

AGENDA MANAGEMENT SHEET

Name of Committee Cabinet

Date of Committee 28th April 2005

Report Title Department for Transport Consultation on Certain Elements of the Traffic Management Act 2004 and the New Roads and Streetworks Act 1991

Summary The Traffic Management Act 2004 received Royal Assent in July 2004 and is being implemented in phases. This report highlights the significance of the new network management duty and recommends how the Council should respond to this consultation.

For further information please contact Keith Davenport
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Would the recommended decision be contrary to the Budget and Policy Framework? Yes/No

Background Papers The Department for Transport consultation on secondary legislation for certain elements of the Traffic Management Act 2004, parts 3 and 4 and also overrun charging schemes under the New Roads and Streetworks Act 1991, dated 1st February 2005.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

Other Committees

Local Member(s)
(With brief comments, if appropriate)

Other Elected Members Councillor M Heatley } agree the response.
Councillor Mrs E M Goode }

Councillor L W Forsyth - for information.

Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

Councillor C K N Browne - supports the response.

Chief Executive

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Legal

I Marriott – comments incorporated.

Finance

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Other Chief Officers

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District Councils

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Health Authority

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Police

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Other Bodies/Individuals

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FINAL DECISION

YES/NO (If 'No' complete Suggested Next Steps)

SUGGESTED NEXT STEPS :

Details to be specified

Further consideration by this Committee

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To Council

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To Cabinet

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To an O & S Committee

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To an Area Committee

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Further Consultation

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Cabinet - 28th April 2005

**Department for Transport Consultation on Certain Elements
of the Traffic Management Act 2004 and the New Roads and
Streetworks Act 1991**

**Report of the Director of Planning, Transport and
Economic Strategy**

Recommendation

That the Council supports the general principles of the Traffic Management Act, subject to concerns mentioned in paragraph 3.7 of this report, and authorises the Director of Planning, Transport and Economic Strategy to submit a response to the consultation on those lines together with comments on matters of detail.

1. Introduction

- 1.1 The Traffic Management Act 2004 (TMA) received Royal Assent on 22nd July 2004. The TMA 2004 seeks to tackle congestion and reduce disruption by proactive management of the road network.
- 1.2 Proactive Management will include improving co-ordination and management of works and other activities that take place on the road network to improve travel on our roads.

2. The Traffic Management Act

- 2.1 The TMA places a new network management duty on local authorities with each authority required to appoint a Traffic Manager. An existing officer of the Council has been appointed to this role. It gives local authorities greater control over when and where utility companies carry out streetworks including a new regime of permits to minimise disruption. It expands the scope for local authorities to take over enforcement of some driving and parking offences from the police.
- 2.2 The Act also amends provisions contained in previous acts, mainly the New Roads and Street Works Act 1991 (NRSWA). Many of the powers require regulations to be implemented and the Department for Transport (DfT) proposes to phase the implementation.

2.3 The Act is split into seven Parts:-

PART 1	Highways Agency Traffic Officers
PART 2	Network Management on Local Roads
PART 3	Permit Schemes
PART 4	Street Works
PART 5	London and Highway Matters
PART 6	Civil Enforcement Of Traffic Contraventions
PART 7	Miscellaneous

2.4 The DfT has already implemented some parts of the TMA, these being the new Traffic Officers and the Network Management Duty. The new Traffic Officers assist the police in dealing with incidents on the Motorway and Trunk Road network, which is managed by the Highways Agency. This enables Police resources to be released to focus on crime.

2.5 The new Network Management Duty was implemented on 4th January 2005. This placed upon all local traffic authorities a duty to manage their road networks with a view to achieving... "the expeditious movement of traffic on the authority's road network and, "facilitating the expeditious movement on road networks for which they are not the traffic authority."

3. Consultation

3.1 The TMA 2004 seeks to tighten the existing regulatory framework, within which utility companies such as gas, electricity, water and telecoms are permitted to dig up roads, by giving highway authorities more powers to co-ordinate works more effectively, with the aim of minimising disruption. Significantly, the powers will apply equally to both highway authorities' own works and that of utility companies.

3.2 The consultation by the DfT on Parts 3 (Permit Schemes) and 4 (Streetworks) is proposing more effective powers and sanctions over Utilities and their Streetworks. This focuses on Notices, Directions and Restrictions, Permit Schemes, Fixed Penalty Notices and a revision of Section 74 of the NRSWA (Charges for unreasonably prolonged occupation of the highway).

3.3 At present in Warwickshire we operate a Noticing Scheme, whereby a utility company serves notice on the Authority, informing us of their intention to carry out works in the road. This only allows limited control of the activities of utility companies. The new Permit Scheme is similar to the Noticing Scheme but enables greater control of works by requiring utility companies to obtain approval before commencing work. This approval would allow the authority to attach various conditions, enabling more effective management of the road network.

3.4 The changes proposed by this consultation will require this authority to make some changes to its existing IT software and develop new internal procedures for recording our own roadworks. In order that the new systems operate efficiently a period of familiarisation will be required whilst staff are trained to operate the new software. It is envisaged that the existing software provider will

be able to supply the necessary changes and in the required timescales to the County Council.

- 3.5 The DfT has asked a number of key questions on which they seek the County Council's comments.
- 3.6 Overall there are significant gains for travel in Warwickshire from the Act which will result in:-
- (i) Congestion and pollution being reduced.
 - (ii) Business able to operate more efficiently through the quicker and more reliable deliver of goods, service of customers etc.
 - (iii) People able to access their destinations more easily, saving time and money.
 - (iv) Public transport being able to operate more easily, potentially further relieving congestion on the road by maximising the use of the existing network.
 - (v) More being made of the investment represented in the existing asset, and the need for more radical solutions being reduced.
- 3.7 Whilst this Authority is generally supportive of the proposed changes to the legislation there are some key concerns on the detail of the consultation.
- (i) The proposed changes to section 74 (Charges for unreasonably prolonged occupation of the highway) will exempt all roadworks on minor roads (this represents approximately 70% of our network). This leaves the Authority with no effective sanction over utilities on a large portion of its road network. This will adversely affect the lives of a large portion of residents of Warwickshire and impact on their quality of life.
 - (ii) The DfT is proposing a standard formula to calculate disruption caused by works within the highway. Whilst we can agree in principle, this authority cannot supply to the utilities sufficient up to date traffic flow data to enable the calculation to be meaningful. If there were a requirement to provide traffic flows to utilities, it is estimated that we would increase by 50%, the amount this Authority spends surveying and validating traffic flow data, throughout the whole county.

4. Summary

- 4.1 Through the application of the many changes proposed by this consultation, which tightens the existing regulatory framework, the Authority will achieve better management and co-ordination of works and events affecting the highway. The Council supports the general principles of the Traffic Management Act, subject to concerns mentioned in paragraph 3.7 of this report, and authorises the Director of Planning, Transport and Economic Strategy to submit a response to the consultation on those lines together with comments on matters

of detail. A full copy of the detailed response is available on request from the Director of Planning, Transport and Economic Strategy.

JOHN DEEGAN
Director of Planning, Transport and Economic Strategy
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Warwick

14th April 2005