

High Speed Rail (London - West Midlands) Bill

AMENDMENT
TO BE MOVED
ON THIRD READING

Schedule 33

LORD BERKELEY

Page 445, line 21, at end insert –

“PART 6

FOR THE PROTECTION OF TRANSPORT FOR LONDON AS TRAFFIC AUTHORITY FOR GLA
ROADS AND GLA SIDE ROADS

- 62 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the Secretary of State and Transport for London.
- (2) In this Part –
- “GLA Side Road” has the meaning given by section 142(1) of the RTRA 1984;
 - “GLA Road” has the meaning given by section 142(1) of the RTRA 1984;
 - “TLRN” means the Transport for London Road Network comprising, for the purposes of this Part, all the roads for the time being or may come to be GLA Roads or GLA Side Roads;
 - “traffic regulation order powers” means the powers of the Secretary of State under paragraphs 4, 7, 8, 9 or 11 of Schedule 25.
- 63 The Secretary of State must not exercise the traffic regulation order powers so as to affect any of the traffic regulation mechanisms listed as they were in force on the date on which this Act was passed in respect of GLA Roads and GLA Side Roads–
- (a) any bus lanes;
 - (b) any cycleways;
 - (c) the London Safer Lorry Scheme;
 - (d) any weight limits on a road; and
 - (e) any speed limits on a road.

Schedule 33 - continued

- 64 As part of the consultation provided for in paragraph 12 of Schedule 25 or otherwise, before exercising any of the traffic regulation order powers under Schedule 25 the Secretary of State must consult Transport for London as to the anticipated environmental (including traffic and transport) effects arising from the proposed exercise of such a power.
- 65 In relation to any consultation under paragraph 64, Transport for London are allowed a minimum of 2 months to consider and respond.
- 66 The Secretary of State must repay to Transport for London any costs reasonably incurred by Transport for London in making, varying or revoking a traffic regulation order in pursuance of any exercise of the traffic regulation order powers and in carrying out any works or putting in place any signposting required in consequence of the traffic regulation order powers.
- 67 In computing the costs to be repaid under paragraph 66 there is to be deducted any application fee already paid to support a request to Transport for London to make, vary or revoke the traffic regulation order.
- 68 No costs are payable under paragraph 66 if, and to the extent, that they are recoverable under paragraph 11 of Schedule 32.
- 69 The Secretary of State must repay to Transport for London any reasonable legal costs arising out of any proceedings brought by a third party challenging the making, varying or revoking of a traffic regulation order by Transport for London in pursuance of the exercise by the Secretary of State of the traffic regulation powers provided that the amount of those costs are first approved by the Secretary of State, such approval not to be unreasonably withheld or delayed.
- 70 The traffic authorities who, in accordance with paragraph 13(3) of Schedule 25, will be consulted on the statement under paragraph 13(1) of that Schedule include Transport for London.
- 71 The statement to be prepared by the Secretary of State in accordance with paragraph 13(1) of Schedule 25 must, in particular, include the following matters—
- (a) guidance as to when the duty to consult under paragraph 1 of Schedule 25 arises including circumstances where the duty does not arise because the traffic regulation order is required to be made at short notice to meet an emergency;
 - (b) the principles to be adopted as regards how the exercise of the traffic regulation order powers might affect any future traffic regulation mechanism listed in respect of GLA Roads and GLA Side Roads—
 - (i) bus lanes and cycleways,
 - (ii) speed restrictions, and
 - (iii) restrictions controlling heavy commercial vehicles,acknowledging that each such case is to be considered on an individual basis;
 - (c) the principles to be adopted if the Secretary of State deems it necessary following consultation to exercise the traffic regulation order powers in a way which might affect future changes to traffic regulation mechanism listed in respect of GLA Roads and GLA Side Roads—

Schedule 33 - continued

- (i) existing bus lanes,
 - (ii) existing cycleways,
 - (iii) the London Safer Lorry Scheme,
 - (iv) existing speed restrictions, or
 - (v) existing restrictions controlling heavy commercial vehicles,
- acknowledging that each such case is to be considered on an individual basis;
- (d) the principles to be adopted as to when it is appropriate for the traffic regulation order powers to be exercised in relation to the making of a temporary order under section 14 of the RTRA 1984 rather than the making of an order under section 1 or 6 of the RTRA 1984;
 - (e) the principles to be adopted as regards the exercise of the traffic regulation order powers which could affect a traffic regulation order made, or proposed to be made, by a local traffic authority in the case of an emergency;
 - (f) the process (including time frames) by which traffic authorities will be consulted and, in particular –
 - (i) the information to be given to them as part of the consultation including an explanation as to why the Secretary of State considers any particular proposed use of the traffic regulation order powers to be necessary for the timely, efficient and cost-effective construction of Phase One of High Speed Rail and is reasonable in the circumstances;
 - (ii) how their objections (if any) will be considered; and
 - (iii) if the power concerned is to be exercised, the reasons for the decision; and
 - (g) how any costs associated with traffic regulation orders, including any capital and/or third-party costs, to which the traffic regulation order powers relate (other than those mentioned in paragraphs 66 to 68) will be addressed.
- 72 Not later than three months from the date of the passing of this Act, the Secretary of State must send a draft of the statement mentioned in paragraph 71 to Transport for London, the nominated undertaker and the other traffic authorities required to be consulted under paragraph 13(3) of Schedule 25.
- 73 The Secretary of State must require the nominated undertaker to develop in consultation with the local highway authorities at the relevant TLG meetings the procedures to be adopted in exercising the powers to remove vehicles under paragraph 14 of Schedule 25.
- 74 In paragraph 73, “TLG meetings” means the local traffic group liaison meetings established in accordance with the High Speed 2 Phase One Route Wide Traffic Management Plan produced in accordance with the current draft of the HS2 Phase One Code of Construction Practice.
- 75 As soon as reasonably practicable after the date of the passing of this Act the Secretary of State must give notice under paragraph 2(1)(a) that paragraph 1(2) of the Schedule 25 will not apply as regards any road (or part of a road) comprised in any part of the TLRN which is within the area of any of the London Boroughs set out in paragraph 78.

Schedule 33 - continued

- 76 If approval has been given under paragraph 6 of Schedule 17, or if a request for approval has been made but not determined, in respect of the whole or a substantial part of the TLRN being approved as a construction route the Secretary of State will, not later than three months from the date on which such approval is given:-
- (a) by notice under paragraph 2(1)(a) of Schedule 25 designate any other road (or part of a road) comprised in the TLRN to which paragraph 1(2) of that Schedule is not to apply; and/or
 - (b) by notice under paragraph 2(1)(b) of that Schedule designate any description of traffic orders in relation to which paragraph 1(2) of that Schedule is not to apply as respects such road (or part of a road) comprised in the TLRN as may be specified in the notice.
- 77 Any notice given under paragraph 2(1)(a) of Schedule 25 pursuant to paragraph 76(1) shall have effect until a further notice is given under paragraph 2(1)(a) of Schedule 25.
- 78 The London Boroughs referred to in paragraph 75 are –
- The London Borough of Havering
 - The London Borough of Bexley
 - The London Borough of Bromley
 - The London Borough of Croydon
 - The London Borough of Sutton
 - The London Borough of Kingston
 - The London Borough of Richmond
 - The London Borough of Hounslow
 - The London Borough of Harrow
 - The London Borough of Barnet
 - The London Borough of Enfield
 - The London Borough of Waltham Forest
 - The London Borough of Redbridge
 - The London Borough of Barking and Dagenham
 - The London Borough of Newham
 - The London Borough of Greenwich
 - The London Borough of Lewisham
 - The London Borough of Wandsworth
 - The London Borough of Merton
 - The London Borough of Hackney
 - The London Borough of Haringey
- 79 For the avoidance of doubt, for the purposes of paragraph 3 of Schedule 25 the TLRN is the area for which Transport for London is the traffic authority.
- 80 The Secretary of State must not exercise the traffic regulation order powers so as to affect any road (or part of a road) comprised in any part of the TLRN which is within the area of any of the London Boroughs set out in paragraph 78.

Schedule 33 - continued

- 81 The Secretary of State must consult Transport for London and must not later than five months from the date on which this Act is passed –
- (a) by notice given to Transport for London specify any other road (or part of a road) comprised in the TLRN to which the traffic regulation order powers are not to be exercised; and/or
 - (b) by notice given to Transport for London specify any description of traffic orders in relation to which the traffic regulation order powers are not to be exercised as respects such road (or part of a road) comprised in the TLRN as may be specified in the notice.
- 82 The Secretary of State must expeditiously consider requests from Transport for London (acting reasonably) from time to time as to whether any further notice or notices should be given under either or both of the sub-paragraphs in paragraph 81.
- 83 Any notice given under sub-paragraphs 81(1) or 81(2) shall have effect until a further notice is given under that paragraph.
- 84 Not less than two months before giving a further notice under sub-paragraphs 81(1) or 81(2) which revives traffic regulation powers which, but for the further notice, cannot be exercised in consequence of a previous notice given under that paragraph, the Secretary of State must –
- (a) give a preliminary notice to Transport for London explaining the reason for the proposed further notice including an indication of how it is intended that the revived powers will be used in relation to the TLRN; and
 - (b) consult Transport for London on the proposed further notice.
- 85 In exercising any of the traffic regulation order powers, the Secretary of State must have regard to the plans and policies listed in paragraph 86.
- 86 The plans and policies referred to in this Part are the following, as adopted and amended from time to time-
- (a) the Mayor’s Transport Strategy; and
 - (b) the Transport Chapter of the London Plan.”

High Speed Rail (London - West Midlands) Bill

AMENDMENT
TO BE MOVED
ON THIRD READING

27 January 2017
