Dear Sir

THE HIGHWAYS (TRAFFIC CALMING) REGULATIONS 1993

1. The purpose of this joint circular is to offer guidance on the use of the regulations, which came into force on 27 August 1993. Detailed technical advice is contained within Traffic Advisory Leaflet 7/93, 2 copies of which are attached.

Background

2. The Traffic Calming Act 1992 was enacted to clarify the powers of highway authorities to install traffic calming measures in the highway. It inserted additional sections (90G - I) into the Highways Act 1980. These give highway authorities greater certainty and flexibility over the measures available to them to constrain vehicle speeds and to improve driver behaviour in sensitive areas.

3. Section 90G of the Highways Act 1980 allows a highway authority to construct traffic calming works which are either described in regulations or specially authorised. Section 90H provides for the Secretaries of State to make such regulations. Consultations have been undertaken with the local authority associations, professional bodies and some individual local authorities in deciding the extent of features which should be included within this initial set of regulations. The intention has been to keep the regulations uncomplicated, and to allow as much design flexibility as possible.

Extent of regulations

4. The regulations put beyond doubt that certain features which have been found to be effective may be installed to calm traffic. Previously there were doubts whether legislation permitted their use. The regulations do not prevent other measures, including signs, being used where these are clearly enabled under separate legislation. Nor do they preclude various measures being used in combination.

5. Works which conform to requirements imposed by the regulations or special authorisation will not be treated as an obstruction to the highway. However, highway authorities remain responsible for ensuring that any features they construct are safe in operation. Their liability to pay compensation for injury or damage occasioned by works they undertake is also unchanged.
Consultation

6. Requirements for consultation on proposals have been kept simple, to accommodate the wide range in scale and type of traffic calming schemes which are likely. Consultation with the police is required. Authorities will also have to decide what other consultation is appropriate and reasonable, taking account of who will be affected and to what extent.

7. The Departments advise that ambulance and fire services (and, where appropriate, coastguard services) and any bus operators should usually be consulted. Emergency services have legitimate concerns about meeting their statutory response times: highway authorities are encouraged to establish a dialogue with these groups in developing traffic calming proposals. Local residents, business interests and other people likely to be directly affected should be consulted. Consultation undertaken at an early stage in scheme design will allay uncertainty and concern about the scope of proposals. It can also help identify measures acceptable to the different road user groups and determine optimum sitting for those measures.

Special authorisation

8. Where traffic calming measures are proposed which are not clearly covered by the Highways (Traffic Calming) Regulations 1993 or under other legislation, legal authority for them may be sought from the appropriate Secretary of State under section 90G(1)(b) of the Highways Act 1980. Traffic Advisory Leaflet 3/93 explains the requirements for any applications for special authorisation. As new types of traffic calming feature are shown to be satisfactory under the special authorisation procedure the Departments aim to incorporate them into the traffic calming regulations.

20 mph Zones

9. In 20 mph zones the requirements for signing are relaxed.

Road Humps

10. The regulations do not affect the powers permitting and prescribing the use of road humps. (The relevant powers are sections 90A-F of the Highways Act 1980 and the Highways (Road Humps) Regulations 1990). A road hump embraces a range of other vertical deflection features, including speed tables, raised junctions and speed cushions, though not rumble devices. Where a road hump feature does not conform with the requirements of the road humps regulations, special authorisation may be sought from the Secretaries of State. Traffic Advisory Leaflet 3/93 contains advice on the terms under which such applications would be considered.

Circular Roads and technical advice

11. Further copies of this Circular can be obtained on application to:

NGAM Division and Director of Highways
Department of Transport Welsh Office
Room 3/11 Highways Directorate
2 Monck Street Government Buildings
London SW1P 2BQ Ty Glas Road
Llanishen
Tel: 071-276 2730 0222 761456 Ext 5251
Cardiff CF4 5PL
12. Copies of Traffic Advisory Leaflets can be obtained, free of charge, from:

Traffic Policy Division
Department of Transport
Room C10/12
2 Marsham Street
London SW1P 3EB

Tel: 071-276 6287

Yours faithfully

C THAME
Traffic Policy Division
Department of Transport

J G EVANS
Network Management
Welsh Office