

REPORT TO: Urban Renewal Policy and Performance Board
DATE: 21 March 2007
REPORTING OFFICER: Strategic Director, Environment
SUBJECT: Traffic Management Act & Utilities
WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to outline the requirements of the Traffic Management Act 2004 (TMA) and some of the responsibilities placed on the Authority.
- 1.2 To outline the powers the Authority currently have to direct the work of “undertakers” (which includes the public utilities such as electricity, gas, telecommunications and water companies, or their contractors) under the News Roads and Street Works Act 1991 (NRSWA) and Highways Act 1980.

2.0 RECOMMENDATION: That

- (1) the report be noted; and**
- (2) a representative from the undertakers be invited to attend a future meeting, when appropriate.**

3.0 SUPPORTING INFORMATION

- 3.1 The work that can be carried out on the highway by utilities is governed by the following legislation:
 - Highways Act 1980
 - News Roads and Street Works Act 1991 (NRSWA)
 - Traffic Management Act 2004 (TMA)
- 3.2 On 22 July 2004 the Traffic Management Act received Royal Assent and is being implemented over the next few years. The Government has said it would like it to be implemented as quickly as possible. The aims of the Act are to tackle congestion and reduce disruption by:
 - Pro-active management of national and local roads and traffic
 - Better co-ordination and management of works and other activities on the road network
 - More effective powers and sanctions over Utilities street works
 - Wider civil enforcement powers for traffic contraventions
 - More strategic approach in London

- 3.3 There are seven parts to the TMA as follows:
- PART 1 - Highways Agency Traffic Officers
 - PART 2 - Network Management Duty
 - PART 3 - Permit Schemes
 - PART 4 - Street & Highways Works
 - PART 5 - Highways & Roads (London)
 - PART 6 - Civil Enforcement Powers
 - PART 7 – Miscellaneous
- 3.4 Initially the impact was on Trunk Roads (mainly motorways) with the implementation of Part 1 of the Act, with the aim to transfer duties from the Police to Traffic Officers. From 4 October 2004 Traffic Officers started work on the Midlands Motorways, with all motorways now covered
- 3.5 The implementation of Part 2 has an impact on Local Authorities, by placing new duties on them to reduce causes of congestion and it applies to all traffic including pedestrians. A Traffic Manager has been appointed in each local authority, who will be the focal point within the authority, championing the need to consider the duty in all areas of work. The person should work closely with other authorities (e.g. neighbouring authorities, the National and Regional Traffic Control Centres (NTCC and RTCC)) and partners such as the Police, utilities, bus operators, etc. They will also need to demonstrate that the person is independent of the Authority's Highway works. The existing traffic signal equipment will need to be monitored and the equipment and timings reviewed as necessary. The regulations on the Intervention Criteria have been published recently and will be implemented from 12 March 2007.
- 3.6 The Authority needs to manage the network as far as reasonably practicable to secure expeditious movement of traffic and determine policies for different classes of roads and monitor effectiveness. It must apply equal conditions to their own works and utilities.
- 3.7 Part 3 will introduce a permit scheme and utilities will apply and conditions can be attached, which could include directions and restrictions. The authority can charge fees to cover costs (but not make a profit). The regulations have been the subject of consultation and should be published later this year with implementation in 2008.
- 3.8 Part 4 will place more requirements on everyone, from restrictions on days and on routes and an embargo after major works (except for emergency repairs). There will be a requirement for whole lanes to be resurfaced rather than just the excavation. The Authority will have a duty to record the location of apparatus. Lane rental will be an option and include skips, scaffolds, etc. The regulations are the subject of consultation and should be published later this year with implementation in 2008.

- 3.9 Part 6 will bring enforcement duties to the Authority for such items as parking, waiting, bus lanes and possibly some moving traffic offences such as box junctions and banned turns using camera evidence. The regulations will be the subject of consultation shortly and should be published later this year with implementation in 2008.
- 3.10 Part 7 covers the inspection of Blue badges and gives direction on surplus income. The regulations will be the subject of consultation shortly.
- 3.11 The works carried out by the undertakers is subject to the provisions of the NRSWA, under which a utility is required to inform the relevant street authority (in this case Halton BC) of any street works which it is carrying out on their roads. In turn, the street authority are obliged to keep a register of works in their area, including their own highway works.
- 3.12 The undertakers have a statutory right and duty to carry out emergency, urgent, provision and restoration of customer service or routine works. Planned major works or maintenance should be carried out following discussions and co-ordination with other undertakers/street authority, however they have a statutory right to carry out these works. The Council cannot prevent them carrying out works, but can direct when the works are carried out.
- 3.13 Once the works are complete, the undertaker must carry out a permanent reinstatement within 6 months, unless agreed otherwise with the street authority and guarantee it for two/three years, depending on the depth of excavation. The standard of the reinstatement is set by national criteria.
- 3.14 Under the NRSWA there is an option (Section 74) to charge for prolonged occupation of the highway, which has not been agreed. This option has not been implemented due to a lack of resources and is likely to be changed following the TMA consultation on permits, when the new legislation is published then the situation will be reviewed.
- 3.15 United Utilities have been approached to send a representative to the meeting, but due to internal re-organisations they are unable to send anyone. A further invitation will be sent to them if it is felt necessary for them to attend.

4.0 FINANCIAL IMPLICATIONS

- 4.1 At the present time, the implementation of the Act should be cost neutral, but this may change in the future as more duties pass to the Authority.

5.0 OTHER IMPLICATIONS

5.1 Resource Implications

5.1.1 Additional staff could be required to implement future regulations.

5.2 Social Inclusion Implications

5.2.1 There are no Equality and Diversity implications arising as a result of the proposed action.

5.3 Sustainability Checklist

5.3.1 None

5.4 Best Value

5.4.1 None.

5.5 Legal Implications

5.5.1 The Council has a duty to implement the Acts and the government could intervene if we are viewed not to be implementing the Traffic Management Act.

5.6 Crime and Disorder Issues

5.6.1 None

5.7 Human Rights Act Implications

5.6.1 None

6.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

<i>6.1 Document</i>	<i>Available for inspection</i>	<i>Contact</i>
None	Highways & Transportation Department Rutland House Halton Lea	Stephen Rimmer Ext. 3182