

WARDS:

AGENDA ITEM NO 11

DUDLEY METROPOLITAN BOROUGH COUNCIL

SELECT COMMITTEE ON THE ENVIRONMENT – 30th JUNE 2005

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

TRAFFIC MANAGEMENT

1.0 PURPOSE

- 1.1 To inform and update Committee of policy and legislative influences relating to traffic management

2.0 BACKGROUND

- 2.1 Capital funding for transport purposes is secured via the West Midlands Local Transport Plan (LTP), which is developed and monitored with our West Midlands partners.

- 2.2 The LTP is a policy document adopted by the local transport authorities in accordance with the Transport Act 2000. The new 2005 LTP will set out strategy objectives and targets and an investment programme that is focused on the transport shared priority as well as quality of life. The transport shared priority (TSP) is one of several priorities agreed between national and local governments and focuses on the delivery of better public services and a reduction in traffic demand by the introduction of more sustainable modes of travel. Matters relating to the 4 themes of the TSP include:-

- * Tackling congestion
- * Delivering improved accessibility
- * Improving Road Safety
- * Producing better air quality

- 2.3 Furthermore the 2005 LTP will set out how we aim to deal with existing problems created by demand for travel and, in particular, the effects of the ever increasing demand for use of the car. It will also help towards ensuring that future decisions of action across a range of Authorities and organisations do not create future travel problems.

- 2.4 The LTP clearly sets out the policy framework for the development of any traffic management strategy upon which there would be a need for extensive

consultation, as undoubtedly it will impact on travel and transport which is something that is essential to every aspect of everyone's lives.

2.5 The Traffic Management Act received Royal Assent on Thursday 22nd July 2004. It is designed to provide the basis for better conditions for all road users through the proactive management of the national and local road network. The aim of the Act is to tackle congestion and reduce disruption by:-

- Proactive management of existing highway network
- Better co-ordination and management of planned works, ie. minor improvements/maintenance and other activities, ie. events, parades, etc and temporary road closures
- More effective powers and sanctions over "utilities" street works
- Wider civil enforcement powers for traffic contraventions, ie. decriminalised parking

2.6 **Network Management Duty**

2.6.1 The Traffic Management Act places a network management duty on local authorities to keep traffic flowing, taking account of their other duties and responsibilities and to co-operate with other authorities to the same end.

2.6.2 If it can be demonstrated that an authority is failing with regard to its network management duties, then the Act provides for the Secretary of State for England or the National Assembly for Wales to appoint a traffic director for that authority. Different levels of intervention will be possible; at one level there could be a relatively hands-off monitoring of what the authority was doing. At a more serious level a more hands-on approach would be appropriate and the traffic director could take over responsibility for some of the authority's functions as specified by the national authority. The intervention can be tailored to match the circumstances in each case and can be reversed.

2.6.3 As part of the arrangements for delivering the network management duty, the Act requires that all traffic authorities appoint a "**traffic manager**". The authority will need to exercise all of those functions that have an impact on traffic flows in a more co-ordinated way but the precise duties and responsibilities of the traffic manager will be for the authority to decide.

2.7 **Road Works**

2.7.1 The Act seeks to tighten the existing regulatory framework within which utility companies - gas, electricity, water and telecoms - are permitted to dig up local roads, giving authorities more powers to co-ordinate works effectively with the aim of minimising disruption. It also provides for additional duties on highway authorities so that all works on the road are better managed and co-ordinated.

2.7.2 The Act provides for the creation of **permit schemes** under which utilities, highway authorities (and others) wishing to dig up particular roads would have to apply for permission to carry out works. Those operating permit schemes would be able to attach conditions to the grant of a permit (such as the dates

during which works could take place) with a view to reducing the disruption and inconvenience which works cause. Local authorities would have to treat their own works on an equal footing to those carried out by others in deciding whether to issue a permit and what conditions to attach. The details of how permit schemes would operate would be set out in regulations following the Act.

- 2.7.3 The Act includes a range of other new **measures to control utility works**. At present, authorities can direct utilities not to carry out works at particular times of day. The Act provides authorities with further powers to direct utilities not to carry out their planned works on particular days and, where appropriate, to tell them that their works should avoid certain routes where it is reasonable to do so.
- 2.7.4 Currently, authorities can place a 12 month embargo on any more works taking place (with certain exceptions, such as emergencies) on a road on which major road works have just been carried out. The Act will allow authorities to apply similar embargoes after major utility works and will allow the maximum length of the embargo to be changed through regulations (eg. increasing it to 3 years).
- 2.7.5 The Act will allow authorities to direct utility companies, in certain circumstances which would be set out in regulations, not only to resurface the parts of the road that they had dug up but to resurface the entire lane or width of the road. This would address the problem of the appearance and surface of some roads being scarred and the structure weakened, by a series of trenches.
- 2.7.6 The Act will allow a more effective regime to be developed for inspecting the works carried out by utilities. The aim would be to target poor performance so as to improve the quality of works and reduce the amount of remedial works and repairs and the unnecessary disruption that they cause.
- 2.7.7 The existing enforcement regime is only of limited effectiveness. The Act raises the levels of fines payable by utility companies who commit offences related to their street works (such as failing to reinstate the road to the prescribed standard or failing to heed an authority's directions not to carry out works during particular hours). At the moment the maximum fines are £1,000 - the Act will raise these levels, in some cases to £2,500 and in others to £5,000. The Act also allows for authorities to issue offenders with **Fixed Penalty Notices (FPNs)**. Whilst the fines payable under FPNs are likely to be lower than those in the courts, the system would make it much easier for authorities to take action against offenders and to collect fines.
- 2.7.8 The Act provides for **additional responsibilities for highway authorities**. It will allow statutory guidance to be issued to authorities for safe working in the road and will make it possible for authorities to be required to keep records of their apparatus in the road. In both cases bringing highway authorities into line with the existing requirements on utilities. The duty on authorities to co-ordinate their own and utility works is extended to encompass other activities which occupy the road.

2.7.9 The Act also allows “**lane rental” and overstaying charging powers** (under which, subject to regulations, utilities can be required to pay a daily charge every time they dig up the road, or if they take too long) to be extended to the owners of skips, scaffolding and other items (such as building materials) that are left in the road.

2.8 **Civil Enforcement of Driving and Parking Offences**

2.8.1 The Act extends the scope for local authorities to take over enforcement of traffic contraventions from the police. It enables authorities outside London to be given civil enforcement powers to cover a number of moving traffic offences currently only available to London authorities under the London Local Authorities and Transport for London Act 2003. Enforcement of the moving traffic contraventions under the 2003 Act powers began in London on a pilot basis in June 2004.

2.8.2 Building on London experience, the Act will enable extension to authorities outside London of the ability to issue parking penalty charge notices by post, use of cameras to detect parking contraventions and issue penalty charges for parking within the area of a pedestrian crossing. The Act also creates specific offences to deal with double parking and parking at dropped footways within a local authority civil enforcement area.

2.8.3 To prevent abuse of the Blue Badge scheme, which gives parking concessions to disabled people. The Act gives the Police, Police Traffic Wardens and local authority parking enforcement officers the power to inspect Blue Badges.

The Act also gives local authorities the additional freedom to spend surpluses from their on-street parking account on local environmental improvements as well as parking facilities, road improvements and provision of public passenger transport services.

2.9 The principles and objectives of the Act falls in line with the LTP aims and objectives and as such will significantly influence the development of any future traffic management strategy. Responsibilities have now been established for the development of a traffic management strategy for the Borough which will clearly embrace local centres. Funding has also been secured to progress decriminalised parking enforcement and the responsibilities of the TMA which will form an active part of the strategy development.

3.0 **PROPOSAL**

3.1 That Committee notes the contents of this report.

4.0 **FINANCE**

4.1 Funding has been made available in the 2005/06 budget for the implementation of the Traffic Management Act 2004 and any feasibility work associated with decriminalised parking.

5.0 LAW

5.1 The Council will deal with the traffic management strategy under a range of relevant legislation including the Highways Act 1980, the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004.

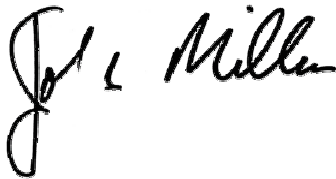
5.2 Section 111 of the Local Government Act 1972 empowers the Council to do anything calculated to facilitate or is conducive or incidental to the discharge of its functions.

6.0 EQUAL OPPORTUNITIES

6.1 This report accords with the policies of the Council on equal opportunities.

7.0 RECOMMENDATION

7.1 That the proposals set out in section 3.0 of this report be agreed.



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J. B. MILLAR – DIRECTOR OF THE URBAN ENVIRONMENT

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Background documents used in the preparation of this report:-

- Traffic Management Act - Summary (DFT)
- Traffic Management Act 2004
- Central Dudley Area Committee 31st March 2005 - Traffic Management