

EDINBURGH TRAM**Traffic Regulation Orders****Meeting to discuss Strategy 14 August 2009****AGENDA**

1. Background:
 - a. TRO design detail not available with Tram Bills
 - b. CEC instruction on 'mirroring'
 - c. TRO design detail not available in advance of InfraCo Works;
2. Legal Risk Management:
 - a. Papers attached;
 - b. Various meetings since 2002;
 - c. Change in Regulations;
 - d. Risk inherent in process so accept risk that most benefits project
3. Proposed Strategy:
 - a. Briefing Paper attached;
 - b. Programme – key dates;
 - c. Public exhibitions in 2008;
 - d. Scope of statutory consultation;
 - e. Managing expectations at public deposit stage;
 - f. CEC Members:
 - i. briefing on process and risks;
 - ii. scope to vary TRO 1;
 - iii. no public hearing for TRO 1?;
 - iv. no deputations for TRO 1?
4. Outcomes:
 - a. Follow up on TPB report (29 July09) ;
 - b. Management approval of strategy;
 - c. Member approval of strategy

Members Briefing

Traffic Regulation Orders.

The Council has been empowered by Scottish Government through Acts of Parliament (Tram Acts 2005) to build and operate a tram system on and off street. The Scottish Government has also approved funding for the tram, subject to compliance with the Council's approved business plan.

Construction of the tram system is underway. This commenced by diverting and renewing utility services adjacent to the tram tracks and more recently with the main civil engineering works for structures, laying of track and the infrastructure to power the tram. The current programme shows completion of the works in early 2012. .

Before the trams can run on-street the Council is required to make Traffic Regulation Orders (TROs) to manage the inter-relationship between tram and road traffic and to ensure the efficient and effective operation of the tram system. TROs empower the Council to enforce stationary traffic offences, such as parking and loading. The Police have exclusive powers to enforce moving traffic offences, such as no entries or banned turns. Without these regulations in place the tram would not be able to operate in accordance with its business case.

It is normal custom and practice for the Council to approve any change to Traffic Regulation Orders prior to the implementation of amendments to the road layout. For the tram project it was not possible or practical to do this because of the complexity of the design process and the parliamentary process which had to be followed. It is only recently that the detailed design for the on street sections have been sufficiently advanced to allow the finalisation of the TRO drawings.

Importantly, it should be noted that the Council has not used TRO powers in this way before. In this case the Council's promotion of traffic regulation orders, especially at this initial stage, are required to facilitate the on street

operation of the tram system including compliance with the business plan. This contrasts with the Council's normal practice of promoting traffic regulation orders to facilitate traffic management schemes. The difference being that, the Council, empowered through the Tram Acts, are initially promoting "core" traffic regulation orders that are necessary for the effective and efficient operation of the streets along which the tram runs and that are consistent with the approvals granted by the Scottish Government.

It may be that other elements of the orders, "consequential" traffic regulation orders, have the potential to be varied from that which is being promoted. Any potential changes, however, must be subject to a rigorous design review to ensure that both the tram and traffic can operate safely and effectively, while achieving the sensitive balance for competing travel needs within the available on street space.

Consequently a TRO protocol has been developed that enables the TRO process to evolve, that complies with the operating requirements of the tram in conjunction with other road users. The main Order will allow the operation of the tram, is referred to as TRO1. The essential nature of these orders is to enable operation of the tram system, which departs from the Councils normal custom and practice, when promoting TROs. Subsequent Orders may amend the provisions within TRO1 and these can follow normal TRO procedures.

TRO Protocol

TRO 1 follows a 5 year long design process to ensure that the tram will operate safely and efficiently on street and thus meet the objectives set out in the Council and Scottish Government approved business case. These proposed orders if approved would replace the existing Orders and provide control of streets to allow TEL to operate the tram in accordance with its business case.

The design of the road layout and tram system has taken into account comments made by members of the public during various stages of the evolution of the design, as part of the informal consultation process.

Ultimately this design reflects a sensitive transport balance that achieves the safe operational requirements of the tram system, while integrating this with the access and safety requirements of other road users.

The TRO 1 orders have very limited scope for changes adjacent to the tram, as this may impact on the constraints set and approved by Council. Even where the potential for consider changing is to be considered this will follow o design review process and then when appropriate incorporation within the TRO 2 process. This is primarily due to the long timescale for design changes. This is best achieved in time and cost terms through the promotion of further orders, which can be incorporated prior to the operation of the tram.

TRO 2 enables variations to TRO 1 to be made, while also taking into account design impacts from the new pedestrian requirements at signalised crossings, outstanding design issues and area wide traffic impacts. This Order will be promoted following the making of TRO1.

TRO 3 enables variations to TRO 2 to be made, and facilitates design changes to the orders resulting from the monitoring of tram shadow running and any other changes to improve the integration of operation of the tram with other road users.

TRO 4 enables variations to TRO 3, subject to the design changes following the monitoring the fully operation tram.

Next Steps

Statutory Consultation:

Statutory consultation on TRO 1 is planned for October 2009. This process includes consultation with the emergency services and road haulage associations to determine their views on the operational impact of TRO 1. The Council's custom and practice is to engage with a wider group (29+ stakeholders) however because of the special circumstances relating to TRO1 and the need to demonstrate best value it is recommended that the Statutory Consultation is restricted to the 5 consultees required by statute.

Public Deposit:

Following the Statutory Consultation the Council will be asked to approve publication of the draft TRO1 early in the new year. Members of the public and other stakeholders will have the opportunity to make representation on the draft TRO 1 at this stage. The draft order along with supporting drawings and explanations will be available for inspection at Waverley Court and at selected public libraries. Copies will also be made available on the Internet. The legislation requires the Order to be advertised in local press but there is no requirement for notices to be posted along the length of the route. The Council, through tie, will respond to any objections raised. It is unlikely that any changes will be recommended to the draft TRO1 at this stage as this could impact on the design of the tram route. Any issues that are relevant can however be taken forward and investigated as part of TRO2 process.

Report to Council:

A comprehensive report on TRO 1 is planned to be submitted to Council in September 2010. This report will address all relevant issues in detail and it will contain a recommendation on the making of TRO 1 to enable the tram to operate in accordance with its business case. It is likely that a number of objections will be made to the Order and it will be important that the correct procedures are followed. Many objections will be based on the principles of the tram and these have already been decided on by Parliament. Because of the special nature of the project the Scottish Government changed the primary legislation which no longer requires the use of a public hearing process. Instead the Council is required to consider making the Order based on the information contained in the officers report. It would also be inadvisable to hear any deputations relating to the Order.

TRO 2:

After the Council make TRO 1, a report will be presented to members with suggested measures that should be taken forward for consideration in TRO 2. The TRO2 process will then follow on from TRO1 following the normal Council procedures. This gives time to test amendments to the design before

proceeding to the statutory consultation and public deposit of the draft Order. This process should be complete by the autumn of 2011 prior to shadow running.

TRO 3

It is anticipated that further modifications to TROs may be required following the monitoring of shadow running and this would be implemented as part of TRO 3. Any further TROs would follow the Council's normal procedures for TROs.

Summary

TRO1 is fundamental and necessary for the operation of the tram and the procedure for implementing it needs to depart from the normal custom and practice. The provisions in this Order need to be in place to allow tram to operate within the on street sections.

Any issues arising from TRO1 will be evaluated and incorporated into TRO2 and subsequent amendments where appropriate. This gives times to evaluate changes to the design and the wider impacts to the community.