

Adjudicator's Decision

Liam Collins
and
Medway Council

Penalty Charge Notice MW99971920

Appeal allowed on the ground that the alleged contravention did not occur.

I direct the Council to cancel the Penalty Charge Notice.

Reasons

The PCN is dated 9 July 2013 and was issued by post in respect of a contravention on 3 July 2013 at 13:19 relating to vehicle ML03 EBG in Globe Lane, Chatham (North Western) for being in a bus lane.

Mr Collins had requested a telephone hearing of this appeal but because he could not be contacted for the purposes of the appointment arranged on 19.11.2013 and there is no explanation I will consider the case on the basis of his written submissions and the submissions from Mrs Wright who took part in the hearing on behalf of the Council.

Mr Collins says that he drove along Medway Street and onto Globe Lane following direction signs which stated "*All Routes*". He has produced some photographs to show the signing on the route that he took and photograph "F" shows the sign at the beginning of the restriction which it is said he contravened.

The CCTV evidence shows Mr Collins driving through the bus station area but does not, because of the location of the camera car, show how the car came to be in the restriction.

The Council has also provided a "*Drive-Through*" film of the route that Mr Collins would have taken.

Medway Street is in fact a no through route giving access only to a car park and a shopping centre.

Through traffic is directed, at a "pinch point", to turn left. There is a roadside sign and a carriageway marking stating "*All Routes*" with an arrow directing traffic to make the left turn.

Having done so drivers are then directed to "turn right" and there is a roadside sign stating:

"All Routes "U" Turn Ahead and Use Medway Street, Manor Road and the A2 to Union Street".

At this point drivers are following the route back to Medway Street and they come to a junction where it is intended that they should turn right.

The road to the left leads to the bus station and it is on the corner of this junction that the roadside sign, a white bus symbol on a blue background, is located.

The drive through film clearly shows that this sign is not facing vehicles approaching the junction. There is a second sign on the other side of the carriageway which is more visible but does not obviously relate to the road to the left.

Mrs Wright tells me that the traffic system directing drivers to make a "U" turn is new and that originally vehicles would have approached the bus station along Medway Street and so the signs, which are in the form required by the Traffic Signs Regulations and General Directions 2002, would be facing them.

The new road layout means that drivers are not approaching the signs face-on and on the approach to the junction, where the restricted road is to the left, there is no sign in the form of or equivalent to diagram 962 in Schedule 5 of the 2002 Regulations which is to be used where *"bus lane on road at junction ahead"*.

In my view it would be much clearer if the bus lane signs were arranged so that they were facing drivers approaching the junction because a driver making the sharp left hand turn would, at least on the basis of the film, have real difficulty seeing the roadside signing.

The film also illustrates that the signs are placed immediately in front of a zebra crossing marked on the carriageway. It is only after the crossing that the carriageway is marked with the words *"Bus, Taxi Only"* so that these markings are not visible to any driver passing the roadside signs.

This is illustrated in the photographs on pages 40 and 41 of the bundle.

The Traffic Signs Manual (guidance issued by the Department for Transport) suggests that the carriageway markings and the signs should be used together. The Manual points out that it is very often the carriageway markings which are most visible to an approaching driver.

In this case there is little point in the carriageway markings being there at all because by the time they are visible to the oncoming driver the start of the restriction has already been passed and there is then no practical way of avoiding it.

It is in my view a significant disadvantage that the beginning of the bus lane has been placed immediately in front of the pedestrian crossing, which is bound to be a distraction for drivers.

I therefore conclude, on the basis of the evidence which I am given, that the signing, taken as a whole, did not adequately notify drivers of the terms and extent of the restriction.

The photograph on page 42 clearly illustrates the position of the signing relative to the road which Mr Collins would have taken to the left and demonstrates that the carriageway markings are not visible beyond the crossing.

Drivers approaching along Medway Street may have a clear view of the roadside signs although they would not see the carriageway markings, but drivers taking note of the direction sign would emerge from the road on the left hand side of the photograph immediately alongside the roadside plate on the nearside pavement.

I am therefore not satisfied that the contravention occurred and the appeal is allowed.

Mr Collins is not liable to pay the penalty charge.

Stephen Knapp
Adjudicator

20 November 2013