L.N. 34 of 2011

AUTHORITY FOR TRANSPORT IN MALTA ACT (CAP. 499)

New Roads and Road Works (Amendment) Regulations, 2011

IN exercise of the powers conferred by article 43 of the Authority for Transport in Malta Act, the Minister for Infrastructure, Transport and Communications has, after consultation with the Authority for Transport in Malta, made the following regulations:-

Title and commencement.

1. (1) The title of these regulations is the New Roads and Road Works (Amendment) Regulations, 2011 and they shall be read and construed as one with the New Roads and Road Works (Amendment) Regulations, 2010, hereinafter referred to as "the principal regulations".

L.N. 29 of 2010.

(2) These regulations shall be deemed to have come into force on the 19th December, 2010.

Scope.

2. The scope of these regulations is to transpose the provisions of Directive 2008/96/EC of the European Parliament and the Council on road infrastructure safety management.

Amends regulation 2 of the principal regulations.

3. Regulation 2 of the principal regulations shall be amended as follows:

(a) immediately before the definition "the Authority" there shall be inserted the following new definition:

" "arterial and distributor roads" means those roads accordingly listed by the Authority in terms of regulation 3(3) of these regulations;";

(b) immediately after the definition "the European Union" there shall be inserted the following new definition:

" "guidelines" means measures adopted by the Authority laying down the steps to be followed and the elements to be considered in applying the safety procedures set out in Part II of these regulations;";

(c) immediately after the new definition "guidelines"

there shall be inserted the following new definition:

" "infrastructure project" means a project for the construction of new road infrastructure or a substantial modification to the existing network which affects the traffic flow, including, but not limited only to, traffic management schemes;";

(d) immediately after the definition "minor works" there shall be inserted the following new definition:

" "network safety ranking" means a method of identifying, analysing and classifying parts of the existing road network according to their potential for safety development and accident cost savings;";

(e) immediately after the definition "public road" there shall be inserted the following new definition:

" "ranking of high accident concentration sections" means a method to identify, analyse and rank sections of the road network which have been in operation for more than three years and upon which a large number of fatal accidents in proportion to the traffic flow have occurred;";

(f) immediately after the definition "road" there shall be inserted the following new definition:

" "road safety audit" means an independent detailed systematic and technical safety check relating to the design characteristics of a road infrastructure project and covering all stages from planning to early operation;

(g) immediately after the new definition "road safety audit" there shall be inserted the following new definition:

" "road safety impact assessment" means a strategic comparative analysis of the impact of a new road or a substantial modification to the existing network on the safety performance of the road network;";

(h) immediately after the definition "routine road maintenance" there shall be inserted the following new definition:

" "safety inspection" means an ordinary periodical verification of the characteristics and defects that require maintenance works for reasons of safety;";

(i) immediately after the definition "traffic management schemes" there shall be inserted the following new definition:

" "trans-European road network" means the road network identified in Section 2 of Annex I to Decision No 1692/96/EC of the European Parliament and of the Council on Community guidelines for the development of the trans-European transport network;".

Adds new regulations 8A to 8G to the principal regulations.

4. Immediately after regulation 8 of the principal regulations there shall be inserted the following new regulations:

"Road safety impact assessments.

8A. (1) A road safety impact assessment shall be undertaken by the Authority at the initial planning stage of any infrastructure project on that part of the national road network prescribed in the Third Schedule to these regulations.

(2) Such impact assessments may also be carried out at the initial planning stage of any infrastructure project on the remaining arterial and distributor road network.

(3) The impact assessment shall be carried out during the planning stage of a project before the completion of a definite design and it shall as much as possible take into account the elements set out in Annex I to Directive 2008/96/EC on road infrastructure safety management.

(4) The results of the safety impact assessment shall be considered in the planning process of the project.

(5) Where changes are required to the planned infrastructure project, the impact assessment shall indicate the road safety considerations which contribute to the choice of the proposed solution and shall further provide all relevant information necessary for a cost-benefit analysis of the different options assessed.

Road safety audits.

8B. (1) Every infrastructure project on that part of the national road network prescribed in the Third Schedule to these regulations shall be subject to a road safety audit which shall be carried out at the following different stages of a project –

(a) the preliminary design phase,

(b) the detailed design stage and during construction of the project,

(c) prior to being opened to traffic, and

(d) approximately a year after being opened to traffic.

(2) Road safety audits in terms of sub-regulation (1) may also be carried out on any infrastructure project on the remaining arterial and distributor road network.

(3) Road safety audits shall conform to standards produced by the Authority which shall as much as possible meet the criteria set out in Annex II of Directive 2008/96/EC ".

(4) A road safety audit may be undertaken in conjunction with a road safety impact assessment as provided for under regulation 8B.

Audits to be carried out by qualified auditors.

8C. (1) Road safety audits shall be carried out by qualified road safety auditors designated for the purpose by the Authority.

(2) The safety auditors referred to in sub-regulation (1) shall not have been or are involved in the conception or operation of the infrastructure project for which they have been engaged to carry out the audit.

(3) Until the 18th December, 2013, only persons who have, at least, relevant experience or training in road design, road safety engineering and accident analysis shall be considered to be qualified road safety auditors.

(4) With effect from the 19th December, 2013,

only persons who hold a certificate of professional competence issued by the Authority or by a body approved by the Authority or by any other competent authority following initial training shall be considered to be qualified road safety auditors. An auditor shall remain so qualified if he takes part in further training courses at least once every five years.

(5) The Authority shall recognise certificates of professional competence issued to road safety auditors before the coming into force of these regulations.

(6) The Authority shall, by the 19th December, 2011, provide training curricula for road safety auditors.

Audit report.

8D. (1) The road safety auditor appointed to carry out an audit of an infrastructure project shall set out safety critical design elements in an audit report for each stage of the project.

(2) Where unsafe features are identified in the course of the audit, but the design is not rectified before the end of the appropriate stage as referred to in Annex II to Directive 2008/96/EC, the Authority shall give the reasons thereof in an Annex to that report.

(3) The report referred to in sub-regulation (1) shall result in relevant recommendations from a safety point of view.

Safety ranking of the road network.

8E. (1) At least every three years with effect from the 1st January, 2011, a ranking of high accident concentration sections and a network safety ranking shall be carried out by the Authority on the basis of reviews of the operation of the arterial and distributor road network.

(2) For the purpose of the provisions of sub-regulation (1), the Authority shall endeavour to meet the criteria set out in Annex III to Directive 2008/96/EC and shall keep a data record of fatal accidents occurring on the arterial and distributor road network.

(3) For the purpose of keeping a record of fatal accidents occurring on the arterial and distributor road

network, the Authority shall draw up an accident report which shall include elements listed in Annex IV to Directive 2008/96/EC.

(4) Road sections showing higher priority according to the results of the ranking of high accident concentration sections and from network safety ranking shall be evaluated by expert teams by means of site visits guided by the elements referred to in item 3 of Annex III to Directive 2008/96/EC. At least one member of the expert team shall meet the requirements of regulation 8C(2).

(5) Remedial treatment shall be targeted at road sections referred to in sub-regulation (3) and priority shall be given to those measures referred to in item 3(e) of Annex III to Directive 2008/96/EC, giving close attention to those presenting the highest benefit-cost ratio.

(6) The Authority shall calculate the average social cost of a fatal accident and the average social cost of a severe accident occurring on the national road network and may choose to further differentiate the cost rates, in which case they shall be updated at least every five years.

Public to be informed of road repairs and signs to be placed thereon.

8F. (1) The Authority shall inform road users of the existence of a high accident concentration section through the media and by placing appropriate warning signs close to such sections.

(2) Appropriate signs shall be put and kept in place to warn road users of road infrastructure segments that are undergoing repairs.

(3) The said signs shall include signs which shall be visible during both day and night and they shall be set up at a safe distance and shall comply with the provisions of the Vienna Convention on Road Signs and Signals of 1968.

Safety inspections.

8G. (1) The Authority shall undertake, at least every three to five years, safety inspections in respect of all arterial and distributor roads in operations on the

national road network in order to identify the road safety related features and prevent accidents.

(2) Safety inspections shall also be carried out during road works on the national road network.

(3) Such inspections shall comprise inspections of the road network and surveys on the possible impact of road works on the safety of the traffic flow and shall be based on guidelines adopted by the Authority.

(4) The Authority shall adopt guidelines on temporary safety measures applying to road works and shall also implement an appropriate inspection scheme to ensure that those guidelines are properly applied.

(5) The inspections are to be carried out by a team headed by a trained safety expert who shall not have been or are involved in the design or construction of any road for which a road inspection has to be carried out in terms of this regulation.

(6) A road safety expert shall have the relevant experience or training in road design, road safety, traffic engineering and accident analyses.

(7) The safety expert shall prepare a formal report on the detected safety issues and on general recommendations to eliminate or mitigate problems.".

Amends regulation 13 of the principal regulations.

5. Regulation 13 of the principal regulations shall be amended as follows:

(a) in the marginal note thereto for the words "having access to a public road" there shall be substituted the words "having access to a road belonging to Government";

(b) in paragraph (a) of sub-regulation (1) thereof, for the words "any public road" there shall be substituted the words "any road belonging to the Government".

Adds new Third Schedule to the principal regulations.

6. Immediately after the Second Schedule to the principal regulations, there shall be added the following new schedule:

"THIRD SCHEDULE
(Regulation 2)

The trans-European road network within the Authority's jurisdiction



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