

Chapter 13 Procedures for Implementing Traffic Management Measures

13.1 Basic Principles

The management of traffic can be achieved through the implementation of a variety of procedures and measures. Some of these will require the making of one or more Orders or other statutory procedures, to permit regulation of traffic, whilst others will not (see Photograph 13.1).



Photograph 13.1: Traffic management Shepherd's Bush Green, London.

Highway authorities and some other authorities in Britain [NIa] are empowered under the Road Traffic Regulation Act 1984 (RTRA) (HMG, 1984a) to make Traffic Regulation Orders (TROs), to regulate the speed, movement and parking of vehicles and to regulate pedestrian movement. The Highways Act 1980 (HMG, 1980) [Sa], including the amendments made by the Traffic Calming Act 1992 (HMG, 1992a), give highway authorities powers to introduce measures which regulate the movement of vehicles, reduce accidents or improve the local environment and which do not require Orders to be made.

As indicated in Chapter 14, enforcement will be easier to achieve if the purpose underpinning an Order is clear to road-users and is supported by clear, unambiguous traffic signs. There will, however, be

locations where compliance with the requirements of the Order is improved by the introduction of physical measures or restrictions.

When drivers do not comply with Orders and are convicted of an offence, the courts may impose penalties, such as fines, the endorsement of a licence or even disqualification from driving (HMG, 1972). The procedures for making Orders are laid down by the Secretary of State and must be observed strictly by the Order-making authority, to avoid legal difficulties [NIb]. The procedures generally involve consultation on, and publishing of, proposals and the consideration of objections. In some circumstances, public inquiries must (or may) be held. Local authorities also have powers to make Orders, similar to Traffic Regulation Orders, which require the same or a similar procedure to be followed (see Sections 13.6 *et seq*).

Even where an Order is not required, there may still be a statutory requirement to advertise and consult on proposals and to consider objections. Where there is no statutory requirement to do so, it is still advisable to consult widely in the development of a traffic scheme [NIc]. Consultation with the public is discussed in detail in Chapter 10.

All traffic signs must be in accordance with the current Traffic Signs Regulations and General Directions (TSRGD) (HMG, 1994b) or else be specially authorised by the Secretary of State [NIId]. Advice on the design and use of traffic signs is given in the Traffic Signs Manual (DOT, 1977), supplemented by other publications issued by the Department of Transport (DOT, 1994) [Sb] and Working Drawings for Traffic Signs Design and Manufacture (HMG, 1994a).

13.2 Procedures for Making Traffic and Parking Orders

Several different regulations specify the procedures for making traffic and parking Orders, under the RTRA 1984 [NIb]. These are:

- The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations, 1996 (HMG, 1996b) [Sc];
- The Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations 1990 (HMG, 1990b), which prescribe the

procedures that the Secretary of State must use [Sd]; and

❑ The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 (HMG, 1992c).

All of these regulations specify, in rather precise terms, the procedures which are to be used. There are variations between them for different Order-making authorities and between the procedures required for

Orders of different types or purposes, such as permanent, temporary or experimental Orders. There are, however, certain general similarities.

The 1996 Regulations [Sc] are intended to be quicker and cheaper to use and easier to understand for Order-making authorities than previous versions while, at the same time, continuing to safeguard the interests of road-users, frontagers and the public at large.

Item	Case	Consultee
1.	Where the Order relates to, or appears to the Order-making authority to be likely to affect traffic on, a road for which another authority is the highway authority or the traffic authority.	The other authority.
2.	Where the Order relates to, or appears to the Order-making authority to be likely to affect the traffic on, a Crown road.	The appropriate Crown authority.
3.	Where the Order relates to, or appears to the Order-making authority to be likely to affect traffic on, a road subject to a concession.	The concessionaire.
4.	Where the Order relates to, or appears to the Order-making authority to be likely to affect traffic on, a road on which a tramcar or trolley vehicle service is provided.	The operator(s) of the service(s)
5.	Where the Order relates to, or appears to the Order-making authority to be likely to affect traffic on,– (a) a road outside Greater London, which is included in the route of a local bus service; or (b) a road in Greater London, which is included in the route of a London bus service.	In case (a), the operator(s) of the service(s) In case (b), the operator(s) of the service(s) and London Regional Transport.
6.	Where it appears to the authority that the Order is likely to affect the passage on any road of– (a) ambulances; or (b) fire-fighting vehicles.	In case (a), the chief officer of the appropriate NHS trust. In case (b), the chief officer of the fire brigade of the fire authority.
7.	All cases	(a) The Freight Transport Association. (b) The road haulage Association. (c) Such other organisations (if any) representing persons likely to be affected by any provision in the order as the Order-making authority thinks it appropriate to consult.

Table 13.1: Consultation Requirements [Se], Source HMG (1996b).

Before an Order is made, the chief officer of police must be consulted. In addition, the Authority must follow the consultation requirements set out in tabular form in Regulation 6 of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (see Table 13.1) [NIe].

Under these arrangements, an Order-making authority must, before making an Order in a case specified in Table 13.1, consult the appropriate persons specified.

In addition to the consultation requirements set out in Table 13.1, it is usual to consult with local residents and representatives of commerce and industry, but it is for the Order-making Authority to decide on the extent of additional consultation. The benefits of wider consultation are set out in Chapter 10.

Notices which set out proposals and invite objections must be placed in the local press. In addition, London authorities must advertise Orders, under section 6 of the Road Traffic Regulation Act 1984, in the London Gazette [NI f]. It remains open to local authorities outside London to advertise in the London Gazette, if they so wish. At the same time, local authorities may, if they think fit, also display street notices and deliver notices or letters to premises likely to be affected by the provisions of the Order.

The display of street notices is not an absolute requirement, as there are places where it would serve no useful purpose, such as in an underpass where there is no right-of-way for pedestrians, but the Department of Transport [Sf] has made it clear to authorities that they should display street notices wherever the public might reasonably be expected to see them. During this period, and until six weeks after the Order is made, a copy of the draft Order (including, where the road is a restricted one, the length of road affected, a statement of the Authority's reasons for making the Order and a map of the roads affected) must be placed on deposit for inspection by the public at all reasonable times. Any objections must be considered by the Order-making Authority.

Under certain circumstances, a Public Inquiry must be held [NIg] [Sg]. These are:

- ☐ where an objection has been made by a bus operator who provides a local service on a road to which the Order relates; or
- ☐ where an objection has been made to an Order which would prohibit, or have the effect of prohibiting, loading or unloading in a road, unless:
 - ☐ the prohibited period is between 07.00 hours and 10.00 hours or 16.00 hours and 19.00 hours, or
 - ☐ the authority is satisfied that the objection was

frivolous or irrelevant.

There is no requirement to hold a public inquiry if the Order would have the effect of:

- ☐ prohibiting loading or unloading by the creation of a disabled persons bay; or
- ☐ prohibiting loading or unloading up to 15m either side of a junction unless the effect of the prohibition, taken with prohibitions already imposed, is to prohibit loading or unloading of vehicles for a distance of more than 30 metres out of 50 metres on one side of any length of road. This is to ensure that objectors may require a public inquiry to be held, where the effect of prohibiting loading around junctions would be to prohibit loading over longer distances. This situation could occur, for example, where the spacing between junctions was 50 metres or less, which would provide insufficient space for loading by heavy goods vehicles.

In other circumstances, it is open to authorities to hold a Public Inquiry if they so wish. The procedures for holding a Public Inquiry are set down in the procedure regulations (HMG, 1996b; and DOT 1996c).

Any objections to an Order must be considered by the elected members of an Order-making authority. If, after considering objections, an authority decides to proceed with the making of the Order, then the objectors must be informed of the reasons, in writing, and the appropriate notices placed in the press. The chief officer of police must also be informed.

If an Order is modified to take account of objections, it may not be necessary to re-advertise, provided that the revisions do not substantially change the proposals. When the Order is made, the Order-making Authority must advertise a 'notice-of-making' in a local newspaper, and in the London Gazette for Orders by London authorities, under sections 6 and 9 of the Road Traffic Regulations Act 1984 (HMG, 1984a) [NI f]. Steps must be taken to provide the appropriate traffic signs to bring it into effect and these must be in accordance with the current Traffic Signs Regulations and General Directions, although other signs may be specially authorised by the Secretary of State [NIh].

The validity of an Order may be questioned during the six weeks after it is made, on the grounds either that it is outside the Authority's powers or that the interests of the applicant were prejudiced by the Authority's failure to follow the specified procedures. It may not be questioned after this period. An Order must be made within two years from the date of publication of the 'notice-of-making'.

Traffic Orders may be permanent, experimental (up to 18 months) or temporary (up to 18 months). However, the 18 month time-limit for temporary Orders does not apply if the Order-making Authority is satisfied, and it is stated in the Order that they are satisfied, that the execution of the works will take longer. The Secretary of State may, at the request of an Order-making authority, extend the duration of a temporary order by up to, but not more than, 6 months.

The Road Traffic (Temporary Restrictions) (Procedure) regulations (HMG, 1992c) describe the procedures to be followed for the making of temporary Orders and Notices [NIj].

A highway authority, or a concessionaire of a toll road, may take immediate action to prohibit or restrict the use of a road by the placing of an appropriate notice in circumstances where there is a likelihood of a danger to the public or of serious damage to the highway. Such a notice can continue in force for between five and 42 days, depending on the reason for making of the Notice, and the Notice may be followed by the making of a temporary Order. There is no right of objection to a temporary Order or Notice. See sections 14 and 15 of the road Traffic Regulation Act 1984, (HMG, 1984a), as substituted by the Road Traffic (Temporary Restrictions) Act 1991 (HMG, 1991b) [NIj].

Experimental Orders may be made for up to 18 months, to test a scheme before deciding whether to make it permanent. They are subject to different and shorter procedural requirements. These are that:

- Orders must be advertised at least seven days before the Order comes into effect;
- consultation requirements must be followed before the Order is made [NIi];
- there is no requirement to advertise an Order inviting objections before the Order is made;
- where an Order is intended to become permanent, objections may be made within six months of the Order being made, or subsequently varied, by the authority;
- an authority must not vary or modify an Order more than 12 months after the Order is made (if it does so, it must follow the normal, and not the shortened, procedures for making the Order permanent); and
- an authority must consider all objections made during the objection period, before deciding whether or not to make an Order permanent and they may, in certain circumstances, be required to hold a public inquiry.

To avoid the possibility of a successful challenge in

the High Court, an authority must be able to demonstrate where the element of experiment or uncertainty lies, as an experimental Order can be made only for the purpose of carrying out an experimental scheme of traffic control.

It is common practice to include exemptions, for certain classes of vehicles or for particular purposes, within a traffic regulation or parking Order. As examples, these exemptions often include:

- emergency services (ie the police, fire and ambulance services);
- statutory undertakers and other public bodies involved in the construction and maintenance of the highway and the services located within it;
- vehicles needing access for weddings, funerals or removals; and
- post office and security vehicles making collections and deliveries of mail, cash or valuables.

It is also common to exclude, from the effect of waiting restrictions, vehicles which are stopping for the purpose of picking up or setting down passengers and their luggage and also vehicles being loaded or unloaded. Each Order will require careful consideration on its own merits, to take account of local circumstances. Other exemptions may also be necessary to meet local requirements but do not need to be shown on the signs introduced to effect the regulations.

The police have powers to control traffic and to regulate the use of the highway in emergencies and on other special occasions.

The Road Traffic Act 1991 (HMG, 1991a) provides for the decriminalisation of most non-endorsable on-street parking offences in London (where the system has already been introduced) and it permits similar arrangements to be introduced elsewhere [Sh]. Local authorities may apply to the Secretary of State for Orders decriminalising the offences within particular geographical areas. Section 43 of, and Schedule 3 to, the Road Traffic Act 1991 enables eligible local authorities outside London to apply to the Secretary of State for Orders creating Permitted Parking Areas (PPAs) and Special Parking Areas (SPAs). Within a PPA, contravention of Orders designating permitted on-street parking places, such as meter-bays, residents' and disabled persons' bays and free parking bays, will no longer be criminal offences and will become subject to new enforcement arrangements. Within an SPA, most other non-endorsable parking offences will be decriminalised and enforced by the Local Authority [NIk]. More detail on this topic is given in Chapter 19.

13.3 The Purposes of Traffic Regulation Orders

Traffic Regulation Orders (TROs) constitute a major category of Traffic Order. The powers provided by the RTRA 1984 (sections 1 and 2 for local authorities outside London) (HMG, 1984a) allow a highway authority to make a TRO to control the movement and waiting of vehicles, for the following reasons:

- ❑ to avoid danger to persons or other traffic using the road or any other road or to prevent the likelihood of any such danger arising;
- ❑ to prevent damage to the road or to any building on or near the road;
- ❑ to facilitate the passage on the road or any other road of any class of traffic (including pedestrians);
- ❑ to prevent the use of the road by vehicular traffic of a kind which (or its use by vehicular traffic in a manner which) is unsuitable, having regard to the existing character of the road or adjoining property;
- ❑ to preserve the character of the road, in a case where it is specially suitable for use by persons on horseback or on foot;
- ❑ to preserve or to improve the amenities of the area through which the road runs; and
- ❑ in the interests of conserving air quality (HMG, 1995).

The criteria appropriate for making Orders, similar to the TROs in London under section 6 of the RTRA 1984 (HMG, 1994a), are more specific and are set out in Schedule I of the 1984 Act and by cross-referencing to section 1.

Outside London, if a TRO prevents vehicular access to premises for more than 8 hours in any 24 hours and there is an unwithdrawn objection to such an Order by the owners or occupiers of those premises, the Secretary of State's approval is required before the Order can be made (see Part II of Schedule 9 to the RTRA, 1984).

13.4 Common Types of Traffic Regulation Order

These TROs are commonly introduced to manage traffic flow, or as part of a broader traffic management scheme, and may form part of a package of measures, including prohibitions on turning movements at junctions. Orders may be made to prohibit all vehicles, or certain classes of vehicle only, from using a road for all or part of the time. Typical examples are:

- ❑ all vehicles prohibited – this can be used to

prevent all vehicles from using shopping or other streets for certain periods of the day, where and when pedestrian activity is high. Alternative, and sometimes more appropriate, powers are contained in section 249 of the Town and Country Planning Act 1990 (HMG, 1990a) [NII] [Si];

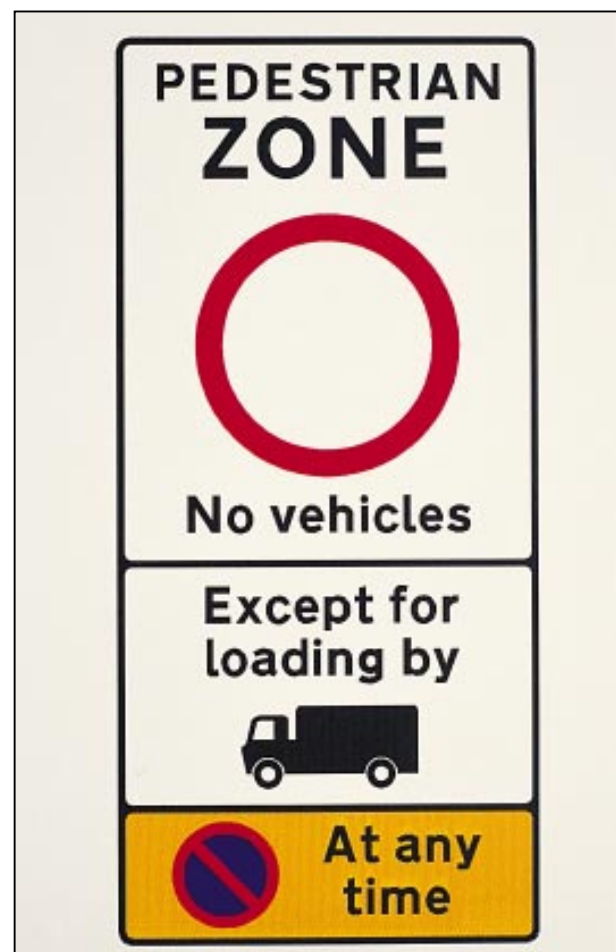
- ❑ all motor vehicles prohibited – this allows pedal cycles and horse-drawn vehicles to continue to use the road. Again the use of section 249 can be more appropriate (HMG, 1990a) [Si];

- ❑ prohibitions of specified classes of vehicle – which may be by weight, width, length or by description, like 'buses', 'cycles' or 'horsedrawn vehicles'; and

- ❑ prohibitions with exemptions for specified classes of vehicles (see Photograph 13.2) – commonly used for providing priority for buses or cyclists, such as 'no right turn except for buses'.

Vehicular turning movements can be controlled in two ways, using Traffic Regulation Orders, supported by:

- ❑ restrictive signs – which prevent certain manoeuvres being carried out and are indicated by a sign within a red roundel; or



Photograph 13.2: Pedestrian Zone sign.

- ❑ positive signs – which make certain manoeuvres mandatory and are indicated by a sign with a blue background.

Orders of this kind may be introduced at junctions to control turning movements or to create one-way streets. Where a number of turns are to be banned at a particular junction, then, for clarity, consideration should be given to making the permitted manoeuvres mandatory rather than describing the restricted turns. Exemptions to these Orders may be provided, as with other Orders (eg 'except for buses').

Certain types of regulatory signs do not require the support of a traffic regulation Order. These include 'Stop', 'Give-Way', 'Keep Left or Right', yellow-box markings and some others (HMG, 1994b) [NIId]. In addition to the standard exemptions for emergencies, other exemptions may be applied to suit local conditions, although the extent to which this is possible may be constrained by the regulations relating to the use of the prescribed signs. It can also lead to complex signing, which is difficult to read and understand quickly. The most common exemptions are for buses (to give priority in some locations), for cyclists (to improve the safety and convenience of a cycle trip) and for access or loading (to maintain reasonable access to adjacent premises).

Another alternative is to specify exemptions by permits issued to particular persons, for example service-vehicle drivers, whose work takes them into areas where there are widespread parking restrictions. However, the use of permits should be considered carefully, as they can be administratively cumbersome and can result in a wide selection of different coloured permits being displayed. It should also be noted that excessive use of exemptions can result in a general perception that an Order is not being enforced. This may bring the Order into disrepute and create enforcement difficulties as, for example, with some 'access only' exemptions.

Traffic Regulation Orders, which specifically prohibit or restrict heavy commercial vehicles, are sometimes introduced to protect particularly sensitive roads or structures or larger areas for environmental purposes, or to specify through routes. Orders relating to general traffic may also be introduced for environmental reasons.

The Environment Act 1995 (HMG, 1995) explicitly provides for Orders to be made in the pursuit of national or local air quality management strategies. The Courts have ruled, however, that section 13 of the Road Traffic Regulation Act 1984, which provides for immediate closure of roads to prevent danger to the

public, does not allow for such closures to be made on general air quality grounds. Section 87 of the 1995 Act provides for new regulations to be made on air quality management grounds. Among other things, these might prohibit or restrict the access of prescribed vehicles to prescribed areas, either generally or in prescribed circumstances. To date, no such regulations have been made.

13.5 Control of Waiting and Loading (see Section 13.14 on Priority Routes)

In theory, any vehicle parked on the highway, other than in a designated parking place, could be considered to be causing an obstruction, although in practice evidence of the obstruction being caused would normally be necessary if prosecution were envisaged. Custom and practice in Britain has been that vehicles are permitted to park at the kerbside, where it is safe to do so, except where parking is specifically prohibited. There are several prohibitions on waiting, including:

- ❑ in the vicinity of pedestrian crossings (ie within the controlled areas of a Zebra, Pelican or Puffin [NIk] crossing, as indicated by the extent of the zig-zag markings, or on the approach to a Pelican or Puffin crossing, as indicated by studs across the approach lanes);
- ❑ where double white lines are provided in the centre of the carriageway, to reduce the risks associated with overtaking where visibility is poor, even although loading is still permitted;
- ❑ in parking places reserved for a specific type of vehicle, such as motorcycles, or class of vehicle-user, such as disabled drivers or residents;
- ❑ where a TRO preventing waiting has been made and is indicated by the appropriate yellow lines and supplementary signs; and
- ❑ on a bus, tram, or mandatory cycle-lane during its period of operation.

In addition, drivers are advised not to wait at places indicated by advisory markings, which may be used at entrances to schools (local authorities can use mandatory signs outside schools), hospitals and ambulance or fire stations or in the vicinity of junctions and other hazards identified by the Highway Code (HMG, 1987) [NIm]. Although failure to observe the Highway Code is not an offence in itself, it may have a bearing on any subsequent criminal or civil proceedings.

Traffic Regulation Orders may be introduced to prohibit waiting at any time or to restrict waiting at certain times of the day or on certain days of the week or to limit the length of stay. There are no statutory

exemptions for passenger-carrying vehicles, except those provided specifically by Order-making authorities.

It is common practice for a TRO to include an exemption from waiting restrictions for picking up and setting down passengers and their luggage and for the purposes of loading and unloading. However, there will be circumstances in which these exemptions will not be appropriate and they should not be included automatically. Each situation must be considered on its merits. If loading and unloading are prohibited, this must be indicated by appropriate signs and road-markings.

If a proposed no-waiting Order (outside London) prevents loading/unloading and there are unwithdrawn objections, a public inquiry must be held unless the prohibited period is between 07.00 and 10.00 hours or 16.00 and 19.00 hours.

Bus stop clearway Orders are a special type of waiting restriction, under which no vehicles other than buses can stop. They are employed to keep bus stopping-places free from other traffic and are indicated by special bus stop clearway prohibition signs and bus stop road-markings incorporating a wide, single yellow line.

Urban clearways may be appropriate, when no waiting is to be permitted during morning and/or evening peak periods. They include the exemption for picking up and setting down and are indicated by the appropriate signs but road markings are no longer used for urban clearways. If necessary, they can be used to cover more extensive periods of the day.

Clearway restrictions, which do not include the exemption for picking up and setting down passengers, can be used in urban areas and apply at all times of the day and on all days of the week. They are appropriate to primary distributors and dual carriageway roads, where stopping of any kind should be prevented. Rural clearways are not indicated by road-markings and rely solely on the provision of traffic signs, which should be erected at regular intervals.

Extensive use of standard yellow line road-markings may be visually intrusive in environmentally-sensitive areas. This effect can be reduced by the use of the narrower yellow lines (50mm wide), permitted in TSRGD (HMG, 1994b) [NI_d], and/or a paler shade of yellow (as set out in Chapter 5 of the Traffic Signs Manual (DOT, 1977) [S_b]). However, care needs to be taken to lay the lines neatly and different shades of yellow should not be used on adjacent lengths of line.

TSRGD 1994 allows yellow lines and kerb blips to be dispensed with in pedestrian zones, where the prescribed 'Pedestrian Zone' entry signs and repeater plates are erected, the footways and carriageways are paved level, the entry of vehicles into the zone is restricted, at the times during which waiting and loading are prohibited, and the waiting and loading prohibition applies uniformly throughout the zone [NI_k].

In other environmentally-sensitive areas, the Department of Transport is prepared to consider authorising special 'Restricted Zone' signing and allowing yellow lines to be dispensed with. Roads in such restricted zones should not be major through routes and should be neither so narrow as to make parking impracticable nor so wide that it would be unreasonable to prohibit waiting on both sides. It is important to secure the agreement of the police to this type of arrangement. Early consultation with the Department of Transport is recommended where it is proposed to introduce a designated 'Restricted Zone'.

13.6 Other Types of Order

Local authorities are empowered to make a range of Orders under The Road Traffic Regulation Act 1984 provisions but they also have powers to make Orders, similar to Traffic Regulation Orders, which require the same or a similar procedure to be followed [NI_a]. Some of the more commonly used Orders are described in the remainder of this chapter.

13.7 Parking Orders

Many different types of on-street parking schemes can be created under the powers provided in Part IV of the RTRA 1984 (HMG, 1984a) as amended by the Road Traffic Regulation (Parking) Act 1986 (HMG, 1986c) [NI_n]. The procedures to be followed when making Orders are prescribed in the procedure regulations listed in Section 13.2. More detail on the types of schemes which can be introduced is given in Chapter 19.

13.8 The 'Orange Badge' Scheme for Disabled Persons

Section 21 of the Chronically Sick and Disabled Persons Act 1970 (HMG, 1970) provides for a prescribed form of badge, the 'Orange Badge', to be issued by local authorities for motor vehicles used by disabled persons [NI_o], (see Photograph 13.3).



Photograph 13.3: Parking sign for disabled badge holders.

Local authorities are required, under the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 (HMG, 1986b), as amended by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) (Amendment) Regulations 1991 (HMG, 1991c) [Sj], to include exemptions in Traffic Orders, for orange badge holders, which enable them:

- ❑ to park for as long as they wish, where others may wait for a limited time only;
- ❑ to park free of charge and without time-limit at parking meters on-street and pay-and-display on-street parking; and
- ❑ to park for up to three hours on single or double yellow lines, when no-waiting restrictions are in force.

The last of these does not apply where loading and unloading is also prohibited.

The criteria for issuing badges is covered by the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 (HMG, 1982), as amended by the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991 (HMG, 1991d) and the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1992 (HMG, 1992d) [NIp]. Circular 3/91 (DOT, 1991) [Sk] also describes the issuing criteria. The scheme does not apply in areas of central London and certain town centres, where local authorities have applied their own scheme to suit local circumstances.

13.9 Stopping-Up and Diversion of Highways

A highway may be stopped up in several ways. Two of the more common are:

- ❑ using Highways Act powers – section 13 of the Highways Act 1980 (HMG, 1980) [NIq] [SI] (section 18 for special roads) provides for the making of

Orders authorising a highway authority, *inter alia*, to stop up or divert a highway in connection with the construction or improvement of a trunk or classified road. Alternatively, in England and Wales, a highway authority can apply to a magistrates court, under section 116 of the Act, on the grounds that the highway is either unnecessary or can be diverted, so as to make it nearer or more commodious to the public [SI]. Footpaths and bridleways may be stopped up or diverted under powers provided in sections 118 and 119; and

- ❑ using Planning Act powers – section 247 of the Town and Country Planning Act 1990 (HMG, 1990a) [Sm] gives the Secretary of State for Transport [Wa] power to stop up any kind of highway, if he is satisfied this is necessary to enable development to be carried out in accordance with planning permission. By virtue of section 253 [So], the Secretary of State may, in certain circumstances, anticipate the granting of such planning permission [NIr]. The use of this power is extremely rare. Conditions may be attached, such as the provision or improvement of another highway. An Order under this section removes all public rights of way.

Section 248 [Sp] gives the Secretary of State for Transport [Wb] power to stop up a highway crossing the route of the main highway, where it is expedient to do so in the interests of the safety of users of the main highway or to facilitate the movement of traffic on the main highway.

Section 257 [Sq] allows local authorities to stop up footpaths and bridleways, if they are satisfied that this is required to enable development to be carried out. Again, a valid planning permission is required and conditions can be attached regarding the provision or improvement of another footpath or bridleway. Orders under this section are confirmed by the Local Authority, if there are no objections. Where objections are received, the Orders are determined by the Secretary of State for the Environment [Wc].

13.10 Extinguishment of Vehicular Rights

Where a local planning authority adopts, by resolution, a proposal for improving the amenity of part of their area which involves a highway, an Order can be made extinguishing the existing vehicular rights (under section 249 of the Town and Country Planning Act 1990) [NIi] [Sr]. Such an Order can apply to any non-trunk road and can provide for specific vehicles or classes of vehicles to be exempted.

This method is commonly used when streets are to be pedestrianised. The Order would be made by the appropriate Secretary of State. Where vehicles are still physically able to gain access to such an area, it may be necessary to institute a Traffic Regulation Order creating relevant offences, to back the intention of the Section 249 Order (see DOT, 1987) [NIs] [Si].

13.11 Facilities for Cyclists

Cyclists are entitled to cycle on the highway, including carriageways (except motorways and other roads from which cyclists have been excluded), bridleways (so long as they give way to pedestrians and horseriders using the 'way') and designated cycle-tracks.

It is an offence, under Section 72 of the Highways Act 1835 (HMG, 1835), to cycle on any footway [NIt] [Ss]. Cyclists do not have the right to cycle on a footpath and an offence may be created in respect of specific footpaths where Traffic Regulation Orders or local bylaws exist.

The wide variety of ways in which facilities can be provided to assist cyclists are discussed in detail in Chapter 23. Statutory procedures to convert all or part of a footpath to a cycle-track are contained in the Cycle Tracks Act 1984 (HMG, 1984b) and the Cycle Tracks Regulations (HMG, 1984c). Statutory powers to convert footways are contained in the Highways Act 1980 [St] (detailed guidelines on conversions are given in DOT, 1986a and DOT, 1986b) [NIu].

The Toucan crossing is a signal-controlled crossing, designed for unsegregated use by both pedestrians and cyclists (see Chapters 22 and 23), (see Photograph 13.4). Implementation of a Toucan crossing requires



Photograph 13.4: Toucan crossing.

the use of a modified push-button plate and a green cycle symbol aspect, both of which require special authorisation from the Secretary of State, as these are not prescribed in TSRGD 1994 (HMG, 1994b) [Nik]. Trials are being carried out into the use of nearside signals, as used for Puffin crossings.

13.12 Pedestrian Crossings

The provision of a formal pedestrian crossing imposes restrictions and duties on road-users, such as giving precedence to pedestrians under certain circumstances and prohibiting waiting on the approaches to the crossings. Before a formal crossing is introduced, the Highway Authority must carry out certain procedures.

They must:

- ☐ consult the chief officer of police;
- ☐ give public notice of the proposal; and
- ☐ inform the Secretary of State in writing.

The layout of formal pedestrian crossings must conform to the current regulations. Local authorities may also make arrangements for the provision of school crossing patrols, to assist children in crossing the road between the hours of 08.00 and 17.30. More detailed information on the introduction of formal pedestrian crossing facilities is provided in Chapter 22.

13.13 Public Transport Facilities

Section 122 of the Road Traffic Regulation Act (HMG, 1984a) requires local authorities to have regard to 'the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles', when exercising any of the functions which the Act confers upon them. The location of bus stopping-places, the provision of shelters (possibly with real-time passenger information) and the maintenance of unimpeded access to bus/tram stops for buses/trams at all times are among the issues which should be considered. Off-street parking at public transport interchange sites, including those used for park-and-ride, can be provided by local authorities, using powers under sections 32-35 of RTRA 1984 (HMG, 1994a).

Sections 1,2 and 4 of RTRA 1984 provide powers to implement bus-lanes, bus-only roads, exemption from prohibited turns and selective priority at signal-controlled junctions [NIs]. In some cases, other vehicles, such as taxis and cycles, may be included. These powers may also be used to designate certain

sections of the highway for guided buses or light rail vehicles, which may be of particular value in very congested central urban areas, where specifically-designed priorities aid operational efficiency. Where complete segregation of such systems is possible, implementation under the Transport & Works Act 1992 (HMG, 1992b) [Su] may be advantageous. Section 122 of the RTRA 1984 is also of relevance here.

Measures which can be implemented to assist public transport are discussed in more detail in Chapter 24.

13.14 Priority Routes

The Road Traffic Act 1991 (RTA) (HMG, 1991a) provides for the introduction of priority routes in London and for the appointment of a Traffic Director for London. The Secretary of State has designated a network of 315 miles of the more important local and trunk roads in London as priority routes, with a view to reducing congestion and improving the movement of traffic in the city. Priority routes are more generally known as 'Red Routes' because of the red kerbside 'no-stopping' controls and special red-bordered signs (see Photographs 13.5 and 13.6). The Traffic Director for London has a general duty to co-ordinate the introduction and maintenance of the priority-route measures and to monitor their operation.

Traffic Management and Parking Guidance (DOT, 1992b) has been issued by the Secretary of State, as required by section 51 of RTA 1991. This document sets the framework for the London Local Authorities to develop traffic management and parking policies and, in particular, their role in the introduction of priority 'red' routes. The Traffic Director's network plan has been published, as required by section 53 of RTA 1991. This document sets the strategy for priority routes and provides the basis for the preparation of a series of priority route local plans, setting out the detailed proposals for individual parts of the network. These local plans have been prepared by local authorities and the Traffic Director, under sections 54 and 55 of the RTA 1991.

The traffic management measures in the local plans are introduced, generally, through the provisions of the Highways Act 1980 (HMG, 1980) and the Road Traffic Regulation Act 1984 (HMG, 1984a). Traffic Orders for the new red line controls are introduced, using experimental powers under section 9 of the Road Traffic Regulation Act 1984, to allow for on-street adjustment before Orders are made permanent. Priority routes use a marking and signing



Photograph 13.5: Priority (Red) Routes, designated kerbside parking spaces.



Photograph 13.6: Priority (Red) Routes; with bus-only lane.

system, which requires special authorisation from the Secretary of State, although, in future, these may be prescribed in regulations. Local authorities elsewhere can introduce similar schemes, using their existing powers and any necessary signs authorisations.

13.15 Measures Affecting Goods Vehicles

The Road Traffic Regulation Act 1984 (HMG, 1984a) enables highway authorities to control all types of traffic, including lorries, by means of Traffic Regulation Orders [NIs]. A TRO could be made where, for example, the Authority believes that local roads are too narrow or not appropriate for use by large goods vehicles (see Photograph 13.7). TROs can be used in very flexible ways, including specifying through routes for heavy commercial vehicles and

prohibiting or restricting their use (either with or without exemptions) in particular zones or on particular roads (see Section 13.4).

Sometimes, different measures and Orders can be introduced together so as to create environmental areas that eliminate or physically discourage through traffic. These can include road closures, width restrictions and traffic-calming features. Lorries in the Community (DOT, 1990a) [Sv] gives advice on ways of alleviating the pressure caused by lorries on local communities. The minimum size of lorry affected by such bans is standardised to a choice of those vehicles over 7.5 tonnes gross weight or over 17 tonnes gross weight. The over-7.5 tonne ban affects all lorries displaying a red and yellow rear reflective plate. The over-17 tonne ban does not affect two-axle lorries; thus every lorry affected by it will either be an articulated lorry, a lorry with a trailer or a 3- or 4-axle rigid lorry (see Chapter 25).

13.16 Speed-Limits

Orders may be made to establish either a maximum or a minimum speed-limit (see Chapter 20). The procedures followed are prescribed in the regulations listed in Section 13.2. All roads in Britain are subject to a maximum limit, whereas very few have a minimum limit. In addition, various classes of vehicle are subject to a vehicle maximum speed-limit (see Schedule 6 of RTRA, 1984) [NIv]. Signs may also be erected to indicate a local advisory maximum limit, such as those used on motorways during adverse weather conditions or roadworks. Failure to comply with an advisory sign is not itself an offence but it



Photograph 13.7: Lorry restriction advance direction sign.

may provide strong evidence of criminal liability, such as under sections 2 or 3 of RTA 1972, or civil liability in a subsequent prosecution.

The Secretary of State is responsible for speed-limits on trunk roads but retains reserve powers for all roads. Local authorities are responsible for speed-limits for all roads in their area, other than trunk roads.

A national maximum speed-limit applies to all roads, unless a lower local limit is in force. The national limits are, currently:

- motorways and dual carriageways – 70 miles/h; and
- single carriageways – 60 miles/h.

A road will be a 'restricted road' if, on it, there is a system of street-lighting by lamps not more than 183m apart or if, by an Order under sections 82 and 83 of the RTRA 1984, the status of a 'restricted road' is imposed [NIw]. The speed-limit on a restricted road is 30 miles/h. In Scotland, the distance between street lamps must not exceed 185m and the road must be either Class C or unclassified. An Order under section 84 of this Act may impose a speed-limit of more than 30 miles/h on a road which would otherwise be a restricted road. Whilst that Order is in force, the road will not have the status of a restricted road (see Section 84(3)) but that status will automatically revive if the Section 84 Order is revoked and there is a system of street-lighting, as mentioned above. All roads without such a system of lighting, and not covered by an appropriate Order, are not restricted. A maximum limit of less than 30 miles/h requires the consent of the Secretary of State and is normally only granted in the case of a 20 miles/h zone [NIx]. Procedures for the implementation of 20 miles/h zones are described in Circular Roads 4/90 (DOT, 1990c) [Sw].

Speed-limit signs must be provided at the terminal points of an Order. On trunk and principal roads, they are required to be lit, whereas, on other roads, they should be lit or made of reflective material [NIk]. In addition, reflectorised repeater signs are required:

- on roads other than restricted roads; and
- on restricted roads, where lights are more than 183m apart, or where there is no street lighting.

Special care should be taken to ensure that the appropriate speed-limit signs are erected at the junctions between roads where different limits apply and, if necessary, when new roads are adopted. At roundabouts, between roads where different limits apply, the junction should be restricted to the limit applying on the majority of approaches. If there is an equal number, then the lower limit should apply.

13.17 Traffic Calming

Traffic calming is a means of controlling vehicle speeds, reducing accident-risks and improving the environment, using self-enforcing traffic engineering measures such as road humps, chicanes and carriageway narrowings (see Photograph 13.8). Further guidance on design matters is given in Chapter 20.

The powers to introduce road humps are contained within the Highways Act 1980 (HMG, 1980) [NIy] and their design is governed by the Highways (Road Humps) Regulations 1996 (HMG, 1996a) [NIz] [Sx]. The Road Traffic Act 1991 (HMG, 1991a) amended the Highways Act 1980 [St] to enable the Secretary of State to authorise the use of road humps which do not conform to the requirements of the Regulations. Useful information about road humps and the procedural requirements is contained in Department of Transport Circular Roads 2/92 (DOT, 1992a) [Sz] and 4/96 (DOT 1996a) [Sab] and in Traffic Advisory Leaflet 7/96 (DOT, 1996b) [Sab].



Photograph 13.8: Speed cushions on Foxwood Lane, York.

The Road Humps Regulations require consultation with the District Council [Sac] [Sy] (where the Highway Authority is not a unitary authority) fire and ambulance services and one or more organisations representing people who use the affected road. Section 90C of the Highways Act 1980 [St] requires highway authorities to consult with the police and to place notices at appropriate points on the highway and in one or more local newspapers, to give notice of the proposals and to allow objections to be raised and considered [NIk]. Road hump regulations now allow greater flexibility in their use (see Photograph 13.9). It is important that local authorities exercise care in the design and location of



Photograph 13.9: Road humped Zebra crossing, London Borough of Hounslow.

any road humps, to ensure that schemes do not prejudice the safety of road-users.

The Traffic Calming Act 1992 (HMG, 1992a) [Sad] amends the Highways Act 1980 by the addition of sections 90G, 90H and 90I in England and Wales, to provide for regulations to be made to clarify the power of highway authorities to install traffic-calming measures other than road humps. The Highways (Traffic Calming) Regulations 1993 (HMG, 1993 and, 1994c) [Sae] provide certainty in the use of build-outs, chicanes, gateways, islands, overrun areas, pinch-points and rumble devices [NIaa]. Where a particular traffic-calming feature is not covered by the Regulations, special authorisation may be sought from the Secretary of State.

The Traffic Calming Regulations require consultation with the local police force and with such other people, who use the road affected, as the highway authority think fit. It is advised that the views of bus service operators and local fire and ambulance services should be sought.

13.18 References

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|-------------|---|
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