

EXECUTIVE COUNCIL

CONFIDENTIAL

Title of Report: Road Traffic (Demining Operations) Order 2014 – Closure of Road Sections

Paper No: 223/14

Date: 12 November 2014

Report of: Director Emergency Services/Attorney General

1.0 Purpose

1.1 The purpose of this paper is to seek Executive Council's approval for the making of an Order under the Road Traffic Ordinance which allows for the closure of sections of designated roads during the Phase 4 demining project, covering an 18 month period starting from November 2014. The closures will be necessary for the health and safety of those engaged in the demining operations; and those who would otherwise be using the road.

2.0 Recommendations

2.1 Executive Council is recommended to approve the making by the Governor and publication of the Road Traffic (Demining Operations) Order 2014.

3.0 Additional Budgetary Implications

3.1 None

4.0 Background

4.1 As part of Her Majesty's Government's obligations under international treaties to clear the mined areas on the Falkland Islands, preparations are underway for the next phase of the demining operations (Phase 4). Although the sequencing of work is not yet known, the overall project is expected to last between November 2014 and March 2016. It is thought very unlikely that work will take place continuously within this time and it will be up to the successful Land Release Contractor (LRC) to produce a timetable indicating areas to be worked on. It is more likely that the demining operations will be concentrated into the two austral summers in question.

4.2 Phase 4 will require a greater level of planning for the management of the Stanley to Mount Pleasant road than previous phases. In addition, it will be necessary to manage access along the Eliza Cove road and restrict use of the rubbish tip from time-to-time. It is also possible, but unlikely, that the clearance of minefield 110 may require some management of Stanley by-pass beyond the turning into Stanley.

4.3 The LRC has not been told exactly how to undertake the clearance task set out in the Statement of Requirement (SOR), so what the LRC plans to do will be agreed by the National Mine Action Authority (NMAA). The methods will include the use of a small remotely controlled flail as well as a method known as manual demining. The latter involves deminers on their hands and knees looking for landmines. Another technique will be that of battle area clearance (BAC) which largely involves deminers walking over the ground, usually with instruments, looking for surface items of unexploded ordnance (UXO) such as artillery shells, mortar rockets or grenades. All the methods are governed by the terms of the SOR and by International Mine Action Standards (IMAS). None of these methods is new to the Falkland Islands. However, there are aspects of the first two techniques in particular that will have an impact on the road; by necessitating partial closures or full closures.

4.4 A large number of the task sites are immediately adjacent to the road so it is inevitable that there will be some impact on general road users. The LRC and the Demining Project Office (DPO) will work closely with the relevant agencies and especially the Royal Falkland Islands Police (RFIP) to minimise this impact. It will also be discussed in the Suspect Hazardous Area Land Release Committee (SHALARC) meetings chaired by the DPO.

4.5 Previously there was a need only for very limited road closures with the exception of Surf Bay in Phase 1. In that case the impact of road closure was limited because of the diversion available across Boxer Bridge. However, there are no diversions possible along the Stanley to Darwin road.

4.6 The siting of containers, other temporary structures and parking will be required. Arrangements for parking will be made in such a way that it creates as little nuisance as possible. In the majority of cases, there are sufficient good parking spaces off the road, meaning that parking should not restrict the flow of traffic. There are two general points to be noted here. Firstly, the LRC will wish to be as close as possible to the task sites for logistic reasons and this is particularly the case if containers are required for storage. Secondly, and of most importance, vehicles must be reasonably close in order to move any casualty as quickly as possible to hospital.

4.7 In regard to the risk from accidental detonations; IMAS require a standard safety distance between working deminers of 25 m. The intention is if one deminer sets off a mine by accident any other deminers are at a safe distance. In Phase 4 the road, in places, will be within the 25 m safety zone and whilst the risk to drivers is very small indeed, there could be a shock factor if a mine detonates unexpectedly. It is also possible that some peat or a small clod of earth might be thrown onto the road by the blast.

4.8 It should be noted that there has only been one explosive accident during the current period of demining (in Phase 1 on Sapper Hill), which resulted in no injury and also proved that emergency procedures in the event of an accident were realistic and effective. Hence, the danger of an accidental explosion causing an effect on passing traffic is minimal.

4.9 In regard to planned detonations, there will be a need for occasional road closures when explosive items that have been located are destroyed. There are two common

ways of handling this destruction. The most common is to detonate the landmine or UXO where it was found. This is the safest method but it may require multiple detonations, although the multiple detonations can often be done simultaneously. A less common, but entirely safe, approach is to disarm the landmines when found and move them to a restricted area to await bulk demolition. This would need to be discussed with the RFIP and possibly with EPD. It should be noted that the decision as to whether landmines and/or UXO are safe to move must be one for the LRC to make; it is the LRC who carries the duty of care for the employees who would undertake the work.

4.10 If any UXO is being destroyed, and depending upon its type and size, metal fragments will be projected some distance from where it is destroyed. The distance can usually be reduced very significantly by the use of sandbags. It is possible that the destruction of UXO found within the minefields adjacent to the road may require a brief but total closure of the road. If the item is considered safe to move by the LRC, he will usually move it to another nearby location for destruction, thus reducing, or eliminating, any disruption to road users.

4.11 On occasions a Notice to Air Movement (NOTAM) might be required if it is thought overflying aircraft may be at risk during a demolition. Should an event be planned for which a NOTAM is thought wise, the contractor will contact FIGAS and military air movements in advance.

4.12 It is not possible at this stage to predict when a road restriction will be required but the LRC will ensure that as much notice as possible is provided to the RFIP and other relevant agencies. It will be a matter for the RFIP to decide what restriction is required based on the technical advice provided by the LRC and the DPO.

4.13 It is possible, subject to a detailed pre-task survey, that in some cases the 25 m safety zone can be managed by moving traffic to the opposite side of the road from the minefield; in effect creating a one-lane road. As the deminers work further away from the road, the 25 m zone will move with them.

4.14 On-site demolitions of landmines are unlikely to cause major restrictions and most can be timed when traffic is at minimum. The destruction of UXO, as discussed above, may require a different approach but, usually, it can be timed to minimise disruption.

4.15 The designated roads that will be effected by this work are open to the public and will require to be closed where necessary.

5.0 Financial Implications

5.1 None

6.0 Legal Implications

6.1 To be able to temporarily close the roads affected by this project the attached Order provides as follows —

6.2 *Paragraphs 1 to 3* provide for introductory matters, the title, commencement and definitions for the terms used in the Order;

6.3 *Paragraph 4* provides that the demining operator may close the affected roads when necessary. This is subject to the approval of the police who must give consent. To take into account the need to be flexible, consent can even be given orally over the phone. This is to ensure that the police are aware of the proposed closure of a road;

6.4 To allow flexibility, the demining operator can only close any affected road temporarily during the ‘relevant period’, which is the 18 months period; recognising that it is not possible to determine the exact time or the area where the demining operations would be worked on. The demining operator must only temporarily close the road when it is necessary to do so

6.5 *Paragraph 5* provides for activities which are prohibited during road closures;

6.6 *Paragraph 6* deals with road signs and requires the demining operator to ensure that signs (which can be readily seen and read) are displayed indicating which road is closed and marking out exactly which part of the road is closed. The signs do not have to conform to the prescribed regulations about road signs;

6.7 *Paragraph 7* provides for an authorised person (who can either be the Director of Public Works, the person in charge of demining operations or the police or any person acting on their behalf) to erect barriers to prevent or restrict access to the closed road;

6.8 *Paragraphs 8 and 9* provide for the offences and penalties for contravening those offences.

7.0 Human Resources Implications

7.1 None

8.0 Additional Information

8.1 None

27.10.2014

SUBSIDIARY LEGISLATION

ROAD TRAFFIC

Road Traffic (Demining Operations) Order 2014

S. R. & O. No. of 2014

Made: 2014

Published: 2014

Coming into force: on publication

I make the following regulations under section 59 of the Road Traffic Ordinance 2014 (Title 63.1) on the advice of Executive Council.

1. Title

This order is the Road Traffic (Demining Operations) Order 2014.

2. Commencement

This Order comes into force on publication in the *Gazette*.

3. Interpretation

In this order —

“authorised person” means —

- (a) the Director of Public Works;
- (b) a person in charge of demining operations;
- (c) a police officer; or
- (d) a person acting on behalf of either —
 - (i) the Director of Public Works; or
 - (ii) a person in charge of demining operations;

“closed road” means either —

- (a) while the whole of the controlled road is closed to traffic under paragraph 4(1), the controlled road; or
- (b) while part of the controlled road is closed to traffic under paragraph 4(1), that part;

“consent” means consent given —

- (a) orally, whether in person or by telephone or radio; or
- (b) in writing;

“controlled road” means —

- (a) the Stanley-Darwin Road from its junction with Davis Street to its junction with the North Camp Road; and
- (b) the Eliza Cove Road from its junction with Stanley Bypass Road to its end at the Eliza Cove Spoil Tip;

“prohibited activity” means one or more of the following —

- (a) pedestrian activity;
- (b) driving, propelling, pushing, pulling or towing a vehicle;
- (c) being in charge of a stationery vehicle;
- (d) being in or on a vehicle as a passenger; or
- (e) riding, driving or leading one or more animals;

“relevant period” means any period between 1 November 2014 to 31 March 2016;

“the North Camp Road” means the road from its junction with the Stanley–Darwin Road, in the vicinity of Wall Mountain, leading to the North camp;

“the Stanley-Darwin Road” means the road (including Stanley Bypass) from its junction with the VPC Road, Stanley to Darwin; and

“vehicle” includes —

- (a) a pedal cycle, skateboard, scooter, moped or motorcycle; or
- (b) a trailer, cart or carriage.

4. Temporary road closures

(1) During the relevant period, a person in charge of demining operations may, with the consent of a police officer who holds the rank of sergeant or above, close the controlled road or part of it.

(2) The controlled road or a part of it must only be closed for as long as necessary to protect the health and safety of —

- (a) those engaged in demining operations; and

- (b) those who would otherwise be using the road.

5. Prohibitions during road closures

(1) While the controlled road or a part of it is closed under paragraph 4(1), no person may —

- (a) proceed onto or remain on the closed road —

- (i) with or without a vehicle; and

- (ii) with or without one or more animals; or

- (b) do anything which is a prohibited activity on, along or next to the carriageway of the closed road.

(2) Sub-paragraph (1) does not apply to —

- (a) an authorised person; or

- (b) any person engaged in demining operations.

6. Duty to display signs

(1) While the controlled road is closed under paragraph 4(1), it is the duty of the person in charge of demining operations to ensure that —

- (a) one or more signs are displayed at each end of the closed road indicating that the road is closed; and

- (b) the signs can be readily seen and read or understood by persons intending to use the closed road.

(2) Signs put in place in accordance with sub-paragraph (1) need not comply with the requirements of the Traffic Signs Regulations (SR&O No. 30 of 1999).

7. Power to erect physical barriers

While the controlled road is closed under paragraph 4(1), authorised persons may erect physical barriers to prevent or restrict access to the road.

8. Signs and physical barriers: prohibitions

No person (other than an authorised person) may move, remove, damage, deface or otherwise interfere with —

- (a) a sign displayed under paragraph 6; or

- (b) a physical barrier erected under paragraph 7.

9. Offences

(1) It is an offence for a person to contravene a prohibition in paragraph 5(1) or 8.

(2) It is a further offence for a person to continue to contravene a prohibition in 5(1) or 8 when instructed not to do so by an authorised person.

(3) A person does not commit an offence under this paragraph in relation to an act or omission for which the person has lawful authority or reasonable excuse.

10. Penalties

A person found guilty of an offence against paragraph 9 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Made

2014

C. Roberts C.V.O.,
Governor

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

This Order is made under section 59 of the Road Traffic Ordinance (Title 63.1).

Paragraphs 1 to 3 provide for introductory matters, the title, commencement and definitions for the terms used in the Order;

Paragraph 4 provides that the demining operator may close the affected roads when necessary to do so subject to police consent.

The demining operator can only temporarily close any affected road (Stanley-Darwin Road from its junction with Davis Street to its junction with the North Camp Road as well as the Eliza Cove Road from its junction with Stanley Bypass Road to its end at the Eliza Cove Spoil Tip) during the ‘relevant period’ which is the 18 months period from 1 November 2014 to 31^s March 2016.

Paragraph 5 provides for activities which are prohibited during road closures;

Paragraph 6 deals with road signs and requires the demining operator to ensure that signs (which can be readily seen and read or understood) are displayed indicating which road is closed and marking out exactly which part of the road is closed. The signs do not have to conform to the requirements of the Traffic Signs Regulations;

Paragraph 7 provides for an authorised person (who can either be the Director of Public Works, the person in charge of demining operations or the police or any person acting on their behalf) to erect barriers to prevent or restrict access to a closed road;

Paragraphs 8, 9 and 10 provide for the offences and penalties.