



Leeds Supertram Act 1993

1993 CHAPTER xv

PART IV

PROTECTIVE PROVISIONS

38 As to highways, traffic, etc

For the protection of highway authorities the following provisions shall, unless otherwise agreed in writing between the Executive and the highway authority concerned, have effect:—

- (1) In this section “public highway” means a highway vested in, or repairable or maintained by, the highway authority;
- (2) Wherever in this section provision is made with respect to the approval or consent of the highway authority, that approval or consent shall be in writing and may be given subject to such reasonable terms and conditions as the highway authority may require, but shall not be unreasonably withheld;
- (3) Before commencing to construct any part of the authorised works which will involve interference with a public highway, or the traffic in any public highway, or before temporarily stopping up any public highway, the Executive shall consult the highway authority as to—
 - (a) the time when such part shall be commenced;
 - (b) the extent of the surface of the public highway which it may be reasonably necessary for the Executive to occupy, or the nature of the interference which may be caused to that traffic in the construction of such part; or
 - (c) the time during which, and the extent to which, the public highway shall be stopped up; and
 - (d) the conditions under which such part shall be constructed or the public highway shall be stopped up;

so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public; and

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- (i) such part shall not be constructed and the surface of the highway shall not be occupied by the Executive; or
- (ii) the highway shall not be stopped up and the interference with traffic shall not be caused by the Executive;

except at such time, to such extent, and in accordance with such conditions, as may be agreed between the Executive and the highway authority or determined by arbitration:

- (4) At least 14 days before commencing to make any trial holes in any part of any public highway in exercise of the powers of section 11 (3) of the Act of 1965 as applied by this Act, the Executive shall serve notice in writing on the highway authority of their intention to do so describing the place or places at which the trial holes are intended to be made, and, if within 14 days after the receipt of such notice any objection is made by the highway authority, the matter shall (unless otherwise agreed) be determined by arbitration before the making of any trial hole is commenced, but if no such objection is made the Executive may proceed with the making of any trial hole of which notice has been so given:
- (5) So much of the authorised works as is intended to become public highway, or part of any such highway, shall be completed in accordance with the reasonable requirements of the local highway authority or, in case of difference between the Executive and the highway authority as to whether those requirements have been complied with or as to their reasonableness, in accordance with the determination of the Secretary of State upon any such difference:
- (6) (a) This paragraph applies to any of the following works (referred to as “a new bridge”), namely—
 - (i) a new bridge, or the extension or alteration of an existing bridge, carrying any part of the authorised works over a public highway; and
 - (ii) a new bridge, or the extension of an existing bridge, carrying a public highway over any part of the authorised works;
- (b) Before commencing the construction of a new bridge, or carrying out any work in connection with a new bridge which involves interference with a public highway, the Executive shall submit to the highway authority proper and sufficient plans, sections and specifications thereof (hereinafter referred to as “plans”) for their approval and the construction of the new bridge or, as the case may be, the carrying out of such works shall not be commenced before such plans have been approved by the highway authority or settled by arbitration:

Provided that if, within 56 days after the submission to them of plans under this paragraph, the highway authority do not notify the Executive of their disapproval thereof and the grounds of their disapproval, they shall be deemed to have approved the plans as submitted;
- (c) Any part of the construction of a new bridge or any part of any work as aforesaid which involves interference with a public highway shall be carried out in accordance with the plans approved, or deemed to be approved, or settled as aforesaid, and under the supervision (if given) and to the reasonable satisfaction of the highway authority;
- (d) A new bridge which carries any part of the authorised works over any public highway shall be constructed in such manner as to prevent, so far as may be reasonably practicable, the dripping of water therefrom;
- (e) The highway authority may, at the cost of the Executive—

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- (i) provide and place on a new bridge such apparatus as may from time to time be reasonably necessary for efficiently lighting any public highway under or in the vicinity of the new bridge; and
 - (ii) keep the highway sufficiently lighted during the construction of a new bridge;
- (7) It shall be lawful for the proper officer of the highway authority at all reasonable times, on giving to the Executive such notice as may in the circumstances be reasonable, to enter upon and inspect any part of the authorised works in any public highway, or which may affect any public highway or any property or work of the highway authority, during the execution thereof, and the Executive shall give to such officer all reasonable facilities for such inspection:
- (8) The Executive shall not, except with the consent of the highway authority, alter, disturb or in any way interfere with any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith, or any other property or work belonging to, or under the jurisdiction or control of, the highway authority on or under any public highway or repairable by them or the access thereto:
- (9) If the highway authority, after giving to the Executive not less than 28 days' notice (or in the case of emergency such other notice as is reasonably practicable) of their intention to do so, incur any extra expense in the signposting of traffic diversions or the taking of other measures in relation thereto, or in the repair of any public highway, by reason of the diversion thereto of traffic from a highway of a higher classification in consequence of the construction of the authorised works, the Executive shall repay the amount of the expense reasonably so incurred by the highway authority:
- (10) The Executive shall not, except with the consent of the highway authority, deposit any soil or materials or stand any vehicle or plant on or over any public highway so as to obstruct or render less safe the use of the highway by any person or, except with the like consent, deposit any soil or materials on any public highway except within a hoarding:
- (11) The Executive shall, if reasonably so required by the highway authority, provide and maintain to the reasonable satisfaction of the highway authority, during such time as the Executive may occupy any part of a public highway for the purpose of the construction of any part of the authorised works, temporary bridges and temporary ramps for vehicular traffic or pedestrian traffic, or both, in such position as may be necessary to prevent undue interference with the flow of traffic in any public highway:
- (12)
 - (a) Where any part of any public highway shall have been temporarily broken up or disturbed by the Executive, the Executive shall make good the subsoil foundations and surface of such part of the road to the reasonable satisfaction of the highway authority and maintain the same to the reasonable satisfaction of the highway authority for such time as may be reasonably required for the permanent reinstatement of the highway:
 - (b) The reinstatement of such part of the highway shall in the first instance be of a temporary nature only and the permanent reinstatement shall be carried out by the highway authority as soon as reasonably practicable after the completion of the temporary reinstatement, and the costs, charges and expenses reasonably incurred by the highway authority in so doing shall be repaid by the Executive:

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- (13) It shall not be lawful for the Executive to place any hoardings on any part of any public highway except for such period and in such manner as may be reasonably necessary, and the provisions of sections 172 and 173 of the Highways Act 1980 shall apply to any hoarding erected on any part of any public highway, and, for the purposes of the said section 172, any such hoarding shall be deemed to have been erected in compliance with subsection (1) of that section:
- (14) The Executive shall make compensation to the highway authority for any subsidence of, or damage to, any public highway or any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any other property or work belonging to, or under the jurisdiction or control of, the highway authority on or under any public highway, or maintainable by them, which may be caused by, or in consequence of, any act or default of the Executive, their contractors, servants or agents, whether such damage or subsidence shall happen during the construction of the authorised works or at any time thereafter:
- (15) The highway authority may require that the authorised works, so far as they involve any serious interference with the movement of traffic in any public highway, shall be carried on, so far as reasonably practicable, continuously by day and night, and the Executive shall take all such steps as may be reasonably necessary to reduce so far as possible the period of such interference:
- (16) Except as provided in paragraph (5) above, any difference arising between the Executive and the highway authority under this section (other than a difference as to its meaning or construction) shall be determined by arbitration.