

Appendix 1

At the S&W Sub 9/5/16. Members asked a number of questions. These are detailed below, together with officers' responses.

1. A member witnessed an accident that morning and had seen vans turning into the cycle superhighway lanes. Can something be done to reduce vehicles turning into the cycle track while exiting Tudor Street?

Officers are also aware of these concerns having witnessed vehicles entering the cycle lane unaware of the new layout. These concerns have been raised with TfL, but they have indicated they are content that all identified safety concerns have been addressed and believe it is currently operating safely. However, TfL have stated they will continue to monitor the operation of the junction and the cycle lane, and undertake various items of 'snagging' work to fully complete the measures.

In the meantime, Officers have instructed further signage to be installed in Tudor Street to inform drivers approaching New Bridge Street of the two-way cycle lane.

2. Can officers confirm they are content with TfL's safety audit?

As part of TfL's processes, they have carried out an Interim Stage 3 Road Safety Audit. This is a systematic check of any road safety implications following the completion of their scheme. The audit was carried out by TfL professionals in this field who are independent of the project team and follows their own procedures. This audit therefore appears to be appropriate and consistent with industry standards.

However, City Corporation and City Police officers have assessed what new risks are evident compared to the situation before TfL implemented their measures (at the Tudor Street and Bridewell Place junctions). This assessment has identified a need for some additional measures on TfL's highway such as improved signage and road markings. These have been forwarded to TfL for their urgent consideration.

Finally, City officers have also commissioned an independent Road Safety Audit/assessment of the new traffic arrangements.

3. Given TfL's action to partly close the Tudor St junction without the Experimental Traffic Orders or the mitigation measures proposed (but rescinded by CCC), if there were an accident now, would the City be liable?

These measures have been implemented by TfL and as part of their safety assessments; they are content that the scheme is safe and will continue to monitor it. However, should there be an accident, it would be for TfL to

answer as this decision has been taken wholly by them and on their network, fully in the knowledge that the City has not implemented the Experimental Traffic Order or the mitigation measures.

4. There is no cross hatching on the New Bridge St/Bridewell Place junction, with the potential to cause congestion.

According to the plans provided by TfL to the City, cross-hatching is not proposed to be re-instated at this junction. Officers are currently seeking confirmation that this is indeed TfL's intention, and have asked them to monitor the junction to ensure it is not needed under the new alignment.

5. TfL carried out works in Bridewell Place by the junction of New Bridge St, including several metres into the City's highway on Bridewell Place. Given the petition to refer the Sub-Committee's decision to proceed with the experimental traffic orders (ETO) to the Court of Common Council, what authority was given for TfL to carry out works on the City's highway.

Firstly, to be clear, the mouth of Bridewell Place forms part of the Transport for London Road Network (TLRN) as it becomes Red Route and joins New Bridge St.

At the outset of their works in the area, TfL were issued with a permit in late 2015 to cover their anticipated works for Bridewell Place, covering the period from 23 November 2015 to 30 April 2016. Such permit is implicitly linked to the approval of any Traffic Orders and given the need to consider the potential mitigation measures being consulted upon by the City, TfL deferred starting works until those proposed measures had been agreed.

Therefore when the Experimental Traffic Orders and mitigation measures on the City's highway were agreed by Streets & Walkways Sub Committee on 22 February, TfL began works immediately under that permit (on both the City and TfL's sections of Bridewell Place).

The petition under Standing Order No. 9(4) to refer the Sub-Committee's decision to Court was received on 14 March 2016, some three weeks after the S&W decision. It required that *"No action shall be taken to implement any decision pertaining to the subject of the referral until such time as the Court shall have considered the matter, subject to the proviso that such referral would not preclude a decision being taken and/or implemented that was necessary for legal reasons or for the efficient conduct of the City Corporation's business."*

However, by that date, TfL were substantially underway with their reconstruction of Bridewell Place, including the lowering of utility plant and the alteration of highway levels and drainage. TfL needed to complete that work, as to do otherwise would have left the excavated highway in a state that would have been a danger to the public, cause prolonged traffic

disruption, had an impact on the local drainage network, and could have put at risk the provision of utility services in the vicinity.

The Town Clerks and City Solicitors were informed by DBE officers of the need for TfL to complete this element of the works for reasons of public safety (in accordance with our statutory duty to ensure this), but it was also made clear to TfL that their actions could not be taken in any way to prejudice the Court's decision, and could not be seen as a way to force the City into implementing those mitigation measures. The view was taken that this element should continue, notwithstanding the petition, under the Standing Order No. 9(4) proviso that action should not be suspended where it was "necessary for legal reasons or for the efficient conduct of the City Corporation's business." This was because of the risks of allowing traffic onto an excavated road.

6. Can officers confirm if access and egress is currently possible to the Temples? Is the fact that the police check point in Tudor St has not been cut back (as well as the other rescinded mitigation measures) causing problems?

Yes it is. Since the access restrictions were implemented on New Bridge St on the 28 April, observations have shown that vehicles can move through the area, and there have been no reports to officers that access to (or egress from) particular premises has been prevented.

However, some vehicles have been seen to require several attempts to complete their turns, and some vehicles have also been seen to mount the traffic island in Tudor Street. The City's term highway maintenance contractor has been asked to specifically record defects they identify and repair in the vicinity so that this information can be fed back into the review process.

7. Carmelite Street is now open. Was this part of the CCC's decision to rescind the proposed experimental orders?

No. The traffic changes in Carmelite Street and Temple Ave are part of the measures to implement the East / West Cycle Super Highway (CSH), whereas the Court's decision only referred to the Experimental Traffic Orders and proposed mitigation measures associated with the North / South CSH.

Temple Ave is now closed (due to its close proximity to the new super highway interchange on Victoria Embankment), and Carmelite St was reopened to maintain an equivalent egress point from the Temple area to the Embankment, as per the original consultation.

8. Can officers investigate the traffic signs in Carmelite Street which do not appear to be correct?

Following Committee, officers confirmed that TfL had failed to remove the 'No Through Road' signs at Carmelite St by Tallis St. Those signs have since been removed, reflecting the fact the street is now open and available for traffic to reach the Embankment.

9. Can officers clarify the respective TfL & City responsibilities for works, traffic signs and traffic orders?

As Red Routes form part of the TLRN, Traffic Orders to control or direct traffic on those routes are the responsibility of TfL, as are the movements for turning traffic from the Red Route to the City's side road. Conversely, a Traffic Order to control or direct traffic leaving the City's highway onto the TLRN is a City responsibility.

Under s101 of the Local Government Act 1972, formal agreements can be entered into that enable one authority to undertake traffic order (and other) functions on behalf of another authority. These are common and the power to enter into such agreements is delegated to the Director of the Built Environment. TfL did seek such an agreement at the outset of the CSH project, but given the nature of the scheme, it was felt appropriate at the time not to do so, ensuring that the City retained its own traffic order making functions.

Section 8 of the Highways Act 1980 allows one authority to permit another authority to work on its highway network for the purpose of highway construction, improvement, alteration and maintenance. This authority is also delegated to the Director of the Built Environment, and given that only a small percentage of the works were located outside the TLRN and on the City's streets, it was felt appropriate to enter into such an agreement, allowing TfL's contractors to install signage and make highway alterations to deliver the agreed scheme subject to the City's written approval.

As with any contractor wishing to dig up the highway, TfL are still subject to the City's permitting regime for works on the highway (the London Permit Scheme (LoPS)), and the s8 consent was subject to there being an agreed detailed design, TfL paying for a City clerk of works to inspect the quality and accuracy of their work, and agreeing a handover process whereby the City assume maintenance responsibilities for TfL's work after a suitable defects liability period.