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Derbyshire Constabulary

TRAFFIC MANAGEMENT GUIDANCE

POLICY REFERENCE 07/172

This guidance is suitable for Public Disclosure

Owner of Doc: Head of Department, Operational Support

Date Approved: Former Standing Order

Review Date: June 2018

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1. Guidance Identification Page

Guidance title:	Traffic Management Guidance
Registry Reference number:	07/172

Guidance implementation date:	Former Standing Order
Guidance review date:	June 2018

Department / Division responsible:	Operational Support		
Guidance owner:	Head of Department		
Last reviewed by:	Ashley Knott	Date last reviewed:	June 2016
Impacts on other policies / guidance / documents (<i>list</i>):			
Road Policing			

Security Classification: NOT PROTECTIVELY MARKED
Disclosable under FOI Act: YES
Guidance to be published on Intranet YES
Guidance to be published on Force Website YES

2. Legislative Compliance

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies.

3. Introduction

The Force Traffic Management Officer is based within Operational Support at Ripley Police Station, Wyatts Way, DE5 3SU. The role provides liaison with the various highway authorities, community and local Safer Neighbourhood Teams to ensure that optimum use is made of highway facilities currently available or which can be provided.

These agencies include the Department for Transport, the Highways Agency, Local Authorities, Public Utilities and Contractors, Police Officers, the Casualty Reduction Enforcement and Support Team (CREST) and Civil Parking Enforcement (CPE).

The Traffic Management Officer is also a statutory consultee on various issues, providing a force response on these and other related issues on behalf of the Chief Constable.

Both Derby City and Derbyshire County Council have de-criminalised certain parking offences so effectively civil parking enforcement is now operating across the county.

This enables only Civil Enforcement Officers to deal with waiting restriction offences by issuing Penalty Charge Notices. The police still retain enforcement responsibility for many offences including obstruction offences and lighting regulation offences. The police also retain responsibility for all offences on agreed high speed sections classed as 'Excluded Roads' (search Force Intranet using 'CPE' or Derbyshire County Council's Park Smarter Internet Website for more information).

Whenever any decision is made that may affect the Human Rights of any person, the decision, along with the rationale behind it must be fully recorded by the decision maker at the time. In addition all action must have a legal basis, a legitimate aim, be fair (i.e. non-discriminatory) and proportionate. The record will be kept on file by the Force Traffic Management Officer.

4. Legislation

Schedule 9 of the Road Traffic Regulation Act 1984 requires local authorities to consult with the Chief Officer of Police before making a Traffic Regulation Order. Such orders may be made for the following reasons: -

- i) For avoiding danger to persons or other traffic using a road.
- ii) For preventing damage to a road or any building on or near the road.
- iii) For facilitating the passage of any class of traffic (including pedestrians).
- iv) For preventing the use of the road by vehicular traffic of a kind or in a manner which is unsuitable, having regard to the existing character of the road or adjoining property.
- v) For preserving the character of the road in a case where it is especially suitable for use by persons on horseback or on foot (without prejudice to iv above).

A Traffic Regulation Order may also provide for the prohibition, restriction or regulation on the use of a road by vehicular traffic at times or periods specified and may: -

- i) Require traffic to proceed in a specified direction or prohibit it from so proceeding.
- ii) Specify the part of the carriageway to be used by traffic proceeding in a specified direction.
- iii) Prohibit the use of roads by through traffic.
- iv) Prohibit or restrict overtaking.

5. Highway Authorities

The following highway authorities have direct responsibility for the maintenance of roads within Derbyshire: -

- i) Strategic Road Network (previously known as trunk roads); The Highways England via its appointed Managing Agents Contractor.
- ii) County Roads; Derbyshire County Council.
- iii) City Roads; Derby City Council.

Each of these authorities may contract out certain aspects of road maintenance to other agencies, including private agents or district councils.

6. Police Involvement

Factors Affecting Traffic

Members of the Force should be familiar with any project likely to affect traffic conditions during the normal course of patrol. If they observe matters relating to traffic flow or road safety which need to be remedied, they should ensure that steps are taken to report the matter. This can be done through direct liaison with contractors at the site or, if necessary, by reporting the matter to the relevant highway authority. In non-urgent situations, advice and liaison can be provided by Force Traffic Management, but officers must ensure that Traffic Management is made aware of all such issues where appropriate. The general e-mail is traffman@derbyshire.pnn.police.uk.

Traffic Management Proposals

Traffic management proposals are formulated by highway authorities or their agents often in response to requests from the police, district councils, parish councils or members of the public. Highway authorities will forward proposals to Force Headquarters for police observations. The Force Traffic Management Officer will ensure that proposals are evaluated through consultation with Road Policing Sections and where necessary, with the local policing section with particular reference to road safety and enforcement implications. In some cases, it may be necessary to arrange site meetings with highway officials so that the proposals can be discussed in more detail.

The input of local officers is very important particularly where issues are raised by the local community and are agreed priority profiles. Local policing teams and their managers will be asked to give their views on various proposals and will be kept informed. In addition, the presence of a local police team member will be important at relevant meetings, where views will be sought, however, to ensure consistency of approach on traffic management issues then officers should refrain from entering into correspondence or dialogue other than via Force Traffic Management Officer. The Force Traffic Management Section will deal with incoming correspondence and replies on such issues.

Need to Report Promptly

Reports on traffic management proposals should be submitted without delay as highway authorities are invariably working to tight deadlines. A prompt reply is essential; otherwise there is the likelihood that important police considerations will not be considered during the deliberations of the authority concerned. The Force Traffic Management Officer will formulate a reply, in consultation with local policing teams, as appropriate.

Occasionally, residents' action groups or individuals will write to the Chief Constable or to BCU Commanders requesting support for specific road schemes – e.g. traffic calming measures, changes to speed limits, waiting restrictions, pedestrian crossing facilities etc. The responsibility for dealing with requests of this nature rests not with the police but with the relevant highway authority and correspondents should be advised accordingly. It is important that we do not attempt to respond on behalf of the highway authority concerned. Such requests should be referred to the Traffic Management Officer who maintains a strong link with highway representatives (see above).

Occasionally, it may be necessary to submit a police recommendation to the highway authority in which case, where appropriate, local policing teams will be consulted, especially where there are enforcement implications or other matters of local interest to be taken into

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account. In contrast, where correspondents are requesting enforcement of existing speed limits, waiting restriction, etc. this is very much an operational policing responsibility and should be forwarded to the relevant section manager and/or Casualty Reduction Enforcement Support Team as appropriate for attention.

7. Routing of Traffic

Traffic Diversions

When major roadworks, special events, or other local traffic problems are likely to disrupt the flow of traffic, consideration should always be given to the introduction of suitably signed diversions. These will normally be introduced by highway authorities after consultation with police and other interested parties.

Road Obstructions

Instances of an abnormal road obstruction interfering with the normal flow of traffic e.g. floods, fallen trees, collapsed building etc. should be reported to the Force Control Room who will create an incident log. Force Control Room will be responsible for informing the appropriate highway authority who will in turn be requested to arrange for the removal of the obstruction and the placing of warning and diversionary signs if necessary. Force Control Room should be notified and will ensure that local and/or national radio stations are notified for the information of the public in appropriate circumstances.

Local authorities should only be requested to respond immediately to an incident when it is absolutely necessary. Each case should be judged on its merits and requests of a non-urgent nature should be communicated during normal working hours.

8. Traffic Signs

Definition

Traffic signs are defined as 'all signals, warning posts, direction posts, signs or other devices for the guidance, direction or control of persons using the roads. These include not only permanently erected signs, but also temporary signs, lines and road markings'.

Categories – Enforcement and Maintenance

Signs can generally be divided into three categories: -

- i) Warning – These are used to indicate a dangerous, unusual or unexpected situation and it is essential that the sign accurately describes the situation to be encountered. They are normally triangular in shape.
- ii) Mandatory – These are divided into two sub-sections; signs indicating prohibitions and others giving orders. They are normally circular in shape.
- iii) Information – There are two categories in this section; general information and boundary/direction signs. Good direction signing is a major contributor to traffic management as it enables drivers to be given information well in advance of junctions etc.

Carriageway Markings

Carriageway markings are an integral part of traffic management and they fall into the same three categories as upright signs: -

- i) Warning – e.g. central white lines, lane lines, edge of carriageway lines and school entrance markings.
- ii) Mandatory – e.g. give way, stop, double central white lines, waiting restrictions, box junctions and zig zag markings at pedestrian crossings.
- iii) Information – e.g. bus stops and route markings.

Some road markings must be used in conjunction with upright signs and preclude enforcement unless the correct combination is used.

Reporting of Defects

In the interests of road safety, in order to prevent abuse and to ensure that prosecution can be undertaken where appropriate, it is essential that traffic signs and carriageway markings are maintained in good condition. Any defects which come to police attention, including instances where signs are not illuminated or are masked by foliage etc. should be reported using an officers Personal Digital Assistant (PDA) where available, allowing the details and location to be transmitted directly to the relevant Highway Authority. Alternatively, Form 421 (available electronically via S Drive, Force Forms) can be completed which is sent to the relevant highway authority via the Collision Administration Team.

Both PDA and Form 421 reporting are intended as a convenient means of reporting relatively minor road defects.

When completing the form, officers should insert full details of the exact location (automatically provided using PDA if completed at the location), including road numbers where applicable. Some items of roadside furniture (e.g. street lamps and traffic bollards) display a serial number and where possible, these should be included to enable highway maintenance staff to readily identify the defect. Officers should complete their full details, together with a direct dial telephone number, or telephone extension, to enable highway maintenance contractors to make direct contact in the event of further information being required.

Form 421 should NOT be used for recommending measures that require major road reconstruction or will necessitate major expenditure on the part of the Highway Authority. Suggestions or recommendations of this nature should be reported and submitted to the Force Traffic Management Officer.

Road defects that require immediate attention on safety grounds (e.g. exposed electrical wiring, defective traffic lights) should be notified immediately by telephone or fax to the relevant Highway Authority via Force Control Room.

Temporary Signs at Roadworks

Section 174 of the Highways Act 1980 and New Road Works and Street Works Act 1991 place a quite specific obligation on those engaged in roadworks to provide proper traffic signs, barriers and lights for temporary obstructions and to remove them as soon as they

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cease to be needed. Chapter 8 of the Traffic Signs Manual sets out the accepted Code of Practice to be followed. The signing of roadworks can, however, leave a lot to be desired. Inattention to safety can create unacceptable hazards. The fact that the signs are temporary can encourage the attitude that they do not carry the same weight as permanent traffic signs. Officers should pay attention to such sites and ensure that remedial action is taken whenever inadequate warning signs are displayed.

Patrolling officers should seek advice from a Road Policing supervisor if they are unsure.

Police 'No Waiting' Signs

The Traffic Management Act 2004 makes provision for any person under the instructions of the police or highway authority to place 'no waiting' cones on the highway indicating prohibitions or restrictions relating to vehicular traffic in order to prevent congestion or obstruction – power to maintain such a sign for a maximum period of 7 days or less from the time it was placed out. Section 67 Road Traffic Regulation Act 1984 grants this power but only in extraordinary circumstances. Only police officers can deal with drivers/riders who fail to comply with these cones – the offence is failing to conform to a traffic sign and is non endorsable.

Operational Planning Sections based in the 2 territorial divisions and at Headquarters liaise with respective organisers and the Force Traffic Management Officer concerning events where it may be necessary to place out cones. If agreed, organisers can buy in or hire cones and place them out as per police written authorisation.

9. Speed Limits

Responsibility

The Highways Agency is responsible for the setting of speed limits on the strategic road network. Local highway authorities may impose, vary or remove speed limits on principal and other roads within their jurisdiction.

Use of Speed Limits

The criterion for setting local speed limits is set out in the Department of Transport Circular 1/2013 Setting of Local Speed Limits. The fact that a speed limit has been imposed at a place which genuinely requires special protection and is not unreasonably low is likely to influence driver behaviour so as to benefit all road users. Experience has shown, however, that many residents and indeed, some authorities, expect too much from speed limits. The Department for Transport sets out guidelines for the setting of speed limits.

One of the key factors in the Government guidance is 'what the speed limit on a particular road looks like to road users' because a key point is the need for general self-compliance in order to ensure the speed limit is adhered to by the majority of road users.

There can be no doubt that lower speeds tend to result in fewer and less serious collisions but simply to make a Traffic Regulation Order and erect speed limit signs does not automatically ensure that traffic speeds will be reduced to the extent desired and this is likely to carry difficult enforcement implications.

Whenever a Highway Authority proposes to introduce a speed limit which is clearly likely to create an onerous and unsustainable enforcement burden, the authority should be urged to

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introduce effective measures designed to induce compliance with the new limit. Analysis of injury collision history and the identification of suitable engineering measures must be a priority consideration before new speed limits are introduced; otherwise there is a risk of the collision areas remaining untreated.

When considering the proposed introduction or variation of a local limit, the following general points should be borne in mind: -

- i) Local limits are not normally necessary where the character of the road itself limits the speed of most vehicles to a level at or below that of the limit under consideration.
- ii) Limits which are unsupported by evidence of speed related collisions, but are imposed in anticipation do not serve the cause of traffic management or road safety.
- iii) Speed limits cannot be used to solve problems caused by isolated hazards and should not be applied to meet conditions arising for only short periods of the day e.g. outside schools or factories. In such circumstances other measures such as adequate warning signs, improved lighting or even variable speed limits which are in force only the duration of the hazard are likely to be more effective and respected.
- iv) Speed limits should only be lowered when a positive contribution to road safety, casualty reduction or traffic management can reasonably be expected. A study of types of collisions, their severity, causes and frequency, together with a survey of traffic speeds will all help to determine the most appropriate speed limit.

Enforcement

NPCC Speed Enforcement Policy Guidelines (issued in May 2013) and approved by Chief Constables reiterates the importance of Highway Authorities introducing 'workable' speed limits stating that when a road looks and feels like the speed limit many drivers will comply.

The need to consider providing speed enforcement includes locations where: -

- i) A mandatory limit has been introduced.
- ii) There is a need for compliance.
- iii) The speed necessary is clear to all drivers using the road and;
- iv) Some decide to ignore the limit and road safety benefit will be achieved through compliance.

Traffic Calming Measures

Traffic calming measures such as road humps, pinch points, kerb build-outs and central hatch markings can all help to alter a driver's perception of the road and are likely to control speeds much more effectively than unrealistic speed limits. They have a very useful role to play in contributing towards road safety and casualty reduction and their use should always be considered in appropriate circumstances.

Safety Cameras

The use of cameras, whether fixed or mobile, can be most effective in controlling traffic speeds. Their introduction will be considered only in respect of those routes that are known to suffer from a speed related personal injury collision problem.

The Smart Motorway All Lane Running Scheme commenced operation between M1 Junctions 28 and 31 South Yorkshire border on 31 March 2016, permanently converting the hard shoulder to a running lane. This is a congestion scheme aimed at controlling traffic flows to minimise traffic disruption. The road is managed by Highway England and one of the safety technology features is the presence of mandatory variable speed limits which manage traffic flows. Highways Agency Digital Enforcement System 3 (HADECS) speed cameras are in operation.

Force advice can be obtained from the Derbyshire Safety Camera Partnership via the Safer Roads Website.

10. Motor Rallies

General

Motor car and motor cycle rallies, treasure hunts and reliability trials are often held in the Force area and there is a need to strike a fair balance between the interest of participants and the general public.

Legislation

It is an offence to promote or take part in a competition or trial involving the use of motor vehicles on a public highway unless the event is authorised under the Motor Vehicles (Competitions and Trials) Regulations, 1969 by the RAC Motor Sports Association. Certain categories of event do not require authorisation.

Notification of Events

Notifications regarding events to be held are dealt with by the Force Traffic Management Officer who will ensure that the territorial divisions concerned are notified. Should BCU Commanders receive initial notification of any event, this should be forwarded to the Force Traffic Management Officer for necessary action.

Conduct of Rallies

Competitors in road rallies have no exemption from the law relating to the use of motor vehicles on the road and any offences which come to notice should be dealt with in the usual way. Whenever a night-time rally is in progress, the Duty Inspector, FCR will ensure that an incident log is created and maintained throughout its duration. Complaints received from members of the public during or following the event, including those which relate only to noise and disturbance should be recorded. Complainants should be given the details of the RAC Motor Sports Association (MSA) cao@msauk.org or 01753 765000 in order that complainants can contact the MSA directly. Details of complaints should be forwarded as soon as possible and in any case within 48 hours to the Force Traffic Management Officer who will ensure that they are passed on to the RAC Motor Sports Association for attention.

In addition to this action, the Force Traffic Management Officer will liaise with the MSA and event organisers as appropriate.

11. Cycle Racing on Highways

Legislation

The rules governing the conduct of Cycle Races and Cycle Time Trials are contained within the Cycle Racing on Highways Regulations 1960 (as amended).

All notifications or applications in respect of cycle time trials and cycle races, including triathlons and duathlons, must be forwarded to the Force Traffic Management Officer who will liaise with Road Policing Inspectors and Section Managers as necessary.

Time Trials

A cycle time trial does not require approval provided details as specified in the regulations are supplied in writing to the Chief Officer of Police at least 28 days before the event is due to take place. Competitors are normally spaced in groups of not more than four riders who are, in effect, racing against the clock. Although they cannot be prevented from doing so, for safety reasons, organisers should be discouraged from selecting courses which might expose riders to unnecessary risks such as high speed dual carriageways and busy roundabouts.

Cycle Races

Massed start cycle races require police authorisation and must comply with the standard conditions set out in the regulations. Should there be any deviation from the standard conditions; a police dispensation will be required. Chief Officers may impose conditions where considered necessary, even if such a race meets standard conditions and these will normally be invoked to promote the safety of competitors and other road users.

The race organiser has responsibility to ensure the safety of participants and other road users.

The relevant highway authorities must also be informed by the organisers and there must be effective liaison as appropriate. Often road closures need to be considered because there should be no reliance on police resources to enable such events to take place given that this is not a primary police core responsibility and the legalities which restrict the policing of pre-planned events on the highway.

It is anticipated that police officers will be provided only for large national or prestigious events, subject to the exigencies of other duties.

Officers engaged in traffic control duties in connection with a cycle race will need to be supporting a lawful road closure authorised by the Highway Authority or properly authorised under Section 31 (4) of the Road Traffic Act 1988.

In order to standardise races throughout the Force area, the following recommendations should be practised so far as is possible and any infringement of the law should be dealt with in the normal way: -

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- i) Roads should not be closed for cycle racing save in very exceptional circumstances (e.g. 'criterium' events which normally involve several laps of a closed circuit within a town centre). These closures will be authorised by the relevant local authority.
- ii) No more than one race should be permitted to take place on any course at any one time.
- iii) Marshals and all officials are to be instructed that competitors must observe mandatory traffic signs and have no right of way over other traffic using the road unless under the direction of a police officer in uniform. Any infringement of the law should be dealt with in the normal way.
- iv) A red flag or any other device must NOT be used to control traffic, other than warning competitors of danger. Signs warning other road users of the presence of cyclists may be used with the consent of the local highway authority.
- v) Marshals must be provided at strategic locations, including road junctions, along the route. They should be clearly identifiable through the wearing of armbands, tabards or other means of identification.
- vi) Marshals and officials connected with the race must be informed that they have no authority to slow down, stop or otherwise interfere with traffic using the road.
- vii) Race officials will be expected to take all possible action to prevent bunching of competitors, especially on any 'A' class roads or uphill sections of the route.
- viii) The organisers should inspect the route prior to the commencement of the race in order to ensure that the road surface is free from defects or other obstruction likely to cause danger to the competitors.
- ix) The cycling disciplines of triathlons and duathlons normally take the form of a cycle race and any notification of such an event should be treated as if it were a cycle race.

Large Scale Leisure Rides – Cyclo Sportives

These events attract large numbers of cyclists including club team members. The event is not competitive and its structure is not covered by cycling regulations, however, the effect of very large numbers of cyclists on the road network has safety implications for road users, particularly where individuals 'time' themselves over the course. These courses can be around 100 miles with smaller, simultaneous routes of 50 – 60 miles. Participants pay a fee to take part. Typically different route sections can overlap and the risk of added congestion on these sections requires proper consideration by organisers.

These types of events require effective liaison with organisers, highway authorities and safety groups to ensure road safety risks are satisfactorily addressed. Organisers can be invited to the County Safety Advisory Group where necessary.

12. Other Events

Notification – Policy

Police are often notified of events on the highway which are not governed by regulation but are organised for leisure or fund raising purposes. In many cases, police permission is sought for the holding of such events.

The responsibility for the organising of such events and for the safety of participants and other road users rests entirely with the organisers and those taking part. The rights of people to run, walk, ride, cycle or drive on the highway should be recognised and police are not empowered to grant or refuse permission for these events.

There is no obligation upon the police service to provide assistance for organised events on the highway but the police will advise and liaise with organisers with a view to ensuring the safety of participants and to minimise inconvenience to other road users.

Guidelines

Where notification is received of an event on the highway involving runners, riders, walkers or cyclists, organisers should be discouraged from conducting the event on the highway and advised to consider making use of footpaths, bridleways, local parks or sports stadia.

Where the event is likely to cause serious disruption or danger to participants or other road users e.g. truck pulls, bed pushes etc. organisers should be advised of the road safety risks and the need to guard against any obstruction of the highway. They should also be advised of their responsibility to ensure the safety of participants and other road users.

Organisers should be advised that we cannot normally provide police officers to assist or facilitate events on the highway. However, in exceptional circumstances, they may be provided at the discretion of BCU Commanders and will be the subject of local negotiation. Police officers may be provided under Special Duty (payment) provision either to facilitate the event or support lawful road closures.

When notification is received of an event taking place wholly or mainly on footpaths or bridleways away from the main highway, organisers should be advised that there are no police objections. However, precautions should be taken to protect the safety of participants at those locations where the route crosses roads, particularly where children are concerned. These might include the provision of marshals and/or the deployment of suitable warning signs.

Traditional events such as carnival processions, local festivals and parades will be referred to the appropriate Operations Planning or Section Manager for local negotiation with regard to policing arrangements. Traffic Management will advise on respective traffic management plans for events as required.

These guidelines do not seek to prevent police employees from exercising their right to organise or participate in such events in a private capacity. The responsibilities of organisers in connection with events must be fully understood by them together with the responsibility placed on individuals taking part. The police will advise organisers as necessary, where notified of an event; however, there should be no general reliance or expectation by organisers on the presence of police to enable the event to take place.

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Advice for event organisers from the main sporting bodies, in relation to events on the highway is widely available on the Intranet. Both the police and highways also send out an e-copy of The Home Office Good Practice Safety Guide.

