

Edinburgh Tram - Traffic Regulation Order

Transport, Infrastructure and Environment Committee

22 September 2009

1 Purpose of report

- 1.1 The Director of City Development will be advertising a Traffic Regulation Order (TRO) early in 2010. The TRO is required to allow the Tram to operate in line with its business case which was approved by Council in 2007. This report describes the procedures and programme which will be followed.

2 Main report

- 2.1 The Director of City Development reported to the Tram Sub-Committee on 10 August 2009 on the strategy for the promotion of the tram Traffic Regulation Orders. This report gives an update on the development of that strategy.
- 2.2 The TRO process is governed by The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999. It is a two-stage process involving consultation with prescribed statutory consultees in the first instance, followed by publication of the Orders. The statutory consultees comprise:
- Lothian & Borders Police
 - Emergency Services (Fire & Ambulance)
 - Freight Transport and Road Haulage Associations
 - Public Transport Operators (Lothian Buses and First Group)
- 2.3 In the interests of openness the draft TRO1 drawings will be made available on the Internet and will also be issued electronically to local community groups and interest groups during the statutory consultation stage. As public input is not normally sought at the statutory consultation stage, the groups will be advised that this is for information only and that comments and objections will be invited at the second stage when the draft TRO1 drawings are officially advertised. Public exhibitions will be held at that time.

Background

- 2.4 The Director of City Development reported to the Committee on 25 September 2007 on the Scottish Government's proposal to amend the 1999 Regulations to take account of situations where traffic measures are to be made "*in connection with matters already authorised by a Private Act of Parliament.*" The amendment recognised the need to improve the statutory procedure to allow authorities to manage the promotion of Traffic Regulation Orders more effectively and more efficiently in such special circumstances.
- 2.5 The amendment replaced the requirement for a *mandatory* public hearing of objections with the option to hold a *discretionary* hearing. The Transport, Infrastructure and Environment Committee supported and endorsed the Scottish Government's proposal but an assurance was also given that the TROs for the tram project would be subjected to a formal statutory process.
- 2.6 In normal practice the TRO process, and the making of the associated Orders, precedes the project. If the Orders cannot be made, for whatever reason, then the project is either abandoned, or it is revised and the TRO process is recommenced. Construction is only undertaken once the required Orders are in place.
- 2.7 Edinburgh Tram is unique in that the project has already been approved under an Act of Parliament, a programme of works has been set and construction is underway. TRO1 requires to be made to allow the tram to operate in line with its business case.
- 2.8 TRO1 must define the extent of waiting and loading restrictions, banned manoeuvres, extent of tram and/or bus-only lanes and times of operation, etc. It is a difficult balance because the design of TRO1 must ensure that the tram can run as per the Council's approved business case and ensure that reasonable access for all road users is maintained.
- 2.9 TRO1 reflects the endeavours to achieve that end and is the result of a four-year design process. The designers, *tie* Ltd and the Council have undertaken extensive informal consultation, culminating in a series of public exhibitions in September 2008.
- 2.10 In the first stage it will be recommended that TRO1 is made as published as this will ensure that appropriate Orders are in place to allow the tram to operate and the road network to be managed. Not implementing TRO1 as published would create very difficult issues arising from an unregulated road network. This could result in potentially unsafe roads, as well as having unregulated kerbside parking and loading which would have a direct detrimental impact on local businesses and residents.
- 2.11 Recognising the time imperative and the importance of allowing stakeholders to influence the final outcome, *tie* Ltd propose a three-stage process.

TRO Strategy

- 2.12 In the first stage it is proposed that the Orders (designated TRO1) relating to the on-street sections of tram are promoted, that comments and objections are noted but no immediate action is taken, and that the Orders are made, as published. This will ensure that Orders, TRO1, are in place to allow tram to operate and the road network to be managed. The existing Orders on the tram route will be revoked and replaced by the TRO1 Orders.
- 2.13 The second stage will then involve refinement of TRO1 — taking into account comments and objections received at the TRO1 consultation stage — and promotion of a variation Order (designated TRO2), if appropriate. An example of the type of refinement involved might be the precise extent of loading areas and public parking areas where the two could be interchangeable at any given location.
- 2.14 The third stage will then involve promoting any necessary changes identified during the tram commissioning period and promoting a third Order (designated TRO3). Examples of the type of change involved might be where a permitted manoeuvre at a junction is found to have a serious detrimental impact on tram operations or where public safety is compromised, and an alternative solution is required.
- 2.15 Orders relating to wider-area issues and changes along or adjacent to off-street sections of tram will be brought forward separately and will be reported to Committee at the appropriate time.

Programme

- 2.16 The proposed programme is:

ITEM	DESCRIPTION	DATE
1	Statutory Consultation (28 day) on draft TRO1 Orders.	Start 12 Oct 2009
2	Report outcome of statutory consultation to Transport, Infrastructure and Environment Committee and seek approval to place draft TRO1 Orders on public deposit.	9 Feb 2010 (or call Special Committee meeting)
3	Public deposit (28 day) of draft TRO1 Orders, i.e. advertise Orders and invite comments and/or objections from the public.	22 Feb 2010
4	Report outcome of public consultation to Council and seek approval to make TRO1 Orders.	June 2010
5	Make TRO1 Orders.	July 2010
6	Consider comments on and objections to TRO1 and promote a variation Order (TRO2), as appropriate. Off-street tram TROs and wider-area road network TROs will be promoted at the same time.	July 2010 onwards
7	Review tram operation during the tram commissioning period and promote variation Order (TRO3), as necessary.	Oct 2011 onwards

- 2.17 The report on the outcome of the public consultation (Item 4 above) will include a comprehensive explanation of and justification for the required TRO1 Orders. The report will also detail the comments and objections received and this will then form the basis of the review (Item 6 above) of TRO1 and promotion of any necessary variation Order (TRO2).

Communications Strategy

- 2.18 A comprehensive Communications Strategy has been drawn up to accompany the proposed three-stage Order process to ensure that stakeholders understand the process and are informed as to the appropriate time to comment on or object to the proposals.

3 Financial Implications

- 3.1 The costs will be contained within the Tram budget.

4 Environmental Impact

- 4.1 There are no adverse environmental impacts arising from this report.

5 Recommendations

- 5.1 To note the contents of this report and approve the process and programme to be adopted.



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Appendices	None
Contact/tel/Email	Alan Bowen, 0131 623 8804, alan.bowen@edinburgh.gov.uk
Wards affected	All wards
Single Outcome Agreement	N/A
Background Papers	None