

Changes to Traffic Management Act 2004

The TMA sets out certain Network Management Duties, to help local traffic authorities (including Lambeth) achieve their traffic aims which include:

- Securing expeditious movement of Traffic on our network and facilitating it on neighbouring networks.
- More effective co-ordination of street works, whether by the authority itself, utility companies or others carrying out miscellaneous activities such as placing skips, scaffolds or other deposits on the highway.
- Co-ordinating other operations on highways such as refuse collection, deliveries, school transport and activities like carnivals or sporting events more effectively.
- Introducing a Permit Scheme for all highway excavations and a system of fixed penalty notices for certain offences. This is a more efficient means of enforcement than resorting to legal action for all breaches which was standard practice.

In short, the objective of these changes is to minimise disruption to the traffic flow by improving co-ordination and planning of work on the highway. Now all street authorities and utility companies are required to place information about their works on the Street Works Register. This will include issuing notices for our own works – an estimated 12,000 excavations per year!

Network Management by Local Traffic Authorities

- The Network Management Duty applies to all traffic including pedestrians, cyclists, busses, cars, motorcycles and lorries.
- Under the Network Management Duty, the local authority has an obligation to reduce the causes of congestion and disruption on the road network, by co-ordinating and managing road and street works effectively. This also includes the management of incidents, event planning, the control of parking and the network as a whole.
- We as a local traffic authority have appointed a Traffic Manager who has overall responsibility for these statutory duties.
- If these duties are not carried out to the satisfaction of the Department for Transport, a Traffic Director will be appointed by the Secretary of State for Transport, to intervene in the local authority and oversee that role.

Works Definition and Notice Periods

The way in which works on the highway are defined has been simplified.

Major Works (Includes “Programmed”):

- 11 days or greater duration / where a traffic order is required / included in annual programme of works

Standard Works:

- 4 to 10 days duration

Minor Works:

- 1, 2 or 3 days duration

Immediate:

- Includes Emergency or Urgent works (to prevent, or put an end to a loss of service)

Notice periods and validity times required from 1 April 2008

	Notice Periods				Notice Validity Periods	
		S54 Advance Notice	S55 Notice of Start Date	S57	S54	S55
Major	3 months	10 days	N/A	15 days	5 days	
Standard	N/A	10 days	N/A	N/A	5 days	
Minor	N/A	3 days	N/A	N/A	2 days	
Immediate Urgent	N/A	2 hrs after	N/A	N/A	N/A	
Immediate Emergency	N/A	N/A	2 hrs after	N/A	N/A	

Permit Scheme

The Permit Scheme provides an alternative to the 'notification system' of the New Road and Street Works Act 1991 (NRSWA). Instead of informing a street authority of its intention to carry out work in the area, a utility company would need to book time on the highway by obtaining a permit. Local authorities will also have to book time through the scheme to carry out work on highways.

Granting permits to carry out work may be conditional - for instance the dates and times during which works can take place, or how much road space they can occupy. And whoever digs up a road must reinstate it to an acceptable condition - or face penalty charges. Under the TMA and the Permit Scheme, fees can be charged for a permit. Permit Schemes are not intended to generate revenue for permit authorities although an authority may cover its costs.

It is Lambeth's intention to apply to pilot the permit scheme in September 2008 and actually operate the scheme from April 2009.

To be successful in our application for the Permit Scheme, we need to demonstrate equal treatment of all works on the highway – both Utility and Lambeth works.

Standard Conditions

The following standard conditions will be imposed upon all Permits:

Display of Permit and Linked Permit Reference Numbers

For all works it will be a requirement that the Permit reference number, when issued, must be prominently displayed at all times, on site for each phase of works on the site information boards. This is to assist inspections, particularly in relation to the checking of conditions with which promoters are required to apply, and also to help identify the site for members of the public who may raise queries with Permit Authorities or activity promoters.

For all works Permits it is a requirement that, where there are any other linked Permits, references to those other linked Permits must also be included with the Permit.

Variations to Permits must be denoted by the use of the same unique reference with a suffix to denote the variation.

Where remedial works are to be carried out following completion of permitted works a new Permit is required. This new Permit must contain a cross reference to the Permit for the original activity.

Duration and Timing of Permits

For all works it will be a requirement that the duration of the Permit (or period for which the Permit is valid) will be shown clearly on the Permit.

The Permit start and end dates for works in relation to category 3 and 4 streets that are not traffic sensitive allow for flexibility in the start of the activity although it must be completed by a specific date. The start and end date of the Permit will therefore not simply match the start and finish dates of the activity. Therefore, in order to ensure that the works themselves commence within the starting window and will take no more than the total number of days the activity promoter applied for, which are not to be treated as having to be consecutive days.

Reasonable Period for Section 74 purposes

For all works the “reasonable period” for Section 74 purposes will be the same as the duration of the activity set out in the relevant Permit condition for the activity and will be recorded as such on the Permit.

Contact before new customer connection on street with a Section 58 in force

If a works promoter wishes to carry out a customer connection on a street with a Section 58 in force before applying for the appropriate permit the undertaker must contact the street authority to discuss its proposals and the extent of the works in the street. The street authority will supply a reference number that the promoter must use in their permit application.

Portable Light signals and Parking Suspensions

If there is a request for the use of portable light signals, or for the suspension of parking restrictions this needs to be stated on the permit application.

Disabled Bays

If a disabled bay is being utilised for part of your works at any point evidence must be submitted in advance in the permit application to detail the permission of usage and the allocation of an alternative location for the bay.

Fixed Penalty Notices

The TMA also provides for increase in levels of fines for specified offences, and allows highway authorities to issue Fixed Penalty Notices for certain offences including:

- Failure to provide advance warning of works
- Inaccurate or inadequate location details on notices
- Failure to abandon notices if no work has been carried out
- Unwarranted/late issue of immediate notice for emergency and urgent works
- Failure to issue a reinstatement notice within 7 days of completion of works
- Late issue of S74 notice – these notices inform the Highway Authority when work has begun, if the agreed period of works needs to be extended due to unforeseen circumstances and when works are complete
- Failure to give a notice under S74

This change comes into force in mid May 2008.

Street Works - Direction and Control

Part 4 of 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 instruct utilities not to carry out their planned works on particular days, and in certain circumstances, to avoid work on specified certain routes where it is reasonable to do so.

Currently, local traffic authorities can place a 12 month embargo on any more works taking place (with certain exceptions, such as emergencies and new service connections) on a road on where major road works have just been carried out. The Act will allow authorities to apply embargoes after major utility works. The embargo will range in duration from 6 months to 5 years.

- Newly constructed roads 5 Years
- Reconstructed roads 5 Years
- Resurfaced roads 3 Years
- Substantial Street works - Major Roads 1 Year
- Substantial Street works - Minor Roads 6 Months