

A Briefing Note on the Traffic Management Act 2004 for UKOPA Members

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The Act received Royal assent on 22 July 2004.

It is intended to provide the basis for better conditions for all road users through the proactive management of the national and local road network.

The Act seeks to tighten the existing regulatory framework within which utility companies – gas, electricity, water and telecoms – are permitted to dig up roads, giving authorities more powers to co-ordinate works effectively with the aim of minimising disruption.

Of Specific Relevance for Utilities

Part 3 of the Act provides for the creation of **permit schemes** under which those wishing to dig up particular roads would have to apply for permission to carry out works. Those operating permit schemes (eg. highway authorities, such as county or unitary councils) would be able to attach conditions to the grant of permit (such as the dates during which works could take place) with a view to reducing the disruption and inconvenience which works cause.

Part 4 of the Act includes a range of other **new measures to control utility works**

Currently, 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 **avoid certain routes** where it is reasonable to do so.

The Act will allow authorities to apply **longer embargoes** after major utility works and will allow the maximum length between prior works to new works on the same road (for particular roads) to be changed through regulations (eg. increasing it to 5 years)

Authorities can direct utility companies (in certain circumstances) not only to resurface the parts of the road they had dug up, but to **resurface the entire lane or width of the road**.

The Act will allow a more effective regime to be developed for **inspecting the works** carried out by utilities.

The Act **raises the levels of fines** payable by utility companies who commit offences related to their street works.

The Act will allow authorities to issue offenders with **Fixed Penalty Notices** (FPNs) to make it easier for authorities to take action against offenders and collect fines. The authority will still have the right to take court proceedings in which fines are likely to be higher than FPNs.

Part 5 of the Act includes a range of measures amending the Highways Act 1980 eg.

The Act provides additional responsibilities for highway authorities. It will **bring authorities in line with the existing requirements on utilities**.

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). This is also extended to other items (such as building materials) that are left in the road.

London

The Act also includes specific measures to improve traffic management in London. Transport for London will be expected to play an important role, through the provision of a **strategic road network**, in facilitating co-operation between all of London's traffic authorities and in co-ordinating works where they affect strategic roads. The Act allows for the operation of a **single London-wide permit scheme**.