

## **Bus Lane Guidance and Information.**

The answers to some of the most frequently asked questions relating to Bus Lanes and CCTV Enforcement covering the issue of Penalty Charge Notices and the appeals process.

### ***General Bus Lane Information***

#### ***How are bus lanes authorised?***

Bus Lanes are created by Traffic Regulation Orders using powers under the Road Traffic Regulation Act 1984. A bus lane is defined in the Traffic Signs Regulations and General Directions 1994 as a traffic lane reserved for buses (and pedal cycles and taxis where indicated by the signs).

#### ***How are bus lanes enforced?***

Encourage use of public transport - this supports an ongoing commitment by Birmingham City Council to increase the use of public transport and reduce traffic pollution and congestion; and  
Provide a safer lane for cyclists.

### ***When are bus lanes in operation?***

In Birmingham the operational times will depend on where the bus lane is. These times will be clearly signed. If there are no times stated on the signs, the bus lane is in operation 24 hours a day. Road signs and markings will clearly indicate the start and end of bus lanes and highlight the hours of operation. All bus lanes in Birmingham are in operation on Bank Holidays.

### ***What is the difference between a bus lane and a bus only street/road?***

Bus lanes are separate to other lanes for general traffic on the highway, so their boundaries are marked with a solid white line and the words 'bus lane', which appear on the ground along each lane. Signs are in place prior to the start of the bus lane to warn motorists on their approach and enable them to change lanes as appropriate.

A bus only street or road is just that, i.e. a street or road which only buses are permitted to use. They are clearly marked on the ground at the entrance to the street or the road, along with signs showing permitted vehicles (and times of operation if applicable).

Regulations for signing of bus only streets is detailed in the Traffic Signs Regulations and General Directions 2002 (TSRGD).

## **Contraventions**

### ***What is a contravention?***

A bus lane contravention is a contravention of any provision of a traffic order relating to use of an area of road that is or forms part of a bus lane. A contravention normally begins where a vehicle breaks and crosses the solid white boundary line between the bus lane and the remainder of the carriageway without good reason during its time of operation.

A bus only street is a point restriction, therefore the contravention commences when the vehicle enters.

### ***Who can drive in a bus lane when it is in operation?***

Only buses, coaches and pedal cyclists can use all bus lanes and bus only streets during their hours of operation. The definition of a bus contained in the Traffic Signs Regulations and General Directions 2002 is 'motorT I i s r e c t e d Ò r a d a m t e d = Ò ÷

In the city centre where bus lane enforcement is being undertaken by the city council, **only buses, coaches and pedal cycles are permitted** to be in all bus lanes and bus only streets. Hackney carriages (black taxi cabs) and motorcycles are permitted in some areas only.

In other parts of the city, bus lanes may be used by buses, coaches, pedal cycles, motor cycles and hackney carriages. **Private Hire Vehicles are not permitted to use any bus lanes in Birmingham.**

Only emergency vehicles (on an emergency call or operational manoeuvre) are exempt from these restrictions.

### ***What is a good reason for driving in a bus lane?***

There are a small number of reasons when it is OK to enter a bus lane during the time it is in operation. Among these are;

when directed to do so by a police officer in uniform;  
to avoid a collision or debris in the road; or  
owing to circumstances outside the control of the driver.

In all cases it is expected that the stay in the bus lane is as brief as possible.

### ***Can I park in a bus lane?***

Parking is not allowed (even with a blue (disabled) badge) when the bus lanes are in operation.

## **Penalty Charge Notice & Appeals information**

### ***What happens if I am caught driving in a bus lane or parked illegally by the cameras?***

You can expect to receive a Penalty Charge Notice addressed to the registered keeper of the vehicle concerned. It will contain details of the alleged contravention, details of the vehicle and three photographs that in the Authority's opinion establish the contravention.

### ***How much do I have to pay?***

Although the Penalty Charge is £60, payable by no later than 28 days beginning with the Date of Service of the notice, Birmingham City Council will accept a reduced sum of £30 if it receives payment within 14 days beginning with the Date of Service. Details of how to pay are shown on the front of the Notice.

### ***How can I pay?***

By telephone – Automated payment line 0121 667 9300 (24 hours / 7 days a week). Credit /debit card payments only. Please have vehicle details and PCN number ready.

Pay on-line. [www.birmingham.gov.uk/info/20109/parking](http://www.birmingham.gov.uk/info/20109/parking) Please have vehicle details and PCN number ready.





- c) The circumstances leading to the issue of the Penalty Charge Notice are subject to criminal proceedings or a Fixed Penalty Notice has been issued,
- d) I was not the owner/keeper of the vehicle at the time of the alleged contravention,
- e) I was not the hirer of the vehicle at the time of the alleged contravention,
- f) I was the registered owner/keeper of the vehicle on the date of the alleged contravention but the vehicle: was on hire to someone else, who had signed a statement taking liability; kept by a motor trader; or was being used without my consent at the time of the alleged incident.

**The Council may consider mitigating circumstances, although the following reasons will not normally be accepted:**

### ***How do I dispute a PCN by post and make a Representation?***

All representations against a PCN by post must be made in writing either by:

**Post** – to Birmingham City Council, Parking Section, Processing, Highways, PO Box 14438, Birmingham B2 2JD

**Fax** to 0121 303 7797

**Online** by visiting [www.birmingham.gov.uk/info/20109/parking](http://www.birmingham.gov.uk/info/20109/parking) and clicking on the blue button.

You can make representations against the PCN within 28 days, beginning with the date of service. **If you make representations, even within 14 days, the discounted rate of 50% will no longer be available as the 'Notice to Owner' has already been issued and the appeal is against the full charge of £60.**

Please note:- **there is no informal challenge against a Penalty Charge issued from CCTV evidence, as the 'Notice to Owner' is included in the Penalty Charge Notice.**

The city council will send you a response. It will be either a 'Notice of Acceptance of Representations' or a 'Notice of Rejection of Representations'.

If the city council rejects your representations, you have the right to appeal to an

### ***How long do I have to make a representation?***

You need to make your representation within 28 days beginning with the date of service. A representation made after 28 days may be disregarded.

### ***Can I pay the charge and still make representations to contest it?***

Payment should only be made if the matter is not disputed. Consideration will not be given to representations received in respect of a case which has been paid and closed. If you make representations, even within 14 day discount period, the discounted rate of 50% will no longer be available, so if representations are rejected, the full charge of £60 will be required in settlement.

## **Further Information**

### ***Where can I go for further information?***

Details of the Council's policy and approach to representations are documented in ["Birmingham City Council – Guidelines for the consideration of Challenges and Representations against Penalty Charge Notices"](#).

Further information about Civil Parking and Bus Lane Enforcement (including PCNs and NTOs) is available online at [www.patrol-uk.info](http://www.patrol-uk.info) or in a leaflet from the Council.