

LONDON OLYMPIC GAMES AND PARALYMPIC GAMES ACT 2006

EXPLANATORY NOTES

TRANSPORT

Section 10: Olympic Transport Plan

31. The ODA will be required to prepare and keep under review an Olympic Transport Plan (OTP). The OTP will set out the transport plans for the Games and details of how they are to be implemented. The Act requires the OTP to address a number of matters including, for example, the construction of transport facilities, transport arrangements to and from events, the Olympic Route Network, road closures and restrictions and guidance on implementation of the plan.
32. When preparing for or revising the plan the ODA will be required to consult the bodies named on the face of the Act and any others it think appropriate. The consultee bodies are those who will be implementing the OTP or those whose remit may include matters to be addressed by the OTP. The ODA will also be required to have regard to the Mayor's transport, spatial development and economic development strategies, to ensure that transport arrangements within London in particular are in harmony and relevant bodies and authorities are not being asked to deliver conflicting plans. The OTP is to be published.

Section 11: The Olympic Route Network

33. The Olympic Route Network (ORN) will consist of roads within England that will be used for travel to and from events venues and accommodation. The Secretary of State will make the initial designation of the ORN and will be able to add to or amend the ORN. The ODA will also be able to add to or amend the ORN with the Secretary of State's consent. Designation will take the form of an order made by statutory instrument under the negative resolution procedure, and a road may only be designated after consultation with the relevant highway, street and traffic authorities. If an order is made which has the effect of removing a road from the ORN, the relevant authorities must be informed of the change.

Section 12: Co-operation

34. This section allows the ODA to co-ordinate the delivery of the transport needs of the Games. It imposes an obligation on various authorities and bodies, all of whom will have been consulted in the preparation of the OTP, to co-operate with the ODA for the purpose of implementing the OTP and in particular providing or facilitating transport services in connection with the London Olympics; this would include reaction to situations and circumstances arising during the Games. The Mayor of London is also obliged to have regard to the OTP and to consult the ODA in updating his transport strategy (*subsection (7)*).

35. If a traffic, highway or street authority (other than the Secretary of State) fails to co-operate with the ODA as required under *subsection (1)*, then the Secretary of State may direct the body to exercise its functions in a particular manner for the purposes of implementing the Olympic Transport Plan or co-operating with the ODA in order to meet the transport needs of the Games. The power of direction may not be exercised over Transport for London unless the Mayor has been notified (*Subsection (4)*).
36. In practice, it would be the ODA who would request the exercise of this power of direction, and an example of such a request might be to make a relevant traffic regulation order. If the authority still fails to comply, then the Secretary of State may exercise the function himself or make arrangements to have the function exercised by the ODA or any other person, and the authority in question may be required to reimburse the costs incurred in the exercise of the relevant function.

Section 13: Functions affecting Olympics

37. This section gives the ODA a degree of 'negative control' over the roads for the purposes of the Games by requiring the ODA to be notified of the exercise of any highway, traffic or street functions (exercisable by an authority other than the Secretary of State) that might reasonably be expected to affect transport needs connected to the Games. Such functions may not be exercised without the consent of the ODA, unless thirty days have expired from making a notification to the ODA. Where the ODA has raised an objection, no further action may be taken unless the ODA has withdrawn its objection in writing or the Secretary of State has considered and rejected the objection.
38. If the ODA is not notified of functions as required under *Subsection (1)* and *(2)*, it may take action to reverse or change the effect of the unauthorised action (*subsection (5)*). In doing so, the ODA shall have all the powers of the person that failed to notify the ODA as required and may take the necessary action at the cost of that person.
39. *Subsection (3)* allows the Secretary of State, by specifying relevant circumstances in an order, to set aside or vary the requirement to notify the ODA and seek its approval to the exercise of a highway, traffic or street function. For example, the order might allow emergencies or urgent works to be dealt with without the delay of seeking ODA approval. The order would be subject to the negative resolution procedure.
40. *Subsection (6)* requires the Secretary of State to consult the ODA before exercising his powers of management of roads in the Royal Parks in a way that he thinks might affect transport needs connected to the Games.
41. *Subsection (7)* relaxes the consultation requirements for the variation of bus schedules by Transport for London during the London Olympics period.

Section 14: Traffic regulation orders

42. *Section 14(1)* enables the ODA to make traffic regulation orders over roads that are part of the Olympic Route Network (ORN). The ODA may only do so with the consent of the Secretary of State; further, the ODA may only make such an order for Olympic purposes (*subsection (2)*). In practice, this section will allow for the creation by the ODA of a unified system of traffic regulation across the ORN, including, for example, the use of Olympic lanes (which will facilitate the travel of athletes and other accredited persons between Olympic venues) and the imposition of parking and waiting restrictions. When making a traffic regulation order, the ODA has to comply with the same procedural requirements as Transport for London (*subsection (3)*).
43. *Subsection (4)* allows traffic authorities to make traffic regulation orders for Olympic purposes over any road as needed; local traffic authorities may only make traffic regulation orders over roads which form part of the Olympic Route Network with the consent of the ODA (*subsection (5)*). *Subsection (6)* sets aside for Olympic purposes

certain restrictions that apply to traffic regulation orders, for example that they may not prevent access for vehicles of any class for more than 8 in any 24 hours.

Section 15: Traffic regulation orders: enforcement

44. This section provides for the enforcement of traffic regulation orders made for Olympic purposes. *Subsection (1)* allows for infringements of traffic regulation orders made by the ODA over the ORN for the purposes of the Olympics to be punishable with an increased fine (i.e. a maximum of £5,000; the standard fine is a maximum of £1,000). However, it is expected that the Traffic Management Act 2004 will have been implemented before 2012 and *subsection (2)* allows for the application of the civil enforcement regime to all Olympic traffic regulation orders. It will be the ODA that will set the level of charge for a contravention of traffic regulation orders made for the purposes of the Olympics (*subsection (3)*); local authorities, and Transport for London, will remain the 'enforcement authority' for all other purposes.
45. To ensure that the Olympic traffic regulation orders are enforced appropriately, *subsection (4)* gives the Secretary of State a power of direction over enforcement authorities for Olympic purposes, though directions may not be given to Transport for London without the consent of the Mayor of London (*subsection (5)*). If an enforcement authority does not comply with a direction by the Secretary of State, the ODA may 'step in' to exercise the relevant enforcement powers with the consent of the Secretary of State and the enforcement authority will bear the costs of the ODA doing so.

Section 16: Road closures

46. This section amends for Olympic purposes the provisions relating to special events orders, under which roads may be restricted or closed in connection with sporting events, social events and entertainments. For example, a special event order may be made for Olympic purposes irrespective of whether the event in question is held on a road (*subsection (1)*) and the restrictions that limit special events order to one a year and for a limit of three days are removed in respect of the Olympics (*subsection (2)*).

Section 17: Office of Rail Regulation

47. The Office of Rail Regulation regulates Network Rail's stewardship of the national network, licenses operators of railway assets, approves agreements for access by operators to track, stations, and light maintenance depots, and enforces domestic competition law. Whilst the Office of Rail Regulation is not subject to the co-operation provisions in section 12, this section gives the Office of Rail Regulation a new objective to facilitate the provision, management and control of transport facilities related to the Olympics and to consult the ODA as to how to do so.

Section 18: Interpretation

48. *Section 18* sets out the interpretation and definition of the principal terms in sections 10 to 17.