L.N. 159 of 2022

AUTHORITY FOR TRANSPORT IN MALTA ACT (CAP. 499)

Various Laws relating to New Roads and Road Works (Amendment) Regulations, 2022

IN EXERCISE of the powers conferred by article 43 of the Authority for Transport in Malta Act, the Minister responsible for transport, after consultation with the Authority for Transport in Malta, has made the following regulations:

Citation and scope.

1. (1) The title of these regulations is the Various Laws relating to New Roads and Road Works (Amendment) Regulations, 2022.

(2) The scope of these regulations is to transpose the provisions of Directive (EU) 2019/1936 of the European Parliament and of the Council of 23 October 2019 amending Directive 2008/96/EC on road infrastructure safety management.

PART I
AMENDMENTS TO THE NEW ROADS AND ROAD WORKS REGULATIONS

S.L. 499.57.

2. This Part amends the New Roads and Road Works Regulations and shall be read and construed as one with the New Roads and Road Works Regulations, hereinafter in this Part referred to as "the principal regulations".

Amends regulation 2 of the principal regulations.

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

(a) immediately before the definition "arterial and distributor roads" there shall be added the following new definition:

" "accident report" means a preliminary report drawn up solely for purposes of data management which shall, in as far as possible, include the elements listed in Annex IV to Directive 2008/96/EC;";

(b) immediately after the definition "applicant" there shall be added the following new definition:

" "certificate of competence" means a certificate of

competence issued to road safety auditors by the Authority in terms of Regulation 12D;";

(c) immediately after the definition "certificate of competence", as added, there shall be added the following new definition:

" "Commission" means the European Commission as established by Article 13 of the Treaty on European Union;";

(d) immediately after the definition "communications service provider" there shall be added the following new definition:

" "competent entity" means the public entity or private developer that has appointed the road safety auditor for the purposes of carrying out the road safety audits;";

(e) immediately after the definition "contractor" there shall be added the following new definition:

" "Directive 2008/96/EC" means Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management as amended by Directive (EU) 2019/1936 of the European Parliament and of the Council of 23 October 2019;";

(f) in the definition "guidelines", the words "Part II" shall be substituted by the words "Part II *bis*";

(g) in the definition "infrastructure project" the words ", including, but not limited only to, traffic management schemes" shall be deleted;

(h) the definition "network safety ranking" shall be deleted;

(i) immediately after the definition "occupier" there shall be added the following new definition:

" "other EU funded road projects" means roads and road infrastructure projects situated outside urban areas which do not serve properties bordering on them, and do not serve asaccess roads to industrial estates or agricultural sites, which are completed using European Union funding in whole or in part;";

B 836

(j) immediately after the definition "owner" there shall be added the following new definition:

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

(k) immediately after the definition "person", there shall be added the following new definition:

" "primary road" means a road of the highest classification situated outside urban areas, that connects major cities or regions, as classified in the Third Schedule to these regulations;";

(l) the definition "ranking of high accident concentration sections" shall be deleted;

(m) immediately after the definition "residential building", there shall be added the following new definition:

" "RISM Road System" means roads which are part of the Trans-European Road Network and other primary roads illustrated in the Third Schedule and other EU funded road projects;";

(n) the definition "road safety impact assessment" shall be substituted by 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, as defined in guidelines published by the Authority;";

(o) immediately after the definition "routine road maintenance", there shall be added the following new definition:

" "targeted road safety inspection" means a targeted investigation to identify hazardous conditions, defects and problems that increase the risk of accidents and injuries, based on a site visit of an existing road or section of road;";

(p) the definition "trans-European road network" shall be substituted by the following new definition:

" " trans-European road network" means the road network identified in Regulation (EU) No 1315/2013 of the

European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU, as identified in the Third Schedule;";

(q) in the definition "underground utilities", the words "underground utilities" shall be substituted by the words "underground utility";

(r) in the definition "utility service provider", the words "privately owned." shall be substituted by the words "privately owned;" and immediately thereafter there shall be added the following new definition:

" "vulnerable road user" means non-motorised road users, including, in particular, cyclists and pedestrians, as well as users of powered two-wheelers.";

(s) in the Maltese version only, the definition "skemi għall-immanġġjar tat-traffiku" shall be deleted from subsequently following the definition "proġett ta' infrastruttura" and shall instead be inserted immediately after the definition "is-sistema tat-triq RISM", as added.

Amends regulation 5 of the principal regulations.

4. In paragraph (vii) to sub-regulation (1) of regulation 5 of the principal regulations, the words "Traffic Areas." shall be substituted by the words "Traffic Areas:" and immediately thereafter there shall be added the following new proviso:

"Provided that the geometrical standards for road design set out in Volume 5 of the Design and Construction Standards for Road Works specified in regulation 5(1)(v) shall only be complied with so far as it is practicable, and where such standard cannot be complied with approval is sought from the Authority following consultation with the Agency.".

Amends Part II of the principal regulations and adds new Part II *bis*.

5. Regulations 6 to 12 of the principal regulations shall be deleted and immediately after Part II as amended, there shall be added the following new Part:

"Part II *bis*

Road Safety Infrastructure Management

Scope.

12A. (1) This Part establishes the requirements for and sets out implementation of procedures relating to road safety impact assessments, road safety audits, road safety inspections and network-wide road safety assessments. These regulations shall apply to the RISM Road System, whether they are in the design stage, under construction or in operation.

(2) This Part shall not apply to roads in tunnels covered by subsidiary legislation on Safety Requirements for Tunnels in the Trans-European Road Network Regulations.

S.L. 499.60.

Road safety impact Assessments for infrastructure projects.

12B. (1) A road safety impact assessment shall be undertaken by the Agency on all infrastructure projects on the RISM Road System. The road safety impact assessment shall be carried out at the initial planning stage before the infrastructure project is approved.

(2) The Agency shall endeavour to meet the elements set out in Annex I to Directive 2008/96/EC when carrying out the road safety impact assessment.

(3) The assessment in sub-regulation (1) shall take into account the needs of vulnerable road users.

(4) The road safety impact assessment shall indicate the road safety considerations which contribute to the choice of the proposed solution. It shall further provide all relevant information necessary for a cost-benefit analysis of the different options assessed.

Road safety audits for infrastructure projects.

12C. (1) A road safety auditor shall be appointed to carry out road safety audits on all infrastructure projects on the RISM Road System.

(2) The appointed road safety auditor shall carry out an audit of the design characteristics of an infrastructure project and shall endeavour to meet the criteria set in Annex II to Directive 2008/96/EC.

(3) Road safety audits shall form an integral part of the design process of an infrastructure project 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 opening to traffic, and

(d) approximately a year after opening to traffic.

(4) 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 to Directive 2008/96/EC.

(5) Road safety audits shall take into account the needs of vulnerable road users.

(6) The appointed road safety auditor shall set out safety critical design elements in an audit report for each stage of the infrastructure project. 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 competent entity shall state the reasons thereof in an annex to that report.

(7) The audit report referred to in sub-regulation (6) shall result in relevant recommendations from a safety point of view.

Road Safety Auditors.

12D. (1) The Authority shall ensure that road safety auditors carrying out the functions stipulated in regulation 12C undergo initial training resulting in the awarding of a certificate of competence.

(2) The holder of a certificate of competence must take part in further periodic training courses, at a periodicity determined by the Authority.

(3) The Authority shall recognise certificates of competence issued to road safety auditors before the 19 December 2010.

(4) The road safety auditors must have relevant experience or training in road design, road safety engineering and accident analysis.

(5) The road safety auditors shall not have been or be involved in the conception or operation of the infrastructure project for which they have been engaged to carry out the audit.

(6) Where audits are undertaken by teams, at least one member of the team shall hold a certificate of competence.

(7) For road safety auditors taking their training from the 17th December 2024, the Authority shall provide training curricula for road safety auditors which shall include aspects related to vulnerable road users and the infrastructure for such users.

Network-wide road safety assessment.

12E. (1) Network-wide road safety assessments shall be carried out by the Authority on the RISM Road System. The first network-wide road safety assessment shall be carried out by 2024 and shall thereafter be carried out at least every five years.

(2) Network-wide road safety assessments shall evaluate accident and impact severity risk, based on:

(a) primarily, a visual examination, either on site or by electronic means, of the design characteristics of the road (in-built safety); and

(b) an analysis of sections of the road network which have been in operation for more than three years and upon which a large number of serious accidents in proportion to the traffic flow have occurred.

(3) The assessment referred to in sub-regulation (1) shall conform to the standards and guidelines issued by the Authority which may take into account the indicative elements set out in Annex III to Directive 2008/96/EC.

(4) Network-wide safety assessments shall take into account the needs of vulnerable road users.

(5) On the basis of the results of the assessment referred to in sub-regulation (1), and for the purpose of prioritisation of needs for further action, the Authority shall classify the RISM Road System in no fewer than three categories according to their level of safety.

Periodic road safety inspections.

12F. (1) The Authority shall undertake periodic road safety inspections in respect of the RISM Road System with sufficient frequency to safeguard adequate safety levels for the road infrastructure in question.

(2) Periodic road safety inspections shall take into account the needs of vulnerable road users.

(3) Joint road safety inspections between the Authority and the designated entity responsible for tunnel management shall be carried out on the sections of road network adjoining road tunnels falling within the scope of the Safety Requirements for Tunnels in the Trans-European Road Network Regulations, at least every six years.

S.L. 499.60.

(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.

Follow-up procedures for roads in operation.

12G. (1) The Authority shall ensure that the findings of network-wide road safety assessments carried out in terms of regulation 12E are followed up either by targeted road safety inspections or by direct remedial action by the entity responsible.

(2) Targeted road safety inspections may take into account the indicative elements set out in Annex IIa to Directive 2008/96/EC and shall take into account the needs of vulnerable road users.

(3) Targeted road safety inspections shall be carried out by expert teams, with at least one team member possessing relevant experience or training in road design, road safety engineering and accident analysis.

(4) The Authority shall follow up on the findings of the targeted road safety inspection and determine whether remedial action is necessary by means of a reasoned decision.

(5) The reasoned decision referred to in sub-regulation (4) shall identify the road sections where road infrastructure safety improvements are needed and set out prioritised actions needed to improve the safety of those road sections.

(6) Remedial action shall be primarily targeted at those road sections with low safety levels which have high potential for safety development and accident cost savings.

(7) The Authority shall prepare and regularly update a risk-based prioritised action plan to monitor the implementation of identified remedial action.

Voluntary reporting.

12H. The Authority is responsible for establishing a national system for voluntary reporting, accessible online to all road users, to facilitate the collection of details of occurrences transmitted by road users and vehicles, and of any other safety-related information which is perceived by the reporter as an actual or potential hazard to road infrastructure safety.

Data Management.

12I. (1) An accident report shall be drawn up for the purpose of keeping a record of fatal accidents occurring on the road network identified in the Third Schedule and other EU funded road projects.

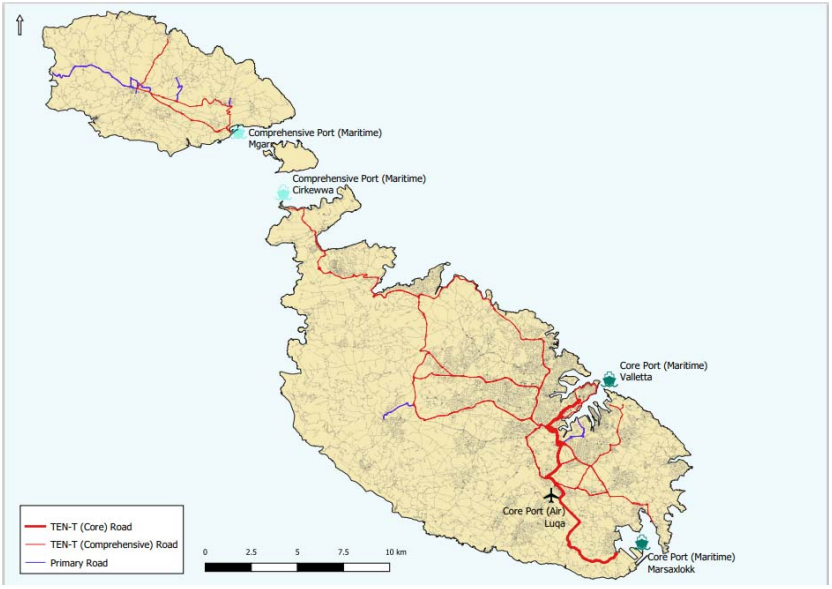
(2) The Authority shall calculate the average social cost of a fatal accident and the average social cost of a severe accident occurring on the road network at least every five years.".

Substitutes the Third Schedule to the principal regulations.

6. The Third Schedule to the principal regulations shall be substituted by the following:

"THIRD SCHEDULE
(Regulation 2)

The RISM Road System



"

PART II
AMENDMENTS TO THE TRANSPORT ENFORCEMENT OFFICERS REGULATIONS

7. This Part amends the Transport Enforcement Officers Regulations and shall be read and construed as one with the Transport Enforcement Officers Regulations, hereinafter in this Part referred to as "the principal regulations". S.L. 499.51.

8. Paragraph (s) of the Schedule to the principal regulations shall be substituted by the following: Amends the Schedule to the principal regulations.

> "(s) *New Roads and Road Works Regulations*(S.L.499.57): regulation 27 (naming of roads), regulation 28 (destruction, obliteration or defacement of name of road, suburb or village), regulation 29 (permit required), regulation 32 (conditions), regulation 35 (protection of traffic and commuters), regulation 40 (prohibition of unauthorised works), regulation 42 (works causing obstruction or danger in roads), regulation 43 (fences to be set up during repairs), regulation 44 (prohibition to leave materials or other obstruction in road longer than necessary), regulation 46 (openings in surface or footway leading to cellars, etc., to be covered) and regulation 47 (rebuilding of walls fallen on the road).".

PART III
AMENDMENTS TO THE SAFETY REQUIREMENTS FOR TUNNELS IN THE TRANS-EUROPEAN ROAD NETWORK REGULATIONS

9. This Part amends the Safety Requirements for Tunnels in the Trans-European Road Network Regulations and shall be read and construed as one with the Safety Requirements for Tunnels in the Trans-European Road Network Regulations, hereinafter in this Part referred to as the "principal regulations". S.L. 499.60.

10. In regulation 2 of the principal regulations the definition "Trans-European Road Network" shall be substituted by the following: Amends regulation 2 of the principal regulations.

> " "Trans-European Road Network" means the road network identified in Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU and illustrated by maps in Annex I to the said Regulation;".

VERŻJONI ELETTRONIKA

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — ***Published by the Department of Information (doi.gov.mt) — Valletta***
Mitbugħ fl-Istamperija tal-Gvern fuq karta riċiklata — ***Printed at the Government Printing Press on recycled paper***

Prezz/*Price*
€0.99