe and efficient, and obtain highway engineering advice.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

05.05.16

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 Between 16 February and 29 March 2015, TfL consulted on proposals for Cycle Superhighway 1 between the City and Tottenham. The largest intervention proposed on the route was the remodelling of Apex junction in Shoreditch, where Old Street and Great Eastern Street meet. Both streets are part of the Transport for London Road Network. The Superhighway route enters this junction from minor streets (Tabernacle Street and Pitfield Street), on either side. Apex is also one of TfL's 33 "Better Junctions," which are being redesigned to make them "safer and less threatening for cyclists and pedestrians."
- 1.2 The consultation proposed a number of improvements including: the provision of a separately delineated continuous cycle track, marked with a different colour and cycle symbols through the shared space across the junction to provide a clear route separate from pedestrians; the provision of separate and parallel cycle/ pedestrian crossings within the overall shared space; the closure of Pitfield Street at its southern end to through traffic; and the removal of three young trees that blocked the new cycle track on the southern side and their replacement with 11 new trees.
- 1.3 TfL issued visualisations of the new scheme along with the consultation which showed a continuous, separately delineated cycle track across the junction and separate, parallel cycle crossings, all marked with a different colour surface and cycle symbols (see <https://consultations.tfl.gov.uk/cycling/cs1?cid=consult-cs1>).
- 1.4 The response to the consultation was favourable, with 77 per cent supporting or partially supporting CS1, including the Apex proposals. In its consultation report, published in June 2015, TfL said it would build the scheme at Apex as proposed with no changes, apart from a slight modification to allow emergency service vehicles access to Pitfield Street. TfL's current information page on the route continues to state that CS1 will deliver "marked cycle tracks providing a clear route" across Great Eastern Street and Old Street. The page continues to display the visualisation of the promised scheme (see <https://tfl.gov.uk/travel-information/improvements-and-projects/cycle-superhighway-1>).
- 1.5 The scheme which has been built differs from the visual illustrations which were in the consultation. The cycle track is not distinct in terms of surface colour and cycle symbols at most points and is labelled as space shared with pedestrians. This has caused pedestrian-cyclist conflict and confusion, with many pedestrians not realising that they are on a major cycling route.
- 1.6 It is clear in the visualisation that was used during the consultation that the track would be marked with cycle symbols, not shared space symbols. TfL committed to "investigating the technical feasibility of further improving the colour contrast between the virtual 'cycle track' and the surrounding footway." This is technically feasible and should be implemented without delay.
- 1.7 The two cycle crossings parallel to the pedestrian crossings are also confusing in practice. They are regularly mistaken by pedestrians for the pedestrian crossing because they are not marked in a distinct colour and because the approaches to the cycle crossings are labelled as shared space. This means that pedestrians attempt to use a crossing where there are no signals telling them whether or not it is safe to cross, with obvious safety implications. TfL has committed to "exploring options available to provide further differentiation on the cycle crossing that comply with the DfT's Traffic Signs and Regulations Guidance Document". There are many colour-contrast surfaces on many other cycle crossings around London, newly-installed and others. TfL would not have consulted on a design that was not compliant with the TSRGD.
- 1.8 Motor vehicle access to and from Pitfield Street at the junction with Old Street has been officially prohibited, but there has not been a sufficient physical barrier put in place at the south end of

Pitfield street to stop motor traffic access in practice (whilst maintaining access for emergency services).

- 1.9 To construct the Apex Junction scheme so that it more closely reflects the visual illustration in the consultation, and in doing so, to carry out appropriate and relevant road safety audits ensuring that the junction is safe and efficient, and obtain highway engineering advice. The scheme should include:
- a. a clear, continuous, separately delineated cycle track through the shared space across the junction
 - b. separate, parallel cycle crossings, within the overall shared space
 - c. installation of appropriate and effective vehicle blockage of Pitfield Street which enables access for emergency service vehicles; and the
 - d. removal of shared space designation from the surface of the cycle track.
- 1.10 The road safety audit process is an important part of ensuring that completed schemes can operate safely and effectively. If it is necessary to repeat this process to make these changes then that clearly must be done.
- 1.11 On the only other part of the route with significant motor traffic, a short stretch of Balls Pond Road between Culford Road and Kingsbury Road, the consultation proposed two options, Option A with no segregated provision and Option B with a short stretch of bidirectional segregated track. The response to the consultation was in favour of Option B and in the consultation report TfL agreed to build Option B. However, this has so far not been built.

2. Objectives and expected outcomes

The objective is to build the scheme that was consulted on and approved, in order to make the junction safer and less threatening to cyclists and pedestrians.

3. Equality comments

- 3.1 The Greater London Authority is a public authority which must comply with the Public Sector Equality Duty set out in section 149 Equality Act 2010.
- 3.2 Section 149(1) Equality Act 2010 provides that, in the exercise of their functions, public authorities must have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.3 The obligation in section 149(1) is placed upon the Mayor, as decision maker. Due regard must be had at the time a particular decision is being considered. The duty is non-delegable and must be exercised with an open mind.
- 3.4 The Mayor has had regard to the issues set out above in considering whether to exercise his powers of direction and considers that the decision will not give rise to any particular impact on persons sharing protected characteristics.

4. Other considerations

- 4.1 Apex Junction is the most significant intervention on Cycle Superhighway 1, a key part of the Mayor's Vision for Cycling. The junction design, as it has been built, does not meet TfL's Cycle Design standards. Not making the changes set out could have a negative reputation impact on both Cycle Superhighway 1 and the wider Cycling Vision programme.

5. Financial comments

- 5.1 There are no specific financial considerations arising directly out of the issuing of this direction for the GLA. TfL's Cycling Vision Portfolio has a budget of £913m under the TfL Business Plan. The budget for the entire Cycle Superhighway 1 route is £17m.

6. Legal comments

- 6.1 Section 155(1) of the Greater London Authority Act 1999 (GLAA) provides that the Mayor may issue to TfL:

- a) general directions as to the manner in which it is to exercise its functions, or
- b) specific directions as to the exercise of its functions.

- 6.2 Section 155(3) of the GLAA also provides that directions which may be issued by the Mayor under subsection (1) may include in particular directions as to the manner in which TfL is to perform any of its duties.

- 6.3 Any directions issued under section 155(1) must be issued in writing and notified to the Commissioner.

- 6.4 The Mayor is obliged to exercise the power of direction under section 155 (1) in accordance with public law principles of reasonableness and rationality.

- 6.5 The Mayor proposes to direct TfL as to its operational functions in providing a safe junction in this area. Normally significant changes to junction design as are proposed in the direction would be undertaken in the light of professional highway engineering advice and following a road safety audit to ensure that the design can operate safely and effectively. Such a process is necessary in order to ensure that the decision-maker has discharged the duty of care owed to users of the highway and that professional skill and care has been applied in the design of junction layouts. In the absence of such a process and the professional view of TfL as to the safety implications of the direction, the Mayor would be exposed to potential legal challenge including potential criminal prosecution or civil liability should there be any breaches of health and safety legislation or the requisite standard of skill and care.

7. Investment & Performance Board

- 7.1 The decision is not within the terms of reference of the Investment & Performance Board.

8. Planned delivery approach and next steps

- 8.1 TfL will need to plan a delivery approach to make the changes above as soon as practically possible.

Appendices and supporting papers:

Appendix - Direction

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? ~~YES~~/NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – YES/NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Tim Steer has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

Assistant Director/Head of Service:

Tim Steer has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Sponsoring Director:

Fiona Fletcher-Smith has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Andrew Gilligan has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature M. D. Elco

Date 5.5.16

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature [Handwritten Signature]

Date 5:05:2016

