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OFFERYNNAU  
STATUDOL CYMRU

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**2007 Rhif 1712 (Cy.149)**

**PRIFYRDD, CYMRU**

Gorchymyn Rheoli Traffig  
(Canllawiau ar Feini Prawf  
Ymyrryd) (Cymru) 2007

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Fel rhan o'r broses i orfodi dyletswyddau i reoli'r rhwydwaith a osodwyd gan adrannau 16 a 17 o Ddeddf Rheoli Traffig 2004 ("y Ddeddf"), caniateir i Weinidogion Cymru roi hysbysiad ymyrryd os ydynt o'r farn bod awdurdod traffig lleol yng Nghymru yn methu â chyflawni unrhyw un o'r dyletswyddau hynny'n briodol.

Os ydynt wedi'u bodloni bod awdurdod traffig lleol o'r fath yn methu â chyflawni unrhyw un o'r dyletswyddau hynny'n briodol cânt wneud gorchymyn ymyrryd sy'n darparu ar gyfer penodi cyfarwyddwr traffig neu mewn cysylltiad â hynny.

Yn unol ag adran 27 o'r Ddeddf, mae'r Gorchymyn hwn yn gosod, o ran Cymru, ganllawiau am y meini prawf y mae Gweinidogion Cymru yn bwriadu eu cymhwys o er mwyn penderfynu p'un ai rhoi hysbysiad ymyrryd neu wneud gorchymyn ymyrryd.

Mae Asesiad Effaith Reoleiddiol wedi'i baratoi ar gyfer y Gorchymyn hwn. Mae hwn ar gael gan Lywodraeth Cynulliad Cymru, Adeiladau'r Goron, Parc Cathays, Caerdydd, CF10 3NQ.

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WELSH  
STATUTORY INSTRUMENTS

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**2007 No. 1712 (W.149)**

**HIGHWAYS, WALES**

The Traffic Management  
(Guidance on Intervention Criteria)  
(Wales) Order 2007

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

As part of the process of enforcing the network management duties imposed by sections 16 and 17 of the Traffic Management Act 2004 ("the Act"), the Welsh Ministers may give an intervention notice if they consider that a local traffic authority in Wales may be failing properly to perform any of those duties.

If they are satisfied that such a local traffic authority is failing properly to perform any of those duties they may make an intervention order making provision for, or in connection with, the appointment of a traffic director.

In accordance with section 27 of the Act, this Order sets out, in relation to Wales, guidance about the criteria which the Welsh Ministers propose to apply for the purpose of deciding whether to give an intervention notice or make an intervention order.

A Regulatory Impact Assessment has been prepared for this Order. This is available from The Welsh Assembly Government, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.

**2007 Rhif 1712 (Cy.149)**

**PRIFFYRDD, CYMRU**

**Gorchymyn Rheoli Traffig  
(Canllawiau ar Feini Prawf  
Ymyrryd) (Cymru) 2007**

*Wedi'i wneud*                           *13 Mehefin 2007*

*Wedi'i osod gerbron Cynulliad  
Cenedlaethol Cymru*                   *14 Mehefin 2007*

*Yn dod i rym*                           *10 Gorffennaf 2007*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adran 27 o Ddeddf Rheoli Traffig 2004(1) ac a freiniwyd ynddynt bellach(2), yn gwneud y gorchymyn a ganlyn:

**Enwi, cychwyn a chymhwysyo**

1. Enw'r Gorchymyn hwn yw Gorchymyn Rheoli Traffig (Canllawiau ar Feini Prawf Ymyrryd) (Cymru) 2007, a daw i rym ar 10 Gorffennaf 2007, ac mae'n gymwys o ran Cymru(3).

**Canllawiau ar feini prawf ymyrryd**

2. Mae'r canllawiau ar feini prawf y bydd Gweinidogion Cymru yn bwriadu eu gweithredu er mwyn penderfynu p'un ai i ddyroddi hysbysiad ymyrryd neu wneud gorchymyn ymyrryd o dan Ran 2 o Ddeddf Rheoli Traffig 2004 wedi'u hatodi i'r Atodlen i'r Gorchymyn hwn.

**2007 No. 1712 (W.149)**

**HIGHWAYS, WALES**

**The Traffic Management  
(Guidance on Intervention Criteria)  
(Wales) Order 2007**

*Made*                                   *13 June 2007*

*Laid before the National Assembly for  
Wales*                                   *14 June 2007*

*Coming into force*                   *10 July 2007*

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by section 27 of the Traffic Management Act 2004(1) and now vested in them(2), make the following order:

**Title, commencement and application**

1. The title of this Order is the Traffic Management (Guidance on Intervention Criteria) (Wales) Order 2007, it comes into force on 10 July 2007, and applies in relation to Wales(3).

**Guidance on intervention criteria**

2. The guidance about the criteria which the Welsh Ministers propose to apply for the purpose of deciding whether to give an intervention notice or make an intervention order under Part 2 of the Traffic Management Act 2004 is appended in the Schedule to this order.

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(1) 2004 p.18.

(2) Yn rhinwedd paragraph 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

(3) *Gweler y diffiniad o "appropriate national authority" yn adran 31 o Ddeddf Rheoli Traffig 2004.*

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(1) 2004 c.18.

(2) By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(3) See definition of "appropriate national authority" in section 31 of the Traffic Management Act 2004.

*Brian Gibbons*

Y Gweinidog dros yr Economi a Thrafnidiaeth

Minister for the Economy and Transport

13 Mehefin 2007

13 June 2007

**DEDDF RHEOLI TRAFFIG 2004  
DYLETSWYDDAU I REOLI'R  
RHWYDWAITH CANLLAWIAU AR FEINI  
PRAWF YMYRRYD AR GYFER CYMRU**

**CYFLWYNIAD**

1. Cyflwynodd adran 16 o Ddeddf Rheoli Traffig 2004 ("y Ddeddf") ddyletswydd i reoli rhwydwaith newydd ar gyfer awdurdodau traffig lleol. Mae'n ofynnol i awdurdodau o'r fath reoli eu rhwydwaith ffyrdd i sicrhau bod traffig yn symud yn hwylus ar y rhwydwaith hwnnw a hwyluso hynny ar rwydweithiau awdurdodau eraill.

2. Mae adran 17 o'r Ddeddf yn ei gwneud yn ofynnol i awdurdod traffig lleol ("awdurdod") wneud trefniadau priodol ar gyfer cynllunio a chyflawni'r ddyletswydd a rhaid i'r trefniadau hyn gynnwys darpariaeth i benodi rheolwr traffig.

3. Mae adran 19 yn rhoi'r pŵer i Weinidogion Cymru gyfarwyddo awdurdod i roi iddynt, o fewn cyfnod penodedig, wybodaeth sy'n gysylltiedig ag unrhyw agwedd ar gyflawni ei ddyletswyddau o dan adrannau 16 a 17.

4. Mae adran 20 yn galluogi Gweinidogion Cymru i roi "hysbysiad ymyrryd" i awdurdod os ydynt o'r farn y gall fod yr awdurdod yn methu cyflawni unrhyw un o'i ddyletswyddau'n briodol o dan adrannau 16 a 17.

5. Mae adran 21 yn rhoi'r pŵer i Weinidogion Cymru wneud "gorchymyn ymyrryd" sy'n darparu ar gyfer penodi cyfarwyddwr traffig neu mewn cysylltiad â hynny os ydynt wedi'u bodloni bod awdurdod yn methu â chyflawni unrhyw ddyletswydd o dan yr adrannau hynny'n briodol.

6. Yr hysbysiad ymyrryd yw'r cam ffurfiol cyntaf wrth orfodi'r dyletswyddau i reoli'r rhwydwaith. Bydd yn rhoi manylion bras o'r rhesymau dros roi'r hysbysiad, bydd yn rhoi cyfle i'r awdurdod gyflwyno sylwadau neu gynigion a gall ei gwneud yn ofynnol i'r awdurdod roi gwybodaeth benodol.

7. Gall na fydd angen camau pellach ond os bydd, bydd ymyrryd yn yr ystyr fanylaf yn digwydd pan wneir darpariaeth drwy orchymyn ymyrryd ar gyfer penodi cyfarwyddwr traffig neu mewn cysylltiad â hynny. Rhoddir y cyfryw amcanion a phwerau i'r cyfarwyddwr traffig y mae Gweinidogion Cymru o'r farn y byddant yn sicrhau cyflawni'r ddyletswydd o dan sylw yn briodol. Mae adran 21(5) yn gosod y pwerau cyffredinol a all gael eu rhoi i'r cyfarwyddwr traffig a bydd y rhain yn caniatâu iddo fonitro unrhyw fater a chyflwyno adroddiad arno, ymyrryd mewn gweithgareddau awdurdod a chyflawni unrhyw rai o'i swyddogaethau.

**TRAFFIC MANAGEMENT ACT 2004  
NETWORK MANAGEMENT DUTIES  
GUIDANCE ON INTERVENTION  
CRITERIA FOR WALES**

**INTRODUCTION**

1. Section 16 of the Traffic Management Act 2004 ("the Act") introduced a new network management duty for local traffic authorities. Such authorities are required to manage their road network to secure the expeditious movement of traffic on that network and to facilitate the same on the networks of others.

2. Section 17 of the Act requires a local traffic authority ("an authority") to make appropriate arrangements for planning and carrying out the duty and these arrangements must include provision for the appointment of a traffic manager.

3. Section 19 empowers the Welsh Ministers to direct an authority to provide them, within a specified period, with information connected with any aspect of the performance of its duties under sections 16 and 17.

4. Section 20 enables the Welsh Ministers to give an "intervention notice" to an authority if they consider that the authority may be failing to properly perform any of its duties under sections 16 and 17.

5. Section 21 empowers the Welsh Ministers to make an "intervention order" making provision for or in connection with the appointment of a traffic director if they are satisfied that an authority is failing to properly perform any duty under those sections.

6. The intervention notice is the first formal stage in the enforcement of the network management duties. It will give brief particulars of the grounds for giving the notice, offer the authority the opportunity to make representations or proposals and may require the authority to provide certain information.

7. Further action may not be necessary, but if it is, intervention in the strictest sense will occur when provision is made by way of an intervention order for or in connection with the appointment of a traffic director. The traffic director will be given such objectives and powers as the Welsh Ministers consider will secure the proper performance of the duty in question. Section 21(5) sets out the general powers which may be conferred on a traffic director and these will allow him or her to monitor and report on any matter, intervene in activities of an authority and carry out any of its functions.

**8.** Ym mis Tachwedd 2006 cyhoeddodd y Cynulliad Cenedlaethol<sup>(1)</sup> ganllawiau o dan adran 18 o'r Ddeddf sy'n dwyn yr enw "**Canllawiau ar y Dyletswydd i Reoli'r Rhwydwaith**". Mae'n gosod canllawiau manylach am dechnegau rheoli'r rhwydwaith a materion eraill yng hylch cyflawni'r dyletswyddau a osodir gan adrannau 16 a 17. Yn benodol mae Atodiad A i'r canllawiau, sy'n dwyn y pennawd "**Cyngor ar Arferion Da am Dechnegau ac Agwedd**", yn disgrifio sut y gall awdurdod gyflawni gweliannau effeithiol drwy reoli rhwydweithiau ffyrdd. Wrth gyflawni'r dyletswyddau o dan adrannau 16 a 17, rhaid i awdurdodau roi sylw i'r canllawiau hyn.

**9.** Mae adran 27 o'r Ddeddf yn ei gwneud yn ofynnol i Weinidogion Cymru fel yr awdurdod cenedlaethol priodol o ran Cymru<sup>(1)</sup>, roi canllawiau am y mein prawf y mae'n bwriadu eu cymhwys o mwyn penderfynu a ddylid rhoi hysbysiad ymyrryd neu wneud gorchymyn ymyrryd i atodi'r canllawiau hynny i orchymyn a gaiff ei wneud drwy wneud offeryn statudol. Mae'r Atodlen hon yn gosod y canllawiau a fydd yn gymwys o ran pob awdurdod yng Nghymru. Dylid ei darllen ar y cyd â **Canllawiau ar y Dyletswydd i Reoli'r Rhwydwaith** a Rhan 2 o'r Ddeddf.

## Y CYD-DESTUN

**10.** Mae symud yn effeithiol ar ein rhwydweithiau ffyrdd yn hanfodol ar gyfer cymdeithas ac ar gyfer economi lwyddiannus. Cytunwyd ar nifer o flaenoriaethau a rennir sy'n rhoi ffocws i'r llywodraeth ganolog a llywodraeth leol o ran gwella gwasanaethau cyhoeddus ac, o ran trafnidiaeth, sy'n lleihau problemau tagfeydd. Os bydd angen mynd i'r afael â materion rhwydwaith, gall y llywodraeth ganolog a llywodraeth leol gydweithio, yn eu rolau perthnasol, i gyflawni polisiau a rhagleni sy'n effeithiol yn rheoli neu'n lliniaru effeithiau tagfeydd ar lefel leol.

**11.** Mae'r Ddeddf ei hun, a welir fel sbardun i gael gwell rheolaeth ar y rhwydwaith ffyrdd, yn darparu cyfle sydd ymhlyg ynddi ar gyfer cymryd rhan ac adfer, drwy alluogi awdurdod i weithio gyda Gweinidogion Cymru, mewn cyfnod cynnar, gyda'r bwriad o wneud gweliannau. Dim ond ar ôl gwneud ymdrech ddifrifol i godi safonau awdurdod nad yw efallai'n rheoli ei rwydwaith ffyrdd yn briodol y bydd gorchymyn ymyrryd i benodi cyfarwyddwr traffig yn cael ei wneud.

**8.** In November 2006 the National Assembly for Wales<sup>(1)</sup> published guidance under section 18 of the Act entitled "**Network Management Duty Guidance**". This sets out in more detail, guidance about the techniques of network management and other matters relating to the performance of the duties imposed by sections 16 and 17. In particular Annex A to the guidance, which is headed "**Good Practice Advice on Techniques and Approach**", describes how an authority may achieve effective improvements to the management of road networks. In performing the duties under sections 16 and 17, authorities must have regard to this guidance.

**9.** Section 27 of the Act requires the Welsh Ministers, as the appropriate national authority as respects Wales<sup>(1)</sup>, to give guidance about the criteria they propose to apply for the purpose of deciding whether to give an intervention notice or make an intervention order and to append that guidance to an order made by statutory instrument. This Schedule sets out that guidance which applies in relation to all authorities in Wales. It should be read in conjunction with the **Network Management Duty Guidance** and Part 2 of the Act.

## THE CONTEXT

**10.** Efficient movement on our road networks is essential for both society and a successful economy. A number of shared priorities have been agreed which provide a focus for central and local government in terms of improving public services and, in relation to transport, reducing the problems of congestion. If network issues need to be addressed, central and local government can work together, in their respective roles, to deliver policies and programmes that are effective in managing or mitigating the impacts of congestion at local level.

**11.** The Act itself, which is seen as a spur for the better management of the road network, provides a built-in opportunity for engagement and recovery, by enabling an authority to work together with the Welsh Ministers, at an early stage, with the aim of making improvements. Making an intervention order to appoint a traffic director will be a situation reached only after serious efforts have been made to raise the standard of an authority that may not be properly managing its road network.

<sup>(1)</sup> Mae swyddogaethau Cynulliad Cenedlaethol Cymru o dan Ddeddf Rheoli Traffig 2004 wedi'u breiniol yng "Ngweinidogion Cymru" yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

<sup>(1)</sup> Functions of the National Assembly for Wales under the Traffic Management Act 2004 now vested in the "Welsh Ministers" by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

**12.** Gobeithir y bydd y posibilrwydd y gellir ymyrryd yn annog awdurdodau i sicrhau eu bod yn cyflawni eu dyletswyddau i reoli'r rhwydwaith. Er hynny, os bydd pryderon yn codi nad yw awdurdod yn ysgwyddo'r dyletswyddau a osodir gan adrannau 16 a 17 o'r Ddeddf, mae Gweinidogion Cymru yn bwriadu gweithio gyda'r awdurdod hwnnw, drwy broses o gymryd rhan, i annog yr awdurdod i adfer er mwyn osgoi'r sefyllfa lle bo'n rhaid penodi cyfarwyddwr traffig. Er hynny, os daw'n eglur nad oes adferiad, neu os nad oes dewis, i'r graddau y maent wedi'u bodloni bod awdurdod yn methu cyflawni unrhyw ddyletswydd yn briodol, caint wneud gorchymyn ymyrryd sy'n darparu ar gyfer penodi cyfarwyddwr traffig neu mewn cysylltiad â hynny.

## EGWYDDORION SYLFAENOL

**13.** Mae'r ddyletswydd i reoli'r rhwydwaith, fel y'i gosodir yn adran 16 o'r Ddeddf, yn cael ei hamodi i'r graddau bod gan bob awdurdod rwymedigaethau, polisiau ac amcanion eraill y mae'n rhaid iddo hefyd fynd i'r afael â hwy. Yn unol â hynny, ni ddylai'r ddyletswydd gael blaenoriaeth dros bopeth arall y mae'n ei wneud. Mae Gweinidogion Cymru yn cydnabod bod pob awdurdod yn wynebu sialensau gwahanol a bod ganddo'i rwymedigaethau, polisiau ac amcanion ei hunan y bydd yn rhaid eu hystyried wrth gyflawni'r ddyletswydd. Yn ychwanegol, wrth asesu perfformiad awdurdod unigol, byddant hefyd yn ystyried y dull o ysgwyddo'r ddyletswydd yn yr amgylchiadau ehangach o ran y traffig a geir ar ei rhwydwaith. Y math o amgylchiadau a ragwelir fyddai prosiectau sy'n ymwneud ag adfywio economaidd, adeiladu tai neu ddigwyddiadau arbennig. Ni fydd Gweinidogion Cymru yn disgwyl i bob awdurdod fynd ati i ysgwyddo'r ddyletswydd yn union yn yr un ffordd.

**14.** O dan y Ddeddf, penderfyniad yr awdurdodau unigol fydd sut y byddant yn gosod y ddyletswydd o fewn ystod ehangach eu cyfrifoldebau. Er enghraifft, ni ddylai danseilio amcanion yr awdurdod o ran diogelwch ar y ffyrdd. Mewn gwirionedd, dylai awdurdodau gynllunio bod pob traffig yn symud yn hwylus ac yn ddiogel, gan gynnwys cerddwyr a beicwyr. Dylai pob awdurdod osod ei amcanion ei hunan bod traffig yn symud hwylus yng nghyd-destun ei rwymedigaethau, polisiau ac amcanion eraill.

**15.** Yn rhinwedd adran 17 o'r Ddeddf, rhaid i awdurdod wneud y trefniadau hynny y mae o'r farn eu bod yn briodol ar gyfer cynllunio a chyflawni'r camau i'w cymryd wrth gyflawni'r ddyletswydd i reoli'r rhwydwaith. Rhaid rhoi'r trefniadau hyn ar waith, beth bynnag fo rhwymedigaethau, polisiau ac amcanion eraill yr awdurdod, a rhaid iddynt gynnwys darpariaeth ar nifer o faterion a bennir yn yr adran honno a rhaid adolygu'n gyson eu heffeithiolrwydd.

**16.** Dylai pob awdurdod anelu at ddangos bod ei ddull o fynd ati i sicrhau bod traffig yn symud yn hwylus, ar ei rhwydwaith ei hunan ac ar rwydweithiau

**12.** It is hoped that the potential for intervention will encourage authorities to ensure that they carry out their network management duties. Nevertheless, if concerns develop that an authority may not be addressing the duties imposed by sections 16 and 17 of the Act, the Welsh Ministers intend to work with that authority, through an engagement process, to encourage the authority to recover so as to avoid reaching the stage where a traffic director has to be appointed. However, if it becomes clear that recovery is not being achieved, or is not an option, to the extent that they are satisfied that an authority is failing properly to perform any duty, they may make an intervention order making provision for or in connection with the appointment of a traffic director.

## FUNDAMENTAL PRINCIPLES

**13.** The network management duty, as set out in section 16 of the Act, is qualified to the extent that each authority has other obligations, policies and objectives which they must also address. Accordingly, the duty should not take precedence over everything else that they do. The Welsh Ministers recognise that all authorities face different challenges and have their own obligations, policies and objectives which will have to be taken into account when performing the duty. In addition, in assessing an individual authority's performance, they will also consider its approach to the duty within the wider circumstances in which traffic presents itself on its network. The sort of circumstances envisaged could be projects involving economic regeneration, house building or special events. The Welsh Ministers will not expect every authority to approach the duty in exactly the same way.

**14.** Under the Act, it is for individual authorities to determine how they will frame the duty within the broader range of their responsibilities. For example, it should not undermine an authority's road safety objectives. Indeed, authorities should plan for both the expeditious and safe movement of all traffic, including pedestrians and cyclists. Each authority should set their own objectives for the expeditious movement of traffic within the context of their other obligations, policies and objectives.

**15.** By virtue of section 17 of the Act, an authority must make such arrangements as it considers appropriate for planning and carrying out the action to be taken in performing the network management duty. These arrangements must be put in place, regardless of the authority's other obligations, policies and objectives, and must include provision for a number of matters specified in that section and their effectiveness must be kept under review.

**16.** Each authority should aim to show that their approach to securing the expeditious movement of traffic, both on their own network and the networks of

awdurdodau eraill, yn her ond yn realistig. Bydd Gweinidogion Cymru yn disgwyl i bob awdurdod ddangos strategaeth gadarn sy'n integreiddio'i gyfrifoldebau eraill a bod y strategaeth honno wedi cael ei mabwysiadu lle bynnag y mae'n berthnasol ar draws ei drefniadaeth.

**17.** O ran blaenoriaethau ar gyfer cadw'r rhwydwaith i symud yn effeithiol, ni ddisgwylir yr un lefel o weithgaredd ynglŷn â phob ffordd yn ardal awdurdod. Nid oes angen i awdurdodau ganolbwytio ar ffyrdd lle y mae cymharol ychydig o symudiad traffig a lle y mae hyn yn annhebygol o newid yn y dyfodol agos. Er hynny, dylai pob awdurdod wybod pa rai o'i ffyrdd sy'n perthyn i'r categori hwn a pha ffyrdd sy'n bwysig ar gyfer symudiadau pobl a nwyddau. Dylai awdurdodau roi sylw gofalus i'r categori olaf drwy, er enghraifft, hwyluso symudiad traffig yn effeithiol ar Iwybrau trafnidiaeth gyhoeddus allweddol a thrwy sicrhau bod gweithredu unrhyw fesurau blaenoriaeth ar gyfer bysiau (megis lonydd bysiau) yn dioddef cyn lleied o drafferth â phosibl.

## DYLETSWYDDAU I REOLI'R RHWYDWAITH

**18.-(1)** Gosodir y dyletswyddau i reoli'r rhwydwaith yn adrannau 16 a 17 o'r Ddeddf ac at ddibenion penderfynu natur a rhychwant pob dyletswydd dylid dibynnau ar eiriad manwl y ddeddfwriaeth yn unig. Er hynny, gallai fod o gymorth i edrych ar y dyletswyddau yn fanylach ac yn unol â hynny gosodir hwy fel a ganlyn mewn fformat ychydig yn ehangach.

(2) O dan adran 16 (dyletswydd i reoli'r rhwydwaith), rhaid i awdurdod reoli ei rwydwaith ffyrdd er mwyn cyflawni dau amcan, i'r graddau sy'n rhesymol ymarferol gan gofio am ei rwymedigaethau, polisiau ac amcanion eraill. Dyma'r ddau amcan-

- (a) diogelu bod traffig yn symud yn hwylus ar y rhwydwaith hwnnw, a
- (b) hwyluso traffig i symud yn hwylus ar rwydweithiau ffyrdd y mae awdurdod arall yn awdurdod traffig arnynt.

(3) Mae adran 17 (trefniadau ar gyfer rheoli'r rhwydwaith) yn gosod nifer o ddyletswyddau ychwanegol ar awdurdod sy'n ddyletswyddau unigol at ddibenion adrannau 20 a 21 ond sydd er hynny wrth wraidd y brif ddyletswydd o dan adran 16. Gosodir y rhain yn fanylach yn yr is-baragraffau canlynol.

(4) Mae gan awdurdod ddyletswydd i wneud y trefniadau hynny y mae'n ystyried eu bod yn briodol ar gyfer-

- (a) cynllunio'r camau sydd i'w cymryd wrth gyflawni'r ddyletswydd i reoli'r rhwydwaith, a
- (b) cyflawni'r camau hynny.

(5) Mae gan awdurdod ddyletswydd i sicrhau bod y trefniadau hyn yn cynnwys darpariaeth ar gyfer penodi rheolwr traffig.

others, is challenging but realistic. The Welsh Ministers will be looking for all authorities to demonstrate a robust strategy which integrates with their other responsibilities and has been adopted wherever it is relevant throughout their organisation.

**17.** In terms of priorities for keeping the network moving efficiently, the same level of activity is not expected in relation to every road in an authority's area. Authorities need not concentrate on roads where there is relatively little traffic movement and where this is unlikely to change in the foreseeable future. However, they should know which of their roads fall into this category and which roads are important for the movement of people and goods. Authorities should pay careful attention to the latter category by, for example, facilitating the efficient movement of traffic on key public transport routes and ensuring that the operation of any bus priority measures (such as bus lanes) is subject to minimal disruption.

## THE NETWORK MANAGEMENT DUTIES

**18.-(1)** The network management duties are as set out in sections 16 and 17 of the Act and for the purposes of determining the nature and extent of each duty, reliance should only be placed on the precise wording of the legislation. However it may assist to explore the duties in more detail and accordingly they are set out as follows in a slightly expanded format.

(2) Under section 16 (the network management duty), an authority must manage its road network with a view to achieving two objectives, so far as may be reasonably practicable having regard to its other obligations, policies and objectives. These two objectives are-

- (a) to secure the expeditious movement of traffic on that network, and
- (b) to facilitate the expeditious movement of traffic on road networks for which another authority is the traffic authority.

(3) Section 17 (arrangements for network management) sets out a number of additional duties for an authority which are single duties for the purposes of sections 20 and 21 but which nevertheless underpin the main duty under section 16. These are more particularly set out in the following sub-paragraphs.

(4) An authority has a duty to make such arrangements as it considers appropriate for-

- (a) planning the action to be taken in performing the network management duty, and
- (b) carrying out that action.

(5) An authority has a duty to ensure that these arrangements include provision for the appointment of a traffic manager.

(6) Mae gan awdurdod ddyletswydd i sicrhau bod y trefniadau hefyd yn cynnwys darpariaeth ar gyfer sefydlu proses i sicrhau (i'r graddau sy'n rhesymol ymarferol) ei fod yn-

- (a) dynodi'r pethau sy'n peri-
  - (i) tagfeydd ffyrdd ar ei rwydwaith ffyrdd, neu
  - (ii) amhariad arall ar symudiad traffig ar y rhwydwaith hwnnw;
- (b) dynodi'r pethau (gan gynnwys digwyddiadau yn y dyfodol) a allai beri-
  - (i) tagfeydd ffyrdd ar ei rwydwaith ffyrdd, neu
  - (ii) amhariad arall ar symudiad traffig ar y rhwydwaith hwnnw; ac
- (c) ystyried unrhyw gamau posibl y gellid eu cymryd-
  - (i) wrth ymateb i, neu
  - (ii) wrth rag-weld,

unrhyw beth felly a ddynodwyd,

ond nid yw hyn yn ei gwneud yn ofynnol i ddynodi neu ystyried unrhyw beth y mae'n ymddangos ei fod yn cael effaith ddi-nod (neu effaith bosibl) ar symudiad traffig ar ei rwydwaith.

(7) Mae gan awdurdod ddyletswydd i sicrhau bod y trefniadau hefyd yn cynnwys darpariaeth ar gyfer sicrhau ei fod yn-

- (a) penderfynu polisiau neu amcanion penodol o ran-
  - (i) ffyrdd gwahanol yn ei rwydwaith ffyrdd, neu
  - (ii) dosbarthau gwahanol o ffordd yn y rhwydwaith hwnnw;
- (b) monitro effeithiolrwydd-
  - (i) ei drefniadaeth,
  - (ii) ei broses benderfynu, a
  - (iii) gweithredu ei benderfyniadau; ac
- (c) asesu ei berfformiad wrth reoli ei rwydwaith.

(8) Mae gan awdurdod ddyletswydd bellach i adolygu'n gyson effeithiolrwydd y trefniadau sydd ganddo ar waith o dan adran 17 o'r Ddeddf.

## PROSESAU A CHANLYNIADAU

**19.** Mae adran 17 o'r Ddeddf yn canolbwntio ar bwysigrwydd gwneud trefniadau ar gyfer rheoli'r rhwydwaith. Mae'r pwyslais ar broses yn adlewyrchu'rffaith nad yw rheoli'r rhwydwaith ffyrdd yn rhywbeth y dylai awdurdod ei ychwanegu'n ffwrdd â hi at ei weithrediadau presennol, ond dylai ei integreiddio'n ddi-dor o fewn ei drefniadau ehangach i fynd i'r afael â thagfeydd.

(6) An authority has a duty to ensure that the arrangements also include provision for establishing processes for ensuring (so far as may be reasonably practicable) that it-

- (a) identifies things which are causing-
  - (i) road congestion on its road network, or
  - (ii) other disruption to the movement of traffic on that network;
- (b) identifies things (including future occurrences) which have the potential to cause-
  - (i) road congestion on its road network, or
  - (ii) other disruption to the movement of traffic on that network; and
- (c) considers any possible action that could be taken-
  - (i) in response to, or
  - (ii) in anticipation of,

anything so identified,

but this does not require the identification or consideration of anything appearing to have only an insignificant effect (or potential effect) on the movement of traffic on its network.

(7) An authority has a duty to ensure that the arrangements also include provision for ensuring that it-

- (a) determines specific policies or objectives in relation to-
  - (i) different roads in its road network, or
  - (ii) different classes of road in that network;
- (b) monitors the effectiveness of-
  - (i) its organisation,
  - (ii) its decision making processes, and
  - (iii) the implementation of its decisions; and
- (c) assesses its performance in managing its network.

(8) An authority has a further duty to keep under review the effectiveness of the arrangements it has in place under section 17 of the Act.

## PROCESSES AND OUTCOMES

**19.** Section 17 of the Act focuses on the importance of making arrangements for network management. The emphasis on process reflects the fact that management of the road network is not something that an authority should simply add on to its existing operations, but should integrate seamlessly within its wider arrangements to tackle congestion.

**20.** Yn ogystal, nid yw bob amser yn bosibl i ddynodi cysylltiadau uniongyrchol rhwng camau unigol gan awdurdod drwy'r trefniadau a'r prosesau sydd ganddo ar waith a chanlyniad y camau hynny o ran perfformiad y rhwydwaith. Mewn rhai achosion, efallai y gallai'r canlyniadau fod wedi bod yn waeth oni bai am gamau'r awdurdod, ac mewn achosion eraill byddai digwyddiadau yn llwyr y tu hwnt i'w reolaeth. Beth bynnag, dylai awdurdod sierhau bod ei drefniadau a'i drefn adolygu ar waith, fel sy'n ofynnol o dan adran 17.

**21.** Pan ddaeth Rhan 2 o'r Ddeddf yn effeithiol gyntaf, y camau cyntaf oedd gosod trefniadau ar gyfer datblygu'r dyletswyddau. Rhoddwyd sylw yn y cyfnod cychwynnol hwn ar p'un oedd awdurdod wedi sefydlu'r trefniadau a'r adolygiad sy'n ofynnol o dan adran 17. Mae'r rhain bob amser yn ofynnol, beth bynnag yw'r amgylchiadau lleol.

**22.** Er hynny, mae'r Ddeddf yn dangos y caiff awdurdodau gymryd unrhyw gamau i osgoi, diddymu neu leihau tagfeydd neu amhariad arall i symudiad traffig ar y rhwydwaith. Gall camau o'r fath olygu arfer unrhyw bŵer i reoleiddio neu gydgysylltu'r defnydd a wneir o unrhyw ffordd (neu ran o ffordd) yn y rhwydwaith ffyrdd (p'un a chafodd y pwer ei roi iddynt yn eu swyddogaeth fel awdurdod traffig ai peidio). Canlyniadau'r camau a gymrwyd sy'n bwysig yn y tymor hir, yn enwedig fel y cytunir ar ddangosyddion perfformiad a'u mabwysiadu'n ehangach. Dylai awdurdodau wneud pob ymdrech i ganolbwytio ar gymryd camau newydd yn ôl y gofyn, mabwysiadu dangosyddion perfformiad priodol, p'un a chawsant eu datblygu'n ganolog neu'n lleol ac i wella canlyniadau cyn gynted ag y bydd amgylchiadau'n caniatáu.

**23.** Craidd y ddyletswydd yw bod awdurdodau'n rheoli eu rhwydwaith yn well drwy fynd i'r afael â thagfeydd ar y ffyrdd. Mae hyn yn bwysig mewn ardaloeedd trefol mawr ac mewn llawer o leoliadau eraill hefyd. Er mwyn gallu dangos perfformiad a gwelliannau, dylai awdurdodau fabwysiadu'r dangosyddion gorfodol a ddefnyddir yn y broses Cynllun Trafnidiaeth Lleol/Rhanbarthol. Datblygir dangosyddion perfformiad yn gyson yn ganolog gyda chyngor gan lywodraeth leol; er enghraifft, y rheini sy'n gysylltiedig â thagfeydd. Disgwylir i bob awdurdod wybod am y polisiau trafnidiaeth cenedlaethol a'r dangosyddion a ddatblygwyd yn ganolog fel y caint eu cyhoeddi. Dylai awdurdodau fabwysiadu targedau a dangosyddion sy'n dangos ystod llawn eu perfformiad yn erbyn eu dyletswyddau i reoli'r rhwydwaith. I rai awdurdodau bydd hyn yn golygu y bydd nifer o'u dangosyddion perfformiad yn cael eu penderfynu yn lleol.

**24.** Bydd Gweinidogion Cymru yn disgwyl gweld dystiolaeth, yn y broses adroddiadau, bod awdurdodau'n cyflawni eu targedau, neu o leiaf eu bod wrthi'n gwneud hynny. Er hynny, cydnabyddir hyd yn oed os gellir mesur canlyniadau, bydd y camau y bydd awdurdod yn eu cymryd yn amrywio yn ôl anghenion lleol.

**20.** Moreover, it is not always possible to identify direct links between individual actions by an authority through the arrangements and processes it has in place and the outcomes of these actions in terms of network performance. In some cases the results might have been worse but for the actions of an authority, while in others, events will have been entirely beyond its control. In any event, an authority should have the arrangements and the review in place, as required under section 17.

**21.** When Part 2 of the Act came into effect, the first steps were to set up arrangements for developing the duties. Attention in this initial phase has been placed on whether an authority has established the arrangements and review required under section 17. These are always required, regardless of local circumstances.

**22.** However, the Act indicates that authorities may take any action to avoid, eliminate or reduce congestion or other disruption to movement on the network. Such action may involve the exercise of any power to regulate or coordinate the uses made of any road (or part of a road) in the road network (whether or not the power was conferred on them in their capacity as a traffic authority). It is the outcomes of the action taken that are important in the longer term, especially as performance indicators become agreed and adopted more widely. Authorities should make every effort to focus on taking new action as required, adopting appropriate performance indicators, whether developed centrally or locally and on improving the outcomes as quickly as circumstances allow.

**23.** The core of the duty is for authorities to manage their network better by tackling road congestion. This is important in large urban areas and many other locations also. In order to demonstrate performance and improvements, authorities should adopt the mandatory indicators used in the Local / Regional Transport Plan process. Performance indicators are continually being developed centrally with advice from local government; for example, those associated with congestion. All authorities are expected to keep in step with national transport policies and centrally developed indicators as they are published. Authorities should adopt targets and indicators that show the full range of their performance against their network management duties. For some authorities this will mean that a number of their performance indicators will be determined locally.

**24.** The Welsh Ministers will expect to see evidence, within the reporting process, of authorities accomplishing their targets, or at least being on course to do so. However, it is recognised that even where outcomes can be measured, the action which an authority takes will vary depending on local needs.

## DANGOS PERFFORMIAD DYLET SWYDDAU I REOLI'R RHWYDWAITH

**25.** Mae adran 18(2) o'r Ddeddf yn ei gwneud yn ofynnol i awdurdod roi sylw i'r *Canllawiau ar y Dyletswydd i Reoli'r Rhwydwaith*. Mae paragraff 47 o'r canllawiau'n gorfodi awdurdod i adlewyrchu'r trefniadau a wnaeth ar gyfer cyflawni'r ddyletswydd i reoli'r rhwydwaith Cynllun Trafnidiaeth Rhanbarthol ("CTRh")<sup>(1)</sup>.

**26.** Dylai awdurdod gyflwyno adroddiad ar sut y mae'n rheoli ei rwydwaith ac yn mynd i'r afael â thagfeydd yn y gweithdrefnau cyfredol ar gyflwyno adroddiadau. Dylid adlewyrchu'r trefniadau ar gyfer rheoli'r rhwydwaith a thystiolaeth gysylltiedig nid yn unig yn y CTRh, ond hefyd yn unrhyw adroddiadau monitro interim. Er bod y canllawiau hyn o anghenraíd yn adlewyrchu'r drefn gyfredol ar gyflwyno adroddiadau, gall dulliau gwahanol i gyflwyno adroddiadau ddatblygu yn y dyfodol.

**27.** Y bwriad yw na ddylai unrhyw broses o gyflwyno adroddiadau osod baich diangen ar awdurdodau. Nid oes disgwyli iddynt ddatblygu cynlluniau arunig ar reoli'r rhwydwaith i'w cyflwyno i Weinidogion Cymru, er cydnabod y bydd rhai awdurdodau'n cael hynny'n ddefnyddiol at eu dibenion eu hunain i lunio cynllun o'r fath.

**28.** Cyfrifoldeb pob awdurdod yw darparu tystiolaeth glir fod ei ddyletswydd i reoli'r rhwydwaith yn cael ei chyflawni'n briodol a dylai hyn gynnwys manylion o'r cynnydd a wnaed o ran y blaenorïaethau a osododd yr awdurdod ar ei gyfer ei hun. Mae'r broses o gyflwyno adroddiadau yn darparu cyfleoedd i'r awdurdodau ddangos eu gallu i gyflawni eu dyletswyddau i reoli'r rhwydwaith a'u llwyddiant wrth wneud hynny.

**29.** Os bydd awdurdodau'n cymryd rhan mewn CTRh ar y cyd, dylai pob un ohonynt sicrhau bod tystiolaeth effeithiol wedi cael ei chyflwyno i ddangos ei fod yn cyflawni pob un o'i ddyletswyddau i reoli'r rhwydwaith yn briodol.

## ASESU TYSTIOLAETH

**30.** Bydd Gweinidogion Cymru yn asesu adroddiadau oddi wrth awdurdodau, ynghyd ag unrhyw ddogfennau ategol, i benderfynu sut y maent wedi cyflawni eu dyletswyddau i reoli'r rhwydwaith. Byddant hefyd yn cymryd i ystyriaeth unrhyw fater difrifol ynglynol symudiadau traffig ar rwydwaith ffyrdd, y daw'n ymwybodol ohono drwy ddulliau heblaw cyflwyno adroddiadau arferol. Wrth gynnal yr asesiad, bydd Gweinidogion Cymru, yn benodol, yn

## DEMONSTRATING THE PERFORMANCE OF THE NETWORK MANAGEMENT DUTIES

**25.** Section 18(2) of the Act requires an authority to have regard to the *Network Management Duty Guidance*. Paragraph 47 of the guidance obliges an authority to reflect the arrangements it has established for fulfilling the network management duty in its Regional Transport Plan ("RTP")<sup>(1)</sup>.

**26.** An authority should report on how it is managing its network and tackling congestion within current reporting procedures. Arrangements for, and evidence associated with, network management should not only be reflected in its RTP, but also in any interim monitoring reports. While this guidance necessarily reflects the current reporting regime, different reporting methods may develop in the future.

**27.** It is intended that any reporting process should not impose an unnecessary burden upon authorities. They are not expected to develop free-standing network management plans for submission to the Welsh Ministers, although it is recognised that some authorities are finding it useful for their own purposes to produce such a plan.

**28.** It is the responsibility of each authority to provide clear evidence that the network management duty is being properly performed and this should include details of the progress made in respect of the priorities that each authority has set itself. The reporting process provides opportunities for authorities to demonstrate their ability to carry out their network management duties and their successful progress in doing so.

**29.** Where authorities participate in a joint RTP, each should ensure that sufficient evidence has been presented to demonstrate that it is properly performing each of its network management duties.

## ASSESSMENT OF EVIDENCE

**30.** The Welsh Ministers will assess reports from authorities, as well as any supporting documents, to determine how they have performed their network management duties. They will also take into account any serious issue about traffic movement on a road network, of which they become aware through means other than normal reporting. In conducting the assessment, the Welsh Ministers will, in particular, address five primary questions as follows. In relation to

(1) Defnyddir y term Cynllun Trafnidiaeth Rhanbarthol neu CTRh yn y canllawiau yma (ac yn y Canllawiau ar y Dyletswydd i Reoli'r Rhwydwaith) i ddisgrifio cynllun trafnidiaeth lleol a baratowyd gan grwp o awdurdodau trafnidiaeth lleol parteth eu cyd ardal yn unol a Deddf Trafnidiaeth 2000 a Gorchymyn Cynllunio Trafnidiaeth Rhanbarthol (Cymru) 2006.

(1) The term Regional Transport Plan or RTP is used in this guidance (and in the NMDG) to describe a local transport plan prepared by a group of local transport authorities in respect of their collective area in accordance with the Transport Act 2000 and the Regional Transport Planning (Wales) Order 2006.

ymwneud â phum prif gwestiwn fel a ganlyn. O ran pob un o'r prif gwestiynau, er nad yw hyn yn hollgynhwysfawr, mae paragraffau 31 i 43 yn gosod engrheiftiau o is-gwestiynau y gall Weinidogion Cymru eu hystyried.

**I BA RADDAU Y MAE AWDURDOD WEDI  
RHOI SYLW I'R CANLLAWIAU AR Y  
DDYLETSWYDD I REOLI'R RHWYDWAITH  
WRTH IDDO GYFLAWN NI EI  
DDYLETSWYDDAU I REOLI'R  
RHWYDWAITH? (Gweler adran 18(2) o'r  
Ddeddf)**

31.-(1) Bydd amgylchiadau lleol yn cael dylanwad arwyddocaol nid yn unig ar sut y mae awdurdod yn rheoli ei rwydwaith, ond hefyd ar sut y mae'n mynd o'i chwmpas hi i wneud trefniadau ar gyfer cyflawni'r ddyletswydd honno a pha dechnegau rheoli traffig y bydd yn dewis eu mabwysiadu. Gan hynny, mater i bob awdurdod unigol yw penderfynu sut y mae'n cynllunio i gyflawni ei ddyletswyddau o ran rheoli traffig.

(2) Er hynny, mae rhai nodweddion ar y *Canllawiau ar y Ddyletswydd i Reoli'r Rhwydwaith* yn gyffredin i bob awdurdod, ond i raddau gwahanol. Mae angen rhoi sylw i bob un o'r ystyriaethau canlynol fel y dangosydd lleiaf bod awdurdod yn rhoi sylw i'r *Canllawiau ar y Ddyletswydd i Reoli'r Rhwydwaith* ("NMDG")-

- (a) ystyried anghenion pob defnyddiwr ffordd;
- (b) cydgysylltu a chynllunio gwaith a digwyddiadau hysbys;
- (c) casglu a darparu anghenion gwybodaeth;
- (ch) rheoli digwyddiadau a chynllunio ar gyfer hapddigwyddiadau;
- (d) delio â thwf traffig;
- (dd) gweithio gyda rhanddeiliaid - mewnol ac allanol;
- (e) sicrhau cydraddoldeb ag eraill; a
- (f) darparu tystiolaeth i ddangos rheolaeth y rhwydwaith.

**Ystyried anghenion pob defnyddiwr ffordd.  
(Gweler NMDG paragraffau 26, 51, 76-79 a 117)**

32.-(1) Sut fydd awdurdod yn rheoli gofod ffyrdd i bawb?

(2) A ydyw'r awdurdod wedi gosod dealtwriaeth glir o'r problemau sy'n wynebu gwahanol rannau o'i rwydwaith?

(3) A yw'n ymwybodol o anghenion gwahanol ddefnyddwyr y ffyrdd?

(4) A ydyw wedi cydbwyso polisiau ar gyfer delio gyda'r problemau a'r anghenion hyn?

(5) A ydyw'r awdurdod lleol wedi dynodi a grwpio

each primary question, although not exhaustive, paragraphs 31 to 43 set out examples of subordinate questions that the Welsh Ministers may consider.

**TO WHAT EXTENT HAS AN AUTHORITY  
HAD REGARD FOR THE NETWORK  
MANAGEMENT DUTY GUIDANCE IN  
PERFORMING ITS NETWORK  
MANAGEMENT DUTIES? (See section 18(2) of  
the Act)**

31.-(1) Local circumstances will have a significant influence not only on how an authority manages its network, but also on how it goes about making arrangements for the performance of that duty and which traffic management techniques it chooses to adopt. It is, therefore, for each individual authority to decide how it plans to perform its duties relating to traffic management.

(2) However, some features of the *Network Management Duty Guidance* are common to all authorities, albeit to differing degrees. All of the following considerations need to be adequately addressed as a minimum indication that an authority has had regard to the *Network Management Duty Guidance* ("NMDG")-

- (a) considering the needs of all road users;
- (b) co-ordinating and planning works and known events;
- (c) gathering and providing information needs;
- (d) incident management and contingency planning;
- (e) dealing with traffic growth;
- (f) working with all stakeholders - internal and external;
- (g) ensuring parity with others; and
- (h) providing evidence to demonstrate network management.

**Considering the needs of all road users. (See  
NMDG paragraphs 26, 51, 76-79 and 117)**

32.-(1) How does an authority manage the road space for everyone?

(2) Has the authority set out a clear understanding of the problems facing the different parts of its network?

(3) Is it aware of the needs of different road users?

(4) Has it balanced policies for addressing these problems and needs?

(5) Has the local authority identified and grouped

ffyrdd yn unol â'u lleoliad a'r gweithgareddau sydd arnynt?

(6) A ydyw'r awdurdod wedi dangos ei fod wedi cydbwys galwadau gwahanol sy'n hawlio sylw tra bydd yn dal ati i reoli ei rwydwaith yn effeithiol?

(7) Wrth wneud penderfyniadau ar alwadau gwahanol sy'n hawlio sylw, a ydyw wedi ystyried ei bolisiau ac amgylchiadau arbennig ar y rhan o'r rhwydwaith sydd o dan sylw?

(8) A ydyw'r awdurdod yn cydweithio â busnesau lleol, manwerthwyr, cynrychiolwyr o'r diwydiant cario llwythi a chludo ar y ffyrdd, gweithredwyr trafnidiaeth gyhoeddus ac ymgymmerwyr statudol?

(9) A ydyw'n datblygu dulliau i sicrhau gwasanaethau economaidd ac effeithiol i fangreodd a chyflenwi, gan liniaru problemau niweidiol?

#### **Cydgysylltu a chynllunio gwaith a digwyddiadau hysbys. (Gweler NMDG paragraff 27)**

33.-(1) I ba raddau mae'r awdurdod wedi hybu cydgysylltiad rhagweithiol o'r gweithgareddau ar y rhwydwaith?

(2) I ba raddau mae wedi mabwysiadu agwedd a gynlluniwyd, dan arweiniad tystiolaeth i ddigwyddiadau hysbys?

(3) A ydyw'n datblygu, neu wedi datblygu, cynlluniau ar gyfer digwyddiadau na ragwelwyd?

#### **Casglu a darparu anghenion gwybodaeth. (Gweler NMDG paragraffau 28, 89, 90, 126 a 127)**

34.-(1) Pa mor effeithiol yw'r trefniadau sydd gan yr awdurdod ar waith i gasglu gwybodaeth gywir am waith a digwyddiadau a gynlluniwyd?

(2) Sut mae'r awdurdod yn trefnu gwaith a digwyddiadau a gynlluniwyd i gael yr effaith leiaf a chytuno ar amseriad neu bennu amseriad i gael yr effaith orau?

(3) A ydyw'r awdurdod yn darparu mynediad pan ofynnir amdano at wybodaeth, o systemau'r awdurdod ar gyfer cofnodi a chydgysylltu gwaith cyfleustodau a gwaith ffyrdd, i gwmniau cyfleustodau, contractwyr ac awdurdodau cyfagos?

(4) A oes gan yr awdurdod, neu a ydyw'n bwriadu cael, ffynhonnell dda ac amserol o wybodaeth am deithio ar gyfer defnyddwyr ffyrdd a'r gymuned?

(5) A ydyw hyn yn caniatáu i ddefnyddwyr y ffyrdd ddewis llwybr teithio gwahanol neu ddull gwahanol o deithio neu oedi neu ohirio eu taith?

(6) A ydyw'r awdurdod yn gweithio gydag amrywiaeth o ddarparwyr gwybodaeth teithio ac a ydynt yn cyfathrebu drwy ystod eang o sianelau?

roads according to their location and the activities on them?

(6) How has the authority shown that it has balanced competing demands while continuing to manage its network efficiently?

(7) In reaching decisions on competing demands, has it taken account of its policies and the particular circumstances of the part of the network being considered?

(8) Is the authority working together with local businesses, retailers, representatives of the freight and road haulage industry, public transport operators and statutory undertakers?

(9) Is it developing means for ensuring economic and efficient servicing of premises and deliveries, whilst mitigating adverse problems?

#### **Coordinating and planning works and known events. (See NMDG paragraph 27)**

33.-(1) To what extent has the authority promoted pro-active coordination of activities on the network?

(2) To what degree has it adopted a planned, evidence-led approach to known events?

(3) Has it developed, or is it developing, contingency plans for unforeseen events?

#### **Gathering and providing information needs. (See NMDG paragraphs 28, 89, 90, 126 and 127)**

34.-(1) How effective are the arrangements the authority have in place to gather accurate information about planned works and events?

(2) How does the authority organise planned works and events to minimise their impact and agree or stipulate their timing to best effect?

(3) Does the authority provide access on demand to information, from the authority's systems for recording and coordinating utilities' works and road works, to utility companies, contractors and adjoining authorities?

(4) Does the authority have, or aim to have, a good and timely source of travel information for road users and the community?

(5) Does this allow road users to choose a different route or mode of travel or to delay or defer their proposed journey?

(6) Does the authority work with a variety of travel information providers and do they communicate through a wide range of channels?

(7) Pa dystiolaeth a roddwyd i ddangos pa mor dda y mae awdurdod yn darparu gwybodaeth i awdurdodau strydoedd eraill a bodloni rhwymedigaethau statudol presennol megis ei ddyletswydd i gadw cofrestr gwaith stryd?

**Rheoli digwyddiadau a chynllunio ar gyfer hapddigwyddiadau. (Gweler NMDG paragraffau 29 a 50)**

35.-(1) A ydyw'r awdurdod wedi sefydlu cynlluniau ar gyfer hapddigwyddiadau i fynd i'r afael â sefyllfaoedd y tu allan i reolaeth yr awdurdod yn brydlon ac yn effeithiol, cyn belled ag y mae'n rhesymol ymarferol?

(2) A ydyw'r awdurdod wedi darparu dystiolaeth i ddangos ei fod wedi sicrhau yr ymgynghorwyd neu yr ymgynghorir yn llawn â'r partïon sy'n cymryd rhan i wneud i'r trefniadau hyn ar gyfer hapddigwyddiadau weithio yn ystod eu datblygiad?

(3) A ydyw'r wybodaeth y mae angen amdani gan y partïon hyn i roi'r cynlluniau ar waith yn gyflym?

**Delio â thwf traffig. (Gweler NMDG paragraff 30)**

36.-(1) Pa dystiolaeth a roddwyd i ddangos bod yr awdurdod wedi dynodi tueddiadau mewn twf traffig ar lwybrau teithio penodol?

(2) Pa bolisiâu sydd ar waith ar gyfer rheoli newidiadau cynyddrannol?

**Gweithio gyda rhanddeiliaid - mewnol ac allanol. (Gweler y Ddeddf a NMDG paragraffau 31 i 33 a 57 i 62)**

37.-(1) Pa dystiolaeth sydd ar gael i ddangos bod y rhai sy'n gyfrifol yn yr awdurdod am arfer unrhyw bŵer i reoleiddio neu gydgysylltu'r defnydd a wneir o unrhyw ffordd neu ran o ffordd yn y rhwydwaith ffyrdd yn ymwybodol o gyfrifoldebau'r awdurdod sy'n codi o ran y ddyletswydd i reoli'r rhwydwaith ac yn eu gweithredu?

(2) A ydyw'r awdurdodau sydd mewn ardaloedd dwy haen yn cysylltu â phob adran berthnasol yn y cyrff ail haen y mae eu gwaith yn effeithio ar y rhwydwaith ffyrdd?

(3) A ydyw awdurdodau'n sicrhau bod cyrff eraill (e.e. awdurdodau cynllunio) yn ymwybodol o'u ddyletswydd a'u heffaith ar symudiad traffig?

(4) Pa dystiolaeth sydd ar gael bod awdurdod yn cymryd camau sy'n cynnwys ymgynghori ar fentrau, rhannu gwybodaeth sydd ei hangen i gyflawni'r ddyletswydd, prosesau ar gyfer sicrhau bod polisiâu'n gyson a chytuno ar drefniadau gweithio ar y cyd, gan gynnwys yn benodol gyda Gweinidogion Cymru.

(7) What evidence has been provided to show how well the authority is providing information to other street authorities and meeting existing statutory obligations such as its duty to keep a street works register?

**Incident management and contingency planning. (See NMDG paragraphs 29 and 50)**

35.-(1) Has the authority established contingency plans for dealing with situations outside the authority's control promptly and effectively, as far as is reasonably practicable?

(2) Has the authority provided evidence to demonstrate that it has ensured that all parties involved in making these contingency arrangements work, have been, or are, fully consulted during their development?

(3) Have these parties the information they need to put the plans into practice quickly?

**Dealing with traffic growth. (See NMDG paragraph 30)**

36.-(1) What evidence has been given to show that an authority has identified trends in traffic growth on specific routes?

(2) What policies have been put in place for managing incremental change?

**Working with all stakeholders - internal and external. (See the Act and NMDG paragraphs 31 to 33 and 57 to 62)**

37.-(1) What evidence is there to show that those responsible within the authority for exercising any power to regulate or coordinate the uses made of any road or part of a road in the road network are aware of, and act upon, the authority's responsibilities arising in relation to the network management duty?

(2) Do authorities that are in two-tier areas liaise with all the relevant departments in the second tier organisations whose work affects the road network?

(3) Does the authority ensure that other bodies (e.g. planning authorities) are aware of the duty and their impact on the movement of traffic?

(4) What evidence is there to show that an authority takes actions that include consultation on initiatives, the sharing of information needed to meet the duty, processes for ensuring that policies are consistent and agreeing joint working arrangements, including particularly with the Welsh Ministers.

(5) A ydyw'r awdurdod wedi sicrhau bod rhan gan yr heddlu, ymgwymerwyr statudol, Gweithrediaeth Cludo Teithwyr, gweithredwyr bysiau, y Comisiynwyr Traffig, preswylwyr a busnesau lleol a defnyddwyr gwahanol y ffyrdd pan fydd hynny'n briodol yn y broses o wneud penderfyniadau?

**Sicrhau cydraddoldeb ag eraill. (Gweler NMDG paragraffau 67 a 88)**

**38.**-(1) A ydyw'r awdurdod yn cymhwys'o'r un safonau ac agweddau at ei weithgareddau ei hun ag y mae'n gwneud i eraill ac a ydyw'n darparu tystiolaeth o hyn, yn enwedig o ran gwaith cyfleustodau strydoedd a gwaith datblygwyr.

(2) A ydyw'n defnyddio dangosyddion a benderfynwyd yn lleol a phan fo hynny'n berthnasol unrhyw ddangosyddion perfformiad allweddol a benderfynwyd yn ganolog?

**Darparu tystiolaeth i ddangos rheolaeth y rhwydwaith. (Gweler NMDG paragraff 47)**

**39.**-(1) A gafodd y trefniadau a sefydlwyd gan awdurdod i gyflawni'r ddyletswydd eu hadlewyrchu yn ei CTRh neu yn unrhyw adroddiad monitro interim?

(2) A ydyw'r adroddiadau am y ddyletswydd a gyflawnir gan awdurdod yn rhoi tystiolaeth glir i ddangos sut y mae'n rheoli ei rwydwaith ffyrdd?

**I BA RADDAU MAE'R AWDURDOD TRAFFIG LLEOL WEDI YSTYRIED A PHAN FYDD YN BRIODOL WEDI CYMRYD CAMAU FEL A RAGWELIR GAN ADRAN 16(2) O'R DDEDDF?**

**40.**-(1) A ydyw'r adroddiad gan yr awdurdod am ei berfformiad yn dangos pa gamau mae'r awdurdod wedi'u hystyried er mwyn cyflawni'r ddyletswydd i reoli'r rhwydwaith a chanlyniadau'r ystyriaethau hynny?

(2) A ydyw'r awdurdod wedi dangos tystiolaeth ei fod wedi cymryd camau y mae'n ystyried fydd yn cyfrannu at ddefnydd mwy effeithiol o'i rwydwaith ffyrdd neu osgoi, diddymu neu leihau tagfeydd neu amhariad arall i symudiad traffig ar ei rwydwaith ffyrdd neu ar rwydwaith ffyrdd y mae awdurdod arall yn awdurdod traffig arno?

(3) A ydyw'r awdurdod wedi dangos tystiolaeth ei fod wedi cymryd unrhyw gamau eraill y mae'n ystyried eu bod yn berthnasol?

**I BA RADDAU MAE'R AWDURDOD TRAFFIG LLEOL WEDI ARFER UNRHYW BWER SY'N CEFNOGI'R CAMAU HYN?**

**41.**-(1) A ydyw'r adroddiad yn dangos pa bwerau a gafodd eu hystyried i gefnogi camau a gymrwyd i gyflawni'r ddyletswydd i reoli'r rhwydwaith?

(5) Has the authority involved the police, statutory undertakers, Passenger Transport Executives, bus operators, the Traffic Commissioners, residents and local businesses and different road users where appropriate in decision-making processes?

**Ensuring parity with others. (See NMDG paragraphs 67 and 88)**

**38.**-(1) Does the authority apply the same standards and approaches to its own activities as it does to those of others and does it provide evidence of this, particularly in relation to utilities' street works and developers' works?

(2) Does it use locally determined indicators and where relevant any centrally developed key performance indicators?

**Providing evidence to demonstrate network management. (See NMDG paragraph 47)**

**39.**-(1) Have the arrangements established by an authority for performing the duty been reflected in its RTP or any other interim monitoring report?

(2) Do reports about the duty performed by an authority provide clear evidence to demonstrate how it manages its road network?

**TO WHAT EXTENT HAS THE LOCAL TRAFFIC AUTHORITY CONSIDERED AND WHERE APPROPRIATE TAKEN ACTION AS ENVISAGED BY SECTION 16(2) OF THE ACT?**

**40.**-(1) Does the report from the authority about its performance demonstrate what action the authority has considered in order to perform the network management duty and the outcomes of those deliberations?

(2) Has the authority shown evidence that it has taken action that it considers will contribute to securing the more efficient use of its road network or the avoidance, elimination or reduction of congestion or other disruption to the movement of traffic on its road network or a road network for which another authority is the traffic authority?

(3) Has the authority shown evidence that it has taken any other action that it considers to be relevant?

**TO WHAT EXTENT HAS THE LOCAL TRAFFIC AUTHORITY EXERCISED ANY POWER IN SUPPORT OF THIS ACTION?**

**41.**-(1) Does the report show what powers have been considered in support of the action taken to perform the network management duty?

(2) A arferwyd unrhyw bŵer i reoleiddio neu gydgysylltu'r defnydd a wneir o unrhyw ffordd, neu ran o ffordd yn y rhwydwaith ffyrdd, p'un a oedd y pŵer wedi cael ei roi i'r awdurdod yn ei swyddogaeth fel awdurdod traffig ai peidio?

#### I BA RADDAU Y CAFODD DANGOSYDDION A THARGEDAU I LEIHAU TAGFEYDD EU DEFNYDDIO?

42.-(1) A ydyw'r awdurdod wedi sefydlu dangosyddion perfformiad a thargedau perthnasol sy'n ei alluogi i fesur bod traffig yn symud yn hwylus?

(2) A ydyw wedi sefydlu systemau monitro effeithiol?

(3) A oes dystiolaeth bod awdurdod wedi defnyddio dangosyddion, targedau a systemau o'r fath i ddatblygu ei gynlluniau, sbarduno'i waith cyflenwi ac adrodd ar ei berfformiad?

#### I BA RADDAU MAE AMGYLCHIADAU UNIGOL YN GYFRIFOL AM FETHIANT YMDDANGOSIADOL MEWN DYLET SWYDD?

43. I ba raddau mae methiant ymddangosiadol mewn dyletswydd yn ganlyniad -

- (a) bod yr awdurdod wedi rhoi sylw i'w rwymedigaethau, polisiau ac amcanion eraill (gweler adran 16(1) o'r Ddeddf);
- (b) camau neu ddifyg camau awdurdod arall (gweler adran 16(1)(b) o'r Ddeddf); neu
- (c) camau, neu ddifyg camau, y gellid ystyried eu bod yn rhesymol pan gânt eu cymharu â sampl o-
  - (i) awdurdodau cyfagos,
  - (ii) awdurdodau o fath tebyg,
  - (iii) awdurdodau gydag amgylchiadau tebyg, neu
  - (iv) pob awdurdod?

#### CAIS AM WYBODAETH

44. Os bydd Gweinidogion Cymru yn ystyried nad oes ganddynt ddigon o wybodaeth i fynd i'r afael yn llwyr â chwestiwn penodol, cânt gysylltu ag awdurdod yn anffurfiol a gofyn am fwy o wybodaeth o fewn cyfnod penodedig.

45. Mae'n debyg mai'r agwedd anffurfiol fydd y prif ddull o gael gwybodaeth bellach, mae adran 19 o'r Ddeddf er hynny'n galluogi Gweinidogion Cymru i gyfarwyddo awdurdod yn ffurfiol i'w darparu, o fewn cyfnod penodedig, â gwybodaeth benodedig sy'n gysylltiedig ag unrhyw agwedd ar gyflawni ei ddyletswyddau i reoli'r rhwydwaith. Gellir arfer y pŵer hwn ar unrhyw adeg ond mae'n fwy tebygol o gael ei ddefnyddio os bydd awdurdod yn methu â darparu gwybodaeth ddigonol neu fodhaol, neu os na fydd yn

(2) Has any power been exercised so as to regulate or coordinate the uses made of any road, or part of a road, in the road network, whether or not the power was conferred on it in its capacity as a traffic authority?

#### TO WHAT EXTENT HAVE INDICATORS AND TARGETS TO REDUCE CONGESTION BEEN USED?

42.-(1) Has the authority established performance indicators and relevant targets to enable it to measure expeditious movement of traffic?

(2) Has it established effective monitoring systems?

(3) Is there evidence that an authority has used such indicators, targets and systems to develop its plans, drive its delivery and report on performance?

#### TO WHAT EXTENT DO INDIVIDUAL CIRCUMSTANCES ACCOUNT FOR AN APPARENT FAILURE OF A DUTY?

43. To what extent is the apparent failure of a duty a consequence of-

- (a) the authority having paid regard to its other obligations, policies and objectives (see section 16(1) of the Act);
- (b) the action or inaction of another authority (see section 16(1)(b) of the Act); or
- (c) actions, or a lack of them, that could be considered reasonable when compared with a sample of
  - (i) neighbouring authorities,
  - (ii) authorities of a similar type,
  - (iii) authorities with similar circumstances, or
- (iv) all authorities?

#### REQUEST FOR INFORMATION

44. If the Welsh Ministers consider that they do not have sufficient information to fully address any particular question, they may contact an authority informally and request further information within a specified period.

45. While the informal approach will probably be the main method of obtaining further information, section 19 of the Act nevertheless enables the Welsh Ministers to formally direct an authority to provide them, within a specified period, with specified information connected with any aspect of the performance of its network management duties. This power may be exercised at any time but is more likely to be used where an authority fails to provide sufficient or satisfactory information, or simply does not respond to

ymateb i gais anffurfiol o fewn unrhyw gyfnod a bennir.

**46.** Gellir rhoi cyfarwyddyd o dan adran 19 i awdurdod unigol, i ddu awdurdod neu fwy neu i awdurdodau a ddisgrifir yn benodol yn y cyfarwyddyd a dylai awdurdodau ymateb o fewn y cyfnod a bennir yn y cyfarwyddyd.

## MEINI PRAWF AR GYFER PENDERFYNU A DDYLID RHOI HYSBYSIAD YMYRRYD

**47.** Mae Gweinidogion Cymru yn bwriadu cymhwysor meini prawf canlynol er mwyn penderfynu a yw awdurdod yn methu cyflawni'n briodol unrhyw rai o'i ddyletswyddau o dan adrannau 16 a 17 o'r Ddeddf ac a ddylasant roi hysbysiad ymyrryd.

### MAEN PRAWF Rhif 1 (Dyletswyddau Adran 17)

**48.** I ba raddau-

- (a) mae'r dystiolaeth (**gweler paragraffau 31 i 43 uchod**) bod awdurdod wedi neu ddim wedi:
  - (i) rhoi sylw i'r *Canllawiau ar y Ddyletswydd i Reoli'r Rhwydwaith* wrth gyflawni ei ddyletswyddau i reoli'r rhwydwaith;
  - (ii) ystyried a phan fo'n briodol wedi cymryd camau fel a ragwelir gan adran 16(2) o'r Ddeddf;
  - (iii) arfer unrhyw bŵer yn cefnogi'r camau hynny;
  - (iv) mabwysiadu dangosyddion;
  - (v) bodloni targedau i leihau tagfeydd; a
  - (vi) bod yn destun amgylchiadau unigol sy'n gyfrifol am fethiant ymddangosiadol mewn dyletswydd;
- (b) mae unrhyw wybodaeth benodol a gafwyd o dan adran 19 o'r Ddeddf; ac
- (c) mae unrhyw dystiolaeth berthnasol arall sydd ar gael,

yn tueddu dangos i Weinidogion Cymru hwyrach nad yw'r awdurdod wedi cydymffurfio ag un neu fwy o ofynion adran 17 o'r Ddeddf ac o ganlyniad gall fod yr awdurdod yn methu cyflawni unrhyw un o'i ddyletswyddau'n briodol o dan yr adran honno.

**49.** Wrth gymhwysor maen prawf hwn, bydd Gweinidogion Cymru yn mynd i'r afael â'r cwestiynau canlynol.

- (a) A ydyw'r awdurdod wedi ystyried pa drefniadau a all fod yn briodol ar gyfer
  - (i) cynllunio'r camau sydd i'w cymryd i gyflawni'r ddyletswydd o dan adran 16 o'r Ddeddf; a
  - (ii) cyflawni'r camau hynny;

an informal request within any period specified.

**46.** A direction under section 19 may be given to a single authority, to two or more authorities or to authorities of a description specified in the direction and authorities should respond within the period specified in the direction.

## CRITERIA FOR DECIDING WHETHER TO GIVE AN INTERVENTION NOTICE

**47.** The Welsh Ministers propose to apply the following criteria for the purpose of deciding whether an authority may be failing properly to perform any of its duties under sections 16 and 17 of the Act and whether to give an intervention notice.

### CRITERION No.1 (Section 17 duties)

**48.** The extent to which-

- (a) the evidence (**see paragraphs 31 to 43 above**) that an authority has or has not:
  - (i) had regard to the *Network Management Duty Guidance* in performing its network management duties;
  - (ii) considered, and where appropriate, taken action, as envisaged by section 16(2) of the Act;
  - (iii) exercised any power in support of that action;
  - (iv) adopted indicators;
  - (v) met targets to reduce congestion; and
  - (vi) been the subject of individual circumstances which account for an apparent failure of a duty;
- (b) any specified information obtained under section 19 of the Act; and
- (c) any other relevant evidence available,

seem to indicate to the Welsh Ministers that the authority may not have complied with one or more of the requirements of section 17 of the Act and as a consequence may be failing properly to perform any of its duties under that section.

**49.** In applying this criterion, the Welsh Ministers will address the following questions.

- (a) Has the authority considered what arrangements might be appropriate for
  - (i) planning the action to be taken in performing the duty under section 16 of the Act; and
  - (ii) carrying out that action;

ac os yw'n ystyried bod hynny'n briodol a ydyw wedi gwneud trefniadau o'r fath? (Gweler adran 17(1)).

- (b) A ydyw'r trefniadau'n cynnwys darpariaeth ar gyfer penodi rheolwr traffig? (Gweler adran 17(2)).
- (c) A ydyw'r trefniadau'n cynnwys darpariaeth ar gyfer sefydlu proses i sicrhau, i'r graddau sy'n rhesymol ymarferol, fod yr awdurdod yn-
  - (i) dynodi'r pethau sy'n peri tagfeydd ar ei rwydwaith ffyrdd, neu amhariad arall ar symudiad traffig ar y rhwydwaith hwnnw;
  - (ii) dynodi'r pethau (gan gynnwys digwyddiadau y dyfodol) y mae'r potensial ynddynt i beri tagfeydd ar ei rwydwaith ffyrdd, neu amhariad arall ar symudiad traffig ar y rhwydwaith hwnnw; a
  - (iii) ystyried unrhyw gamau posibl y gellir eu cymryd wrth ymateb i, neu wrth rag-weld, unrhyw beth felly a ddynodwyd? (Gweler adran 17(4)).

Wrth fynd i'r afael â'r cwestiwn hwn ni fydd Gweinidogion Cymru yn disgwyl gweld darpariaeth ar gyfer sefydlu proses i ystyried neu ddynodi unrhyw beth y mae'n ymddangos ei fod yn cael effaith ddi-nod yn unig (neu effaith bosibl) ar symudiad traffig ar rwydwaith yr awdurdod.

- (ch) A ydyw'r trefniadau'n cynnwys darpariaeth ar gyfer sicrhau bod yr awdurdod yn-
- (iv) penderfynu polisiau neu amcanion penodol o ran gwahanol ffyrdd neu wahanol ddosbarthau o ffyrdd yn ei rwydwaith ffyrdd;
- (v) monitro effeithiolrwydd ei drefniadaeth a'r prosesau o wneud penderfyniadau a gweithredu ei benderfyniadau; a
- (vi) asesu ei berfformiad wrth reoli ei rwydwaith? (Gweler adran 17(5)).
- (d) A ydyw'r awdurdod wedi adolygu'n gyson effeithiolrwydd y trefniadau hyn? (Gweler adran 17(6)).

## MAEN PRAWF Rhif 2 (Adran 16 - y ddyletswydd i reoli'r rhwydwaith)

### 50. I ba raddau-

- (a) mae'r dystiolaeth (**gweler paragraffau 31 i 43 uchod**) bod awdurdod wedi neu ddim wedi-
  - (i) rhoi sylw i'r **Canllawiau ar y Ddyletswydd i Reoli'r Rhwydwaith** wrth gyflawni ei ddyletswyddau i reoli'r rhwydwaith;
  - (ii) ystyried a phan fo'n briodol wedi cymryd camau fel a ragwelir gan adran 16(2) o'r Ddeddf;

and where considered appropriate has it made such arrangements? (See section 17(1)).

- (b) Do the arrangements include provision for the appointment of a traffic manager? (See section 17(2)).
- (c) Do the arrangements include provision for establishing processes for ensuring, so far as may be reasonably practicable, that the authority-
  - (i) identify things which are causing road congestion on its road network, or other disruption to the movement of traffic on that network;
  - (ii) identify things (including future occurrences) which have the potential to cause road congestion on its road network, or other disruption to the movement of traffic on that network; and
  - (iii) consider any possible action that could be taken in response to, or in anticipation of, anything so identified? (See section 17(4)).

In addressing this question the Welsh Ministers will not expect to see provision for establishing processes for the consideration or identification of anything appearing to have only an insignificant effect (or potential effect) on the movement of traffic on the authority's road network.

- (d) Do the arrangements include provision for ensuring that the authority-
  - (i) determines specific policies or objectives in relation to different roads or different classes of road in its road network;
  - (ii) monitors the effectiveness of its organisation and decision-making processes and the implementation of its decisions; and
  - (iii) assesses its performance in managing its road network? (See section 17(5)).
- (e) Has the authority kept under review the effectiveness of these arrangements? (See section 17(6)).

## CRITERION No.2 (Section 16 - the network management duty)

### 50. The extent to which-

- (a) the evidence (**see paragraphs 31 to 43 above**) that an authority has or has not-
  - (i) had regard for the **Network Management Duty Guidance** in performing its network management duties;
  - (ii) considered and where appropriate taken action as envisaged by section 16(2) of the Act;

- (iii) arfer unrhyw bŵer yn cefnogi'r camau hynny;
- (iv) mabwysiadu dangosyddion;
- (v) bodloni targedau i leihau tagfeydd; a
- (vi) bod yn destun amgylchiadau unigol sy'n gyfrifol am fethiant ymddangosiadol mewn dyletswydd;
- (b) mae unrhyw wybodaeth benodol a gafwyd o dan adran 19 o'r Ddeddf;
- (c) mae'r casgliadau y daethpwyd iddynt ar ôl cymhwys Maen Prawf Rhif 1; ac
- (ch) mae unrhyw dystiolaeth berthnasol arall sydd ar gael,

yn tueddu dangos i'r Cynulliad Cenedlaethol hwyrrach nad yw'r awdurdod yn rheoli ei rwydwaith ffyrdd er mwyn cyflawni, i'r graddau y mae'n rhesymol ymarferol wrth gofio am ei rwymedigaethau, polisiau ac amcanion eraill, yr amcanion o sicrhau bod traffig yn symud yn hwylus ar ei rwydwaith ffyrdd a hwyluso traffig i symud yn hwylus ar rwydweithiau ffyrdd y mae awdurdod arall yn awdurdod traffig arnynt ac o ganlyniad gall fod yn methu cyflawni'n briodol ei ddyletswydd i reoli'r rhwydwaith o dan adran 16 o'r Ddeddf.

**51.** Wrth gymhwys o'r maen prawf hwn bydd Gweinidogion Cymru yn mynd i'r afael â'r cwestiynau canlynol.

- (a) Pa gamau, os oes rhai, mae'r awdurdod yn cynllunio eu cymryd wrth gyflawni ei ddyletswydd i reoli'r rhwydwaith?
- (b) Pa gamau, os oes rhai, mae'r awdurdod wedi'u cymryd mewn gwirionedd wrth gyflawni ei ddyletswydd i reoli'r rhwydwaith?
- (c) Pa dystiolaeth sydd ar gael i ddangos bod yr awdurdod yn ystyried y camau hynny a fydd yn cyfrannu at sicrhau-
  - (i) defnydd mwy effeithiol o'i rwydwaith; neu
  - (ii) osgoi, diddymu neu leihau tagfeydd neu amhariad arall i symudiad traffig ar ei rwydwaith ffyrdd neu ar rwydwaith ffyrdd y mae awdurdod arall yn awdurdod traffig arno?
- (ch) Pa bwerau ar gyfer rheoleiddio neu gydgysylltu'r defnydd a wneir o unrhyw ffordd (neu ran o ffordd) yn y rhwydwaith ffyrdd, os oes rhai, mae'r awdurdod yn bwriadu eu harfer fel rhan o unrhyw gamau cynllunio?
- (d) A ydyw'r awdurdod wedi arfer unrhyw bwerau o'r fath fel rhan o unrhyw gamau a gymrwyd?
- (dd) A ydyw'r awdurdod wedi penodi rheolwr traffig?
- (e) Os felly, a ydyw'r rheolwr traffig yn cyflawni'r tasgau hynny y mae'r awdurdod yn ystyried y byddant yn gymorth iddo i gyflawni ei ddyletswydd i reoli'r rhwydwaith?

- (iii) exercised any power in support of that action;
- (iv) adopted indicators;
- (v) met targets to reduce congestion; and
- (vi) been the subject of individual circumstances which account for an apparent failure of a duty;
- (b) any specified information obtained under section 19 of the Act;
- (c) the conclusions reached after applying Criterion No.1; and
- (d) any other relevant evidence available,

seem to indicate to the Welsh Ministers that the authority may not be managing its road network with a view to achieving, so far as may be reasonably practicable having regard to its other obligations, policies and objectives, the objectives of securing the expeditious movement of traffic on its road network and facilitating the expeditious movement of traffic on road networks for which another authority are the traffic authority and as a consequence may be failing properly to perform its network management duty under section 16 of the Act.

**51.** In applying this criterion the Welsh Ministers will address the following questions.

- (a) What action, if any, is the authority planning to take in performing its network management duty?
- (b) What action, if any, has the authority actually taken in the performance of its network management duty?
- (c) What evidence is there to show that the authority consider that such action includes action which will contribute to securing-
  - (i) the more efficient use of its network; or
  - (ii) the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on its road network or a road network for which another authority are the traffic authority?
- (d) What powers to regulate or co-ordinate the uses made of any road (or part of a road) in the road network, if any, do the authority propose to exercise as part of any planned action?
- (e) Has the authority exercised any such powers as part of any action taken?
- (f) Has the authority appointed a traffic manager?
- (g) If so, is the traffic manager performing such tasks as the authority consider will assist it to perform its network management duty?

- (f) Pa bethau mae'r awdurdod wedi eu dynodi sy'n peri-
    - (i) tagfeydd ffyrdd ar ei rwydwaith ffyrdd; neu
    - (ii) amhariad arall ar symudiad traffig ar y rhwydwaith hwnnw?
  - (ff) Pa bethau mae'r awdurdod wedi'u dynodi (gan gynnwys digwyddiadau yn y dyfodol) y mae ynddynt y potensial i beri-
    - (i) tagfeydd ffyrdd ar ei rwydwaith ffyrdd; neu
    - (iv) amhariad arall ar symudiad traffig ar y rhwydwaith hwnnw?
  - (g) Pa gamau posibl mae'r awdurdod wedi'u hystyried y gellid eu cymryd wrth ymateb i, neu wrth rag-weld, unrhyw beth felly a ddynodwyd?
  - (ng) I ba raddau mae unrhyw gamau o'r fath wedi'u cymryd?
  - (h) Pa bolisiau neu amcanion penodol mae'r awdurdod wedi penderfynu arnynt o ran gwahanol ffyrdd neu wahanol ddosbarthau o ffyrdd yn ei rwydwaith ffyrdd?
  - (i) Beth yw canlyniad monitro'r awdurdod ar effeithiolrwydd-
    - (i) ei drefniadaeth;
    - (ii) ei brosesau penderfynu; a
    - (iii) gweithredu ei benderfyniadau?
  - (j) Beth yw canlyniad asesiad yr awdurdod ar ei berfformiad wrth reoli ei rwydwaith ffyrdd?
  - (l) Beth yw canlyniad adolygiad yr awdurdod ar effeithiolrwydd y trefniadau sydd ganddo ar waith o dan adran 17 o'r Ddeddf?
- (h) What things have the authority identified which are causing-
  - (i) road congestion on its road network; or
  - (ii) other disruption to the movement of traffic on that network?
- (i) What things have the authority identified (including future occurrences) which have the potential to cause-
  - (i) road congestion on its road network; or
  - (ii) other disruption to the movement of traffic on that network?
- (j) What possible action has the authority considered could be taken in response to, or in anticipation of, anything so identified?
- (k) To what extent has any such action been taken?
- (l) What specific policies or objectives have the authority determined in relation to different roads or classes of road in their road network?
- (m) What is the outcome of the authority's monitoring of the effectiveness of its-
  - (i) organisation;
  - (ii) decision-making processes; and
  - (iii) the implementation of its decisions?
- (n) What is the outcome of the authority's assessment of its performance in managing their road network?
- (o) What is the outcome of the authority's review of the effectiveness of the arrangements it has in place under section 17 of the Act?

## MEINI PRAWF AR GYFER PENDERFYNU A DDYLID GWNEUD GORCHYMYN YMYRRYD

**52.** Mae Gweinidogion Cymru yn bwriadu cymhwys o'r mein prawf canlynol er mwyn penderfynu a yw awdurdod yn methu cyflawni'n briodol unrhyw rai o'i ddyletswyddau o dan adrannau 16 a 17 o'r Ddeddf ac a ddylai wneud gorchymyn ymyrryd.

## MAEN PRAWF Rhif 1 (dyletswyddau Adran 17)

**53.** I ba raddau-

- (a) mae'r dystiolaeth (**gweler paragraffau 31 i 43 uchod**) bod awdurdod wedi neu ddim wedi-
  - (i) rhoi sylw i'r *Canllawiau ar y Ddyletswydd i Reoli'r Rhwydwaith* wrth gyflawni ei ddyletswyddau i reoli'r rhwydwaith;
  - (ii) ystyried a phan fo'n briodol wedi cymryd camau fel a ragwelir gan adran 16(2) o'r Ddeddf;

- (h) What things have the authority identified which are causing-
  - (i) road congestion on its road network; or
  - (ii) other disruption to the movement of traffic on that network?
- (i) What things have the authority identified (including future occurrences) which have the potential to cause-
  - (i) road congestion on its road network; or
  - (ii) other disruption to the movement of traffic on that network?
- (j) What possible action has the authority considered could be taken in response to, or in anticipation of, anything so identified?
- (k) To what extent has any such action been taken?
- (l) What specific policies or objectives have the authority determined in relation to different roads or classes of road in their road network?
- (m) What is the outcome of the authority's monitoring of the effectiveness of its-
  - (i) organisation;
  - (ii) decision-making processes; and
  - (iii) the implementation of its decisions?
- (n) What is the outcome of the authority's assessment of its performance in managing their road network?
- (o) What is the outcome of the authority's review of the effectiveness of the arrangements it has in place under section 17 of the Act?

## CRITERIA FOR DECIDING WHETHER TO MAKE AN INTERVENTION ORDER

**52.** The Welsh Ministers propose to apply the following criteria for the purpose of deciding whether an authority is failing to properly perform any of its duties under sections 16 and 17 of the Act and whether to make an intervention order.

## CRITERION No.1 (Section 17 duties)

**53.** The extent to which-

- (a) the evidence (**see paragraphs 31 to 43 above**) that an authority has or has not-
  - (i) had regard for the *Network Management Duty Guidance* in performing its network management duties;
  - (ii) considered and where appropriate taken action as envisaged by section 16(2) of the Act;

- (iii) arfer unrhyw bŵer yn cefnogi'r camau hynny;
- (iv) mabwysiadu dangosyddion;
- (v) bodloni targedau i leihau tagfeydd; a
- (vi) bod yn destun amgylchiadau unigol sy'n gyfrifol am fethiant ymddangosiadol mewn dyletswydd;
- (b) mae unrhyw wybodaeth benodol a gafwyd o dan adran 19 o'r Ddeddf;
- (c) mae unrhyw sylwadau neu gynigion a wnaed, ac unrhyw wybodaeth benodol a roddwyd, wrth ymateb i hysbysiad ymyrryd; a
- (ch) mae unrhyw dystiolaeth berthnasol arall sydd ar gael,

yn bodloni'r Cynulliad Cenedlaethol nad yw'r awdurdod wedi cydymffurfio ag un neu fwy o ofynion adran 17 o'r Ddeddf ac, o ganlyniad, yn methu cyflawni unrhyw un o'i ddyletswyddau'n briodol o dan yr adran honno ac yn annhebygol o allu cywiro'r methiant hwnnw mewn amser rhesymol.

**54.** Wrth gymhwysyo'r maen prawf hwn, bydd Gweinidogion Cymru yn mynd i'r afael â'r cwestiynau a osodir ym mharagraff 49.

#### **MAEN PRAWF Rhif 2 (Adran 16 - y ddyletswydd i reoli'r rhwydwaith)**

**55.** I ba raddau-

- (a) mae'r dystiolaeth (**gweler paragraffau 31 i 43 uchod**) bod yr awdurdod wedi neu ddim wedi-
  - (i) rhoi sylw i'r ***Canllawiau ar y Ddyletswydd i Reoli'r Rhwydwaith*** wrth gyflawni ei ddyletswyddau i reoli'r rhwydwaith;
  - (ii) ystyried a phan fo'n briodol wedi cymryd camau fel a ragwelir gan adran 16(2) o'r Ddeddf;
  - (iii) arfer unrhyw bŵer yn cefnogi'r camau hynny;
  - (iv) mabwysiadu dangosyddion;
  - (v) bodloni targedau i leihau tagfeydd; a
  - (vi) bod yn destun amgylchiadau unigol sy'n gyfrifol am fethiant ymddangosiadol mewn dyletswydd;
- (b) mae unrhyw wybodaeth benodol a gafwyd o dan adran 19 o'r Ddeddf;
- (c) mae unrhyw sylwadau neu gynigion a wnaed, ac unrhyw wybodaeth benodol a roddwyd, wrth ymateb i hysbysiad ymyrryd;
- (ch) mae'r casgliadau y daethpwyd iddynt ar ôl cymhwysyo Maen Prawf Rhif 1 ym mharagraff 53; a
- (d) mae unrhyw dystiolaeth berthnasol arall sydd ar gael,

- (iii) exercised any power in support of that action;
- (iv) adopted indicators;
- (v) met targets to reduce congestion; and
- (vi) been the subject of individual circumstances which account for an apparent failure of a duty;
- (b) any specified information obtained under section 19 of the Act;
- (c) any representations or proposals made, and any specified information provided, in response to an intervention notice; and
- (d) any other relevant evidence available,

satisfy the Welsh Ministers that the authority have not complied with one or more of the requirements of section 17 of the Act, is, as a consequence, failing properly to perform any of its duties under that section and is unlikely to be able to rectify such failure within a reasonable time.

**54.** In applying this criterion, the Welsh Ministers will re-address the questions set out in paragraph 49.

#### **CRITERION No.2 (Section 16 - the network management duty)**

**55.** The extent to which-

- (a) the evidence (**see paragraphs 31 to 43 above**) that an authority has or has not-
  - (i) had regard for the ***Network Management Duty Guidance*** in performing its network management duties;
  - (ii) considered and where appropriate taken action as envisaged by section 16(2) of the Act;
  - (iii) exercised any power in support of that action;
  - (iv) adopted indicators;
  - (v) met targets to reduce congestion; and
  - (vi) been the subject of individual circumstances which account for an apparent failure of a duty;
- (b) any specified information obtained under section 19 of the Act;
- (c) any representations or proposals made, and any specified information provided, in response to an intervention notice;
- (d) the conclusions reached after applying Criterion No.1 at paragraph 53; and
- (e) any other relevant evidence available,

yn bodloni Gweinidogion Cymru nad yw'r awdurdod yn rheoli ei rwydwaith ffyrdd er mwyn cyflawni, i'r graddau y mae'n rhesymol ymarferol wrth gofio am ei rwymedigaethau, polisiau ac amcanion eraill, yr amcanion o sicrhau bod traffig yn symud yn hwylus ar ei rwydwaith ffyrdd a hwyluso traffig i symud yn hwylus ar rwydweithiau ffyrdd y mae awdurdod arall yn awdurdod traffig arnynt ac, o ganlyniad, yn methu cyflawni'n briodol ei ddyletswydd i reoli'r rhwydwaith o dan adran 16 o'r Ddeddf ac yn annhebygol o allu cywiro'r methiant mewn amser rhesymol.

**56.** Wrth gymhwys o'r maen prawf hwn bydd Gweinidogion Cymru yn ail fynd i'r afael â'r cwestiynau a osodir ym mharagraff 51.

satisfy the Welsh Ministers that the authority is not managing its road network with a view to achieving, so far as may be reasonably practicable having regard to its other obligations, policies and objectives, the objectives of securing the expeditious movement of traffic on its road network and facilitating the expeditious movement of traffic on road networks for which another authority are the traffic authority, is, as a consequence, failing properly to perform its network management duty under section 16 of the Act and is unlikely to be able to rectify such failure within a reasonable time.

**56.** In applying this criterion the Welsh Ministers will re-address the questions set out in paragraph 51.

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OFFERYNNAU  
STATUDOL CYMRU

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**2007 Rhif 1712 (Cy.149)**

**PRIFYRDD, CYMRU**

Gorchymyn Rheoli Traffig  
(Canllawiau ar Feini Prawf  
Ymyrwyd) (Cymru) 2007

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WELSH  
STATUTORY INSTRUMENTS

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**2007 No. 1712 (W.149)**

**HIGHWAYS, WALES**

The Traffic Management  
(Guidance on Intervention Criteria)  
(Wales) Order 2007

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