



**HEREFORDSHIRE COUNCIL
HIGHWAY SERVICE
TRAFFIC REGULATION ORDER MAKING PROTOCOL**

1. Introduction - A Traffic Regulation Order (TRO) is a fundamental requirement of many traffic schemes. TROs are necessary to implement speed limits, waiting and loading restrictions, one-way streets and numerous other traffic restrictions that are increasingly required as part of the management of highway network. This Protocol has been adopted to secure the efficient management of requests for Traffic Regulation Orders. It sets out the stages that will be followed in processing a request for a TRO to its conclusion and indicates the target timescale for the process.
2. The consideration of a TRO and its progression in accordance with this protocol can be initiated by either the Cabinet Member for Highways & Transportation or any other source provided that that source has the support of the relevant Member of Parliament, Town or Parish Council and/or the Local Member(s) and/or one or more of the statutory consultees. Individual requests for a TRO will not be considered further, unless it has the support of one, or more, of the aforementioned bodies.
3. Within 10 days of receipt of a request an initial, desk top, assessment will be undertaken, with reference to the appropriate policy and criteria, and the person or body making the request advised, in writing, whether the request meets with said criteria and will be placed upon the list of items for consideration, or will not be taken forward. If the item is to be considered further the letter will outline the TRO process and indicate the likely timescales involved and will also advise that the final outcome of full investigations may not include the introduction of a Traffic Regulation Order.
4. All requests for Traffic Regulation Order's, that qualify to be considered further under this protocol, are to be logged, and given a unique reference number. This log will include the date of receipt of the earliest notification of the request, along with its original source, a description of the request and the reason for that request i.e. the problem that the TRO is intended to address. All requests will be logged within 5 working days of receipt, regardless of the communication medium used.
5. All requests for TROs will be communicated, by e-mail, in the form of a three monthly report to the relevant Local Members and the Cabinet Member for Highways & Transportation.
6. An initial ranked list of outstanding requests has been established (December 2008) and will formulate the base of program of consideration of requests. All new requests placed upon the list for further consideration will be ranked

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(under the agreed ranking protocols) at either six monthly intervals or when there are twenty requests upon the list, to establish where it should be placed upon the forward program. Should this differ greatly from the time scales originally provided further information will be sent to the originator of the request. This process will not preclude the placing of any item deemed to require early consideration upon the grounds of safety, traffic management, or if associated with other highway schemes within the program of works.

7. In line with the ranked schemes list and program a technical appraisal of the TRO request is to be made, This appraisal will be made within 30 working days using the best information available at the time of the request and allowing for the collection of additional data and will test the following points:
 - Does the TRO as requested fit with the aims and objectives as set within the Council's policies and plans, particularly the Local Transport Plan?
 - Would the TRO as requested provide a solution (at least in part) to the core problem as identified?
 - In outline, what other solutions may exist?
 - Would the TRO in a modified form better fit with the Council's aims and objectives and/or provide a better solution to the core problem as identified?
 - What level of risk does the core problem, as identified, present to the travelling public?
 - What information will be required to further this TRO proposal?

As its conclusion this outline technical assessment (Appendix 2) will make recommendation to either proceed with the TRO as requested, proceed with the TRO in a modified form, investigate alternative solutions or halt the process. If it is decided that the request cannot be taken forward, the applicant will be informed of this and of what, if anything, will be done.

8. If to be progressed, the agreement of the relevant Local Member will be sought in the form of the Local Members Agreement Form (Appendix 3), or confirmation in the form of a letter or e-mail. Upon receipt of this agreement the formal progression of the TRO will commence. The date on which this formal agreement is given shall be regarded as the formal start date for the formal TRO process and shall be recorded as such. It is anticipated that this agreement will be reached within 10 working days.
9. Preparation of formal consultation, including the preparation and communication of letters and detailed drawings outlining the proposals to the Chief Constable, Road Haulage Association, Freight Association, Parish Council's, Emergency Services, Bus Companies (if the proposal effects a Bus Route) and other statutory consultees. . These actions will take place within 10 working days of receipt of the Local Member's agreement.
10. A consultation period of 30 working days is then allowed for all consultees to provide their comment.



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11. A further 10 working days is required to consider all comments received and prepare a first draft of the formal report, recommending the introduction of the proposal (subject to the consideration of objections), to the Cabinet Member for Highways and Transportation.
12. The Highway Network Manager has a further 10 working days to approve the introduction of the recommendation. This process will typically involve discussion with the Cabinet Member for Highways and Transportation, particularly if the TRO proposed is thought to be contentious.
13. Upon gaining agreement of the Cabinet Member for Highways and Transportation the report is passed to Committee Services who will, within 5 working days, prepare a Decision Notice (Appendix 4) and arrange for signing by the Cabinet Member for Highways and Transportation. Within 5 working days of the signing, Committee Services will inform the appropriate officer of the decision and provide a hard copy of the signed decision notice. This decision can formally be delegated to the Director of Environment and Culture.
14. The Draft TRO, including for details of any existing TROs to be revoked, together with the Statement of Reasons (Appendix 5), Drawings and Notice of intention can then be prepared, in line with the approved report. This will be communicated to Legal Services within a further 10 working days. Legal Services will, within a further 15 working days, have checked, amended and communicated the Draft TRO, Statement of Reasons and Notice of intention.
15. The TRO proposal can now be advertised, this will typically be arranged within a further 15 working days* (note there is typically a delay of 5 working days between the deadline for ordering an advertisement and its publication in the press, this duration is included for in the 15 days). Advertisement will include, placing in the relevant local newspapers (typically the Hereford Journal when the TRO relates to a location within its circulation area), sending copies of the public notice to all Info in Hereford 'shops', sending copies of the public notice to the Council's communications team, sending letters to all statutory consultees, placing the notice on the Council's website and placing notices on site.
16. The advertisement period must last the statutory minimum of 21 days*, during this period site notices will be checked and replaced as necessary on a weekly basis. A record of their erection on site and all subsequent checks will be maintained on file.
- ~~17.~~ If objections to the proposed TRO are received during the advertisement period, they will have to be properly considered prior to the introduction of the Traffic Regulation Order. In many cases it will be appropriate to contact the objector, in order to understand the reason for their objection. Through this communication with objectors, their concerns can often be addressed either through the appropriate amendment of the TRO proposal or by their greater

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understanding of the purpose and reasoning behind the TRO as proposed, often leading to the removal of the objection. However, It should be acknowledged that it can be the case that some objection may remain, and this will have to be communicated in a final report and taken fully into account in the final decision on the TRO. To do this a summary of objections will be prepared for inclusion in the final report. This will take place over a period of 20 working days, and in parallel with stage 18 below.

18. Any remaining objections to the proposed TRO are communicated to the Chief Constable and Local Member/s for thier comment/s, this will take place in parallel with stage 14 above. They will be invited to provide comments within 30 working days.
19. When objections to the proposed TRO are received, within 10 working days of the end of the consultation period (Stage 18) a final report will now be drafted. The report will include a clear statement explaining the reason for TRO, a summary of considerations of the objections and comments received, an assessment of risk, a summary of where appropriate a range of viable options that can be taken by the decision maker and clear recommendations to which option best sits with the Council's aims and objectives as set out within the Council's policies and plans (particularly the Local Transport Plan), and provides the best solution, in light of the comments received, to the core problem that the TRO is intended to address. (Appendix 6). It should be noted that the recommendation put forward in the final report will need to take proper account of a range of political, social and technical criteria, as will be represented by the range of comments received from all consultees and objectors. The final report will be finalised through discussion between the Highways Network Manager and the Cabinet Member for Highways and Transportation. The report will typically be finalised within 15 working days*.
20. The final decision rests with the Cabinet Member for Highways and Transportation, and upon gaining agreement of the Cabinet Member for Highways and Transportation the report is passed to Committee Services who will, within 5 working days, prepare a Decision Notice (Appendix 4) and arrange for signing by the Cabinet Member for Highways and Transportation. Within 5 working days of the signing, Committee Services will inform the appropriate officer of the decision and provide a hard copy of the signed decision notice. -
21. If no objections are recieved, or following the signing and receipt of the decision notice with respect to the consideration of any objection, arrangements can be put in place to introduce the proposed Traffic Regulation Order. A Joined Up Programme (JUP) inclusion form will be produced and submitted for each TRO scheme immediately following its advertisement. The timescales included in the JUP will allow for sign and line design, the preparation of working drawings and schedules of work, the consideration Health and Safety and Environmental issues and production of the required documentation will take place. These designs will assume that the final decision will select the preferred option and an order will be placed

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on this basis at the earliest opportunity. However it will need to be understood by all in the Delivery Team, that the details of the order cannot be finalised until such time as the final decision has been reached. Final details will normally be established and an order confirmed within 10 working days* of the Decision Notice.

22. The Delivery Team will typically have 35 working days* to procure and deliver the work associated with the TRO.
23. The TRO will have to be sealed to make it legal and this will need to coincide with or precede the implementation of the works associated with the TRO. The implementation date will have to be agreed with Legal Services, a Notice of Making prepared, this will have to be advertised in the local press and the legal order sealed by Legal Services. The advertisement will need to appear in the local press a minimum of 7 days* before the implementation of the order. This stage will take place in parallel with stage 21 above.
24. Finally many of the timescales stated are indicated as typical (denoted with an *), in many cases any stage need not take as long as indicated, in other cases, but only for good reason, stages may take far longer than indicated. This is particularly likely where the TRO being considered is technically, socially or politically contentious. To account for this a 'buffer' is allowed in the delivery process of 15 working days.
 - The earliest the TRO can be expected to be delivered 'on the ground' is day one of the 'buffer' period and
 - the latest that it can be expected is day 15 of the 'buffer' period.
 - Throughout its delivery the highways Network Management Team will monitor the progress of the TRO and project an anticipated delivery date, based on the progress to date and an assessment of the work that remains.
 - If the anticipated delivery date extends beyond the first 5 working days of the 'buffer' period they will formulate a plan to recover progress, or if this is impractical amend the delivery programme.
 - If the anticipated delivery date extends into the final 5 working days of the 'buffer' period then the Team will action the recovery plan or amend the delivery programme.

Any amendment to the delivery programme will be communicated at the time of amendment to the Local Member and the Cabinet Member for Highways and Transportation, together with the reasons why. The typical maximum delivery period for a TRO is assessed as being between 295 and 310 working days* from the commencement of the process. A typical programme is detailed in Appendix 7.



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Appendix 1 – Standard letter informing persons requesting a TRO that their request has been logged.

Appendix 2 – Outline Technical Assessment – Model Assessment

Appendix 3 – Local Members Agreement Form

Appendix 4 – Decision Notice

Appendix 5 – Statement of Reasons

Appendix 6 – Model Final Report

Appendix 7 – Typical TRO delivery programme – Request to Conclusion.