

Suffolk County Council

Guidance: Traffic Surveys on the Highway

Traffic Surveys allow for the collection of information and data regarding the use of the road, traffic congestion and other matters. Such information can be useful for assessing impacts of potential changes to the road network or new developments, to consider potential road improvements or changes to traffic management and for other purposes. However Suffolk County Council (“the County Council”), as the local highway authority for Suffolk, has a duty to assert and protect the rights of the public to the use and enjoyment of any highway, to ensure that the highway is not obstructed and that the highway is kept safe for users of the highway.

This policy sets out the County Council’s guidelines for the carrying out of traffic surveys on or next to the Highway in Suffolk. Notwithstanding this policy, the County Council reserves the right to take all necessary action, including enforcement action, in accordance with relevant legislation in respect of traffic surveys being carried out on the Highway in Suffolk where it is necessary and appropriate to do so.

“Highway” includes roads, carriageways, cycleways, footways, pavements and verges.

Traffic Surveys may be carried out in many different ways including, but not limited to, the following:

- Manual Traffic Surveys
- Automatic Traffic Counters
- Video Surveys
- Roadside Interviews (RSIs)

The County Council may allow traffic surveys to be carried out on or near the highway where the guidelines below are met. However, the County Council retains the right to refuse to allow a traffic survey to be conducted on the highway, or require the removal of (or remove) any persons or equipment in or on the highway in connection with a traffic survey, where it would be in breach of any relevant legislation, would or is a nuisance, a danger, cause an obstruction or interruption to the highway or otherwise interfere with the public’s use and enjoyment of the highway.

The County Council’s paramount concern will always be the safety of the public using the highway (including pedestrians). Where any equipment, apparatus, structure or other matter connected with a traffic survey represents an immediate danger to the users of the highway, the County Council may take immediate action to remove such thing from the highway.

Legal Background

Under section 130 of the Highways Act 1980 the County Council has a duty to assert and protect the rights of the public to the use and enjoyment of the highway for which they are the local highway authority. This duty includes preventing the stopping up or obstruction of the highway.

Section 137 of the Highways Act 1980 makes it an offence to wilfully obstruct the free passage along a highway. Section 148 of the Highways Act 1980 makes it an

offence to deposit anything on a highway which interrupts any user of the highway. Sections 143 and 149 of the Highways Act 1980 give the County Council the power to require the removal of, or to remove, structures from the highway.

Section 162 of the Highways Act 1980 creates an offence to place any rope, wire or other apparatus across the highway in a manner that is likely to cause a danger to those using the highway. Section 333 allows the County Council to remove an obstruction from the highway or abate a nuisance or other interference with the highway.

Other legislation may also apply.

These guidelines aim to minimise the need for exercising these legal powers. However, compliance with the guidelines does not guarantee that enforcement action will not be taken and/or that a traffic survey will not be removed or required to be removed from the highway.

Guidelines

Appearance

1. Any equipment, apparatus, structure or other item placed in or on the highway must not cause a safety hazard, e.g. by causing an actual obstruction to users or an unreasonable visual distraction.
2. Equipment needs to display survey company contact information for the public to report a problem.

Conducting the traffic survey

3. Those carrying out the survey must ensure that they check www.roadworks.org to ensure that there are not any other works going on in that highway or highways in the local area for the proposed dates for the traffic survey.
4. Those carrying out the traffic survey will be liable for any claims from damage or injury caused by the carrying out of the traffic survey or any associated equipment, apparatus, structure or other item in or on the highway.
5. Compliance with these guidelines does not exempt any person or company from obtaining all other necessary consents or licenses to carry out the survey.

Placing

6. Any equipment, apparatus, structure or other item placed in or on the highway must be properly secured, must not represent (in the opinion of the County Council) a danger to the users of the highway, an obstruction, a nuisance or other interference with the use of the highway.
7. Any equipment, apparatus, structure or other item placed in or on the highway shall be temporary and shall only be placed in or on the highway for the duration of the traffic survey and shall cause no damage to the highway. Thereafter it shall be promptly removed from the highway.
8. Any equipment, apparatus, structure or other item must not cause any damage to street furniture.
9. Any damage caused to the highway or street furniture as a result of the carrying out of the traffic survey and/or the associated equipment, apparatus, structure or other items must be reported immediately to the County Council

and the person or company carrying out the traffic survey shall be liable to meet the cost of repairing any damage to the highway or street furniture.

Access, highways

10. Good access must be maintained along the highway (for both cars, pedestrians, cyclist and any other users of the highway) at all times taking into account highway users including the needs of disabled users and the visually impaired.
11. Any equipment, apparatus, structure or other item placed in or on the highway in connection with the traffic survey shall be removed upon request to enable access for maintenance, etc or where road space has been booked by another for all or any part of the duration of the traffic survey along the same highway, or part of. This includes a request from the police or other emergency services.

Notice

12. The County Council must be notified in writing at least 3 days before the traffic survey is intended to start.
13. The notice given to the County Council must contain all relevant information regarding the traffic survey including, but not limited to, the following:
 - a. Details of who will be carrying out the survey;
 - b. Details of the relevant contact for the survey, including a 24/7 contact to be used in the event of an emergency;
 - c. The intended start and finish dates of the survey;
 - d. The nature of the survey to be conducted;
 - e. Where the survey will take place;
 - f. Details of the equipment, apparatus or other items that will be placed on or near the highway;
 - g. Steps that will be taken to ensure that the traffic survey and/or any associated equipment will not represent a danger, nuisance, obstruction, interference or in any other way impact on the users of the highway (including pedestrians).
14. Those carrying out the traffic survey acknowledge that in the event the County Council receives any queries regarding the traffic survey the County Council will pass on the relevant contact details provided.

Insurance

15. Those conducting the survey must maintain public liability insurance to the value of £6 million in the event of any claims arising as a result of the traffic survey and/or any associated equipment, apparatus, structures or other placed on or near the highway.

The County Council accepts no liability for any equipment, apparatus, structure or other item placed in or on the highway in connection with a traffic survey.