INTELLIGENT TRANSPORT SYSTEMS REGULATIONS 2012

Subsidiary Legislation made under s. 61 and 101.

INTELLIGENT TRANSPORT SYSTEMS REGULATIONS 2012

(LN. 2012/107)

Commencement   **19.7.2012**

EU Legislation/International Agreements involved:
Directive 2010/40/EU

_____

ARRANGEMENT OF REGULATIONS.

Regulation

INTELLIGENT TRANSPORT SYSTEMS REGULATIONS 2012

In exercise of the powers conferred upon it by sections 61 and 101 of the Traffic Act 2005, and for the purpose of transposing into the law of Gibraltar Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport, the Government has made the following Regulations–

Title and commencement.

1. These Regulations may be cited as the Intelligent Transport Systems Regulations 2012 and come into operation on the day of publication.

Interpretation.

2. In these Regulations–

"architecture" means the conceptual design that defines the structure, behaviour and integration of a given system in its surrounding context;

"compatibility" means the general ability of a device or system to work with another device or system without modification;

"continuity of services" means the ability to ensure seamless services on transport networks across the European Union;

"Data Protection Commissioner" has the meaning assigned to it in section 21 of the Data Protection Act 2004;

"Directive" means Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport, as the same may be amended from time to time;

"Intelligent Transport Systems" or "ITS" means systems in which information and communication technologies are applied in the field of road transport, including infrastructure, vehicles and users, and in traffic management and mobility management, as well as for interfaces with other modes of transport;

"interoperability" means the capacity of systems and the underlying business processes to exchange data and to share information and knowledge;

"interface" means a facility between systems which provides the media through which they can connect and interact;

"ITS application" means an operational instrument for the application of ITS;

"ITS service" means the provision of an ITS application through a well-defined organisational and operational framework with the aim of contributing to user safety, efficiency, comfort or to facilitate or support transport and travel operations, or both;

"ITS service provider" means any provider of an ITS service, whether public or private;

"ITS user" means any user of ITS applications or services including travellers, vulnerable road users, road transport infrastructure users and operators, fleet managers and operators of emergency services;

"nomadic device" means a portable communication or information device that can be brought inside the vehicle to support the driving task or the transport operations, or both;

"platform" means an on-board or off-board unit enabling the deployment, provision, exploitation and integration of ITS applications and services;

"road data" means data on road infrastructure characteristics, including fixed traffic signs or their regulatory safety attributes;

"specification" means a binding measure laying down provisions containing requirements, procedures or any other relevant rules;

"standard" means a draft standard that contains the text of the technical specifications concerning a given subject, which is being considered for adoption in accordance with the national standards procedure, as that document stands after the preparatory work and as circulated for public comment or scrutiny;

"traffic data" means historic and real-time data on road traffic characteristics;

"travel data" means basic data such as public transport timetables and tariffs, necessary to provide multi-modal travel information before and during the trip to facilitate travel planning, booking and adaptation;

INTELLIGENT TRANSPORT SYSTEMS REGULATIONS 2012

"vulnerable road users" means non-motorised road users, such as pedestrians and cyclists as well as motor-cyclists and persons with disabilities or reduced mobility and orientation.

Purpose and scope of regulations.

3.(1) These Regulations provide for–

    (a)   the development of specifications for actions within the priority areas referred to in regulation 4; and

    (b)   the development of necessary standards, where appropriate.

  (2) These Regulations apply to ITS applications and services in the field of road transport and to their interfaces with other modes of transport without prejudice to matters concerning the security of, or necessary in the interest of Gibraltar.

Priority areas.

4.(1) For the purpose of these Regulations, the following shall constitute priority areas for the development and use of specifications and standards–

    (a)   Priority Area I: optimal use of road, traffic and travel data;

    (b)   Priority Area II: continuity of traffic and freight management ITS services;

    (c)   Priority Area III: ITS road safety and security applications; and

    (d)   Priority Area IV: linking the vehicle with the transport infrastructure.

  (2) The scope of the priority areas is specified in Schedule 1.

Priority actions.

5. The following shall constitute, within the priority areas, priority actions for the development and use of specifications and standards, as set out in Schedule 1–

    (a)   the provision of EU-wide multimodal travel information services;

    (b)   the provision of EU-wide real-time traffic information services;

(c)   data and procedures for the provision, where possible, of road safety related minimum universal traffic information free of charge to users;

(d)   the harmonised provision for an interoperable EU-wide eCall;

(e)   the provision of information services for safe and secure parking places for trucks and commercial vehicles;

(f)   the provision of reservation services for safe and secure parking places for trucks and commercial vehicles.

Deployment of ITS.

6.(1)   The Government shall take necessary measures to ensure that the specifications adopted by the Commission in accordance with Article 6 of the Directive are applied to ITS applications and services in accordance with the principles set out in Schedule 2.

(2)   Subregulation (1) shall not prejudice–

(a)   the right of the Government to decide on the deployment of such applications and services within Gibraltar;

(b)   the effect of any legislative act adopted pursuant to Article 6(2) of the Directive.

(2)   The Government shall also make efforts to cooperate with Member States in respect of the priority areas, where no specifications have been adopted by the Commission.

Rules on privacy, security and re-use of information.

7.(1)   The processing of personal data in the context of the operation of ITS applications and services must be carried out in accordance with the European Union rules protecting fundamental rights and freedoms of individuals, and in particular the provisions of the Data Protection Act 2004 and the Communications (Personal Data and Privacy) Regulations 2006.

(2)   The Data Protection Commissioner shall ensure that personal data are protected against misuse, including unlawful access, alteration or loss.

(3)   Without prejudice to subregulation (1), in order to ensure privacy, the use of anonymous data shall be encouraged, where appropriate, for the performance of the ITS applications and services.

(4) Without prejudice to the Data Protection Act 2004, personal data shall only be processed insofar as such processing is necessary for the performance of ITS applications and services.

(5) With regard to the application of the Data Protection Act 2004 and in particular where special categories of personal data are involved, the Data Protection Commissioner shall also ensure that the provisions on consent to the processing of such personal data are respected.

Reporting.

8.(1) The Government shall ensure that the Commission receives, as soon as possible after commencement of these Regulations, a report on its activities and projects regarding the priority areas.

(2) The Government shall ensure that, by 27 August 2012, the Commission is provided with information on its ITS actions envisaged over the following 5 year period.

(3) Following the initial report, the Government shall report every 3 years on the progress made in the deployment of the actions referred to in subregulation (1).

INTELLIGENT TRANSPORT SYSTEMS REGULATIONS 2012

SCHEDULE 1

Regulations 4(2), 5

PRIORITY AREAS AND ACTIONS

Priority area I: Optimal use of road, traffic and travel data.

The specifications and standards for an optimal use of road, traffic and travel data shall include the following-

1. Specifications for priority action (a)–

The definition of the necessary requirements to make EU-wide multimodal travel information services accurate and available across borders to ITS users, based on–

-       the availability and accessibility of existing and accurate road and real-time traffic data used for multimodal travel information to ITS service providers without prejudice to safety and transport management constraints,

-       the facilitation of the electronic data exchange between the relevant public authorities and stakeholders and the relevant ITS service providers, across borders,

-       the timely updating of available road and traffic data used for multimodal travel information by the relevant public authorities and stakeholders,

-       the timely updating of multimodal travel information by the ITS service providers;

2. Specifications for priority action (b)–

The definition of the necessary requirements to make EU-wide real-time traffic information services accurate and available across borders to ITS users, based on:

-       the availability and accessibility of existing and accurate road and real-time traffic data used for real-time traffic information to ITS service providers without prejudice to safety and transport management constraints,

- the facilitation of the electronic data exchange between the relevant public authorities and stakeholders and the relevant ITS service providers, across borders,

- the timely updating of available road and traffic data used for real-time traffic information by the relevant public authorities and stakeholders,

- the timely updating of real-time traffic information by the ITS service providers.

3. Specifications for priority actions (a) and (b)–

3.1. The definition of the necessary requirements for the collection by relevant public authorities and/or, where relevant, by the private sector of road and traffic data (i.e. traffic circulation plans, traffic regulations and recommended routes, notably for heavy goods vehicles) and for their provisioning to ITS service providers, based on–

- the availability, to ITS service providers, of existing road and traffic data (i.e. traffic circulation plans, traffic regulations and recommended routes) collected by the relevant public authorities and/or the private sector,

- the facilitation of the electronic data exchange between the relevant public authorities and the ITS service providers,

- the timely updating, by the relevant public authorities and/or, where relevant, the private sector, of road and traffic data (i.e. traffic circulation plans, traffic regulations and recommended routes),

- the timely updating, by the ITS service providers, of the ITS services and applications using these road and traffic data.

3.2. The definition of the necessary requirements to make road, traffic and transport services data used for digital maps accurate and available, where possible, to digital map producers and service providers, based on:

- the availability of existing road and traffic data used for digital maps to digital map producers and service providers,

- the facilitation of the electronic data exchange between the relevant public authorities and stakeholders and the private digital map producers and service providers,

- the timely updating of road and traffic data for digital maps by the relevant public authorities and stakeholders,

- the timely updating of the digital maps by the digital map producers and service providers.

4. Specifications for priority action (c)–

The definition of minimum requirements, for road safety related "universal traffic information" provided, where possible, free of charge to all users, as well as their minimum content, based on–

- the identification and use of a standardised list of safety related traffic events ("universal traffic messages") which should be communicated to ITS users free of charge,

- the compatibility and the integration of "universal traffic messages" into ITS services for real-time traffic and multimodal travel information.

Priority area II: Continuity of traffic and freight management ITS services.

The specifications and standards for the continuity and interoperability of traffic and freight management services, in particular on the TEN-T network, shall include the following–

1. Specifications for other actions

1.1. The definition of the necessary measures to develop an EU ITS Framework Architecture, addressing specifically ITS-related interoperability, continuity of services and multi-modality aspects, including for example multimodal interoperable ticketing, within which Member States and their competent authorities in cooperation with the private sector can develop their own ITS architecture for mobility at national, regional or local level.

1.2. The definition of the minimum necessary requirements for the continuity of ITS services, in particular for cross-border services, for the management of passenger transport across different modes of transport, based on:

- the facilitation of the electronic exchange for traffic data and information across borders, and where appropriate, regions, or between urban and inter-urban areas between the relevant traffic information/control centres and different stakeholders,

INTELLIGENT TRANSPORT SYSTEMS REGULATIONS 2012

- the use of standardised information flows or traffic interfaces between the relevant traffic information/control centres and different stakeholders.

1.3. The definition of the minimum necessary requirements for the continuity of ITS services for the management of freight along transport corridors and across different modes of transport, based on:

- the facilitation of the electronic exchange for traffic data and information across borders, and where appropriate, regions, or between urban and inter-urban areas between the relevant traffic information/control centres and different stakeholders,

- the use of standardised information flows or traffic interfaces between the relevant traffic information/control centres and different stakeholders.

1.4. The definition of the necessary measures in the realisation of ITS applications (notably the tracking and tracing of freight along its journey and across modes of transport) for freight transport logistics (eFreight), based on:

- the availability of relevant ITS technologies to and their use by ITS application developers,

- the integration of positioning results in the traffic management tools and centres.

1.5. The definition of the necessary interfaces to ensure interoperability and compatibility between the urban ITS architecture and the European ITS architecture based on:

- the availability of public transport, travel planning, transport demand, traffic data and parking data to urban control centres and service providers,

- the facilitation of the electronic data exchange between the different urban control centres and service providers for public or private transport and through all possible modes of transport,

- the integration of all relevant data and information in a single architecture.

Priority area III: ITS road safety and security applications.

The specifications and standards for ITS road safety and security applications shall include the following:

1. Specifications for priority action (d)–

The definition of the necessary measures for the harmonised provision of an interoperable EU-wide eCall, including–

- the availability of the required in-vehicle ITS data to be exchanged,

- the availability of the necessary equipment in the emergency call response centres receiving the data emitted from the vehicles,

- the facilitation of the electronic data exchange between the vehicles and the emergency call response centres.

2. Specifications for priority action (e)–

The definition of the necessary measures to provide ITS based information services for safe and secure parking places for trucks and commercial vehicles, in particular in service and rest areas on roads, based on:

- the availability of the road parking information to users,

- the facilitation of the electronic data exchange between road parking sites, centres and vehicles.

3. Specifications for priority action (f)–

The definition of the necessary measures to provide ITS based reservation services for safe and secure parking places for trucks and commercial vehicles based on–

- the availability of the road parking information to users,

- the facilitation of the electronic data exchange between road parking sites, centres and vehicles,

- the integration of relevant ITS technologies in both vehicles and road parking facilities to update the information on available parking space for reservation purposes.

4. Specifications for other actions–

INTELLIGENT TRANSPORT SYSTEMS REGULATIONS 2012

4.1. The definition of the necessary measures to support the safety of road users with respect to their on-board Human-Machine-Interface and the use of nomadic devices to support the driving task and/or the transport operation, as well as the security of the in-vehicle communications.

4.2. The definition of the necessary measures to improve the safety and comfort of vulnerable road users for all relevant ITS applications.

4.3. The definition of necessary measures to integrate advanced driver support information systems into vehicles and road infrastructure.

 Priority area IV: Linking the vehicle with the transport infrastructure.

The specifications and standards for linking vehicles with the transport infrastructure shall include the following−

1. Specifications for other actions−

1.1. The definition of necessary measures to integrate different ITS applications on an open in-vehicle platform, based on:

- the identification of functional requirements of existing or planned ITS applications,

- the definition of an open-system architecture which defines the functionalities and interfaces necessary for the interoperability/interconnection with infrastructure systems and facilities,

- the integration of future new or upgraded ITS applications in a "plug and play" manner into an open in-vehicle platform,

- the use of a standardisation process for the adoption of the architecture, and the open in-vehicle specifications.

1.2. The definition of necessary measures to further progress the development and implementation of cooperative (vehicle-vehicle, vehicle-infrastructure, infrastructure-infrastructure) systems, based on:

- the facilitation of the exchange of data or information between vehicles, infrastructures and between vehicle and infrastructure,

- the availability of the relevant data or information to be exchanged to the respective vehicle or road infrastructure parties,

- the use of a standardised message format for the exchange of data or information between the vehicle and the infrastructure,

- the definition of a communication infrastructure for data or information exchange between vehicles, infrastructures and between vehicle and infrastructure,

- the use of standardisation processes to adopt the respective architectures.

INTELLIGENT TRANSPORT SYSTEMS REGULATIONS 2012

SCHEDULE 2

Regulation 6(1)

PRINCIPLES FOR SPECIFICATIONS AND DEPLOYMENT OF ITS

The adoption of specifications, the issuing of mandates for standards and the selection and deployment of ITS applications and services shall be based upon an evaluation of needs involving all relevant stakeholders, and shall comply with the following principles. These measures shall:

(a) **Be effective** – make a tangible contribution towards solving the key challenges affecting road transportation in Europe (e.g. reducing congestion, lowering of emissions, improving energy efficiency, attaining higher levels of safety and security including vulnerable road users);

(b) **Be cost-efficient** – optimise the ratio of costs in relation to output with regard to meeting objectives;

(c) **Be proportionate** – provide, where appropriate, for different levels of achievable service quality and deployment, taking into account the local, regional, national and European specificities;

(d) **Support continuity of services** – ensure seamless services across the Union, in particular on the trans-European network, and where possible at its external borders, when ITS services are deployed. Continuity of services should be ensured at a level adapted to the characteristics of the transport networks linking countries with countries, and where appropriate, regions with regions and cities with rural areas;

(e) **Deliver interoperability** – ensure that systems and the underlying business processes have the capacity to exchange data and to share information and knowledge to enable effective ITS service delivery;

(f) **Support backward compatibility** – ensure, where appropriate, the capability for ITS systems to work with existing systems that share a common purpose, without hindering the development of new technologies;

(g) **Respect existing national infrastructure and network characteristics** – take into account the inherent differences in the transport network characteristics, in particular in the sizes of the traffic volumes and in road weather conditions;

(h) **Promote equality of access** – do not impede or discriminate against access to ITS applications and services by vulnerable road users;

(i) **Support maturity** – demonstrate, after appropriate risk assessment, the robustness of innovative ITS systems, through a sufficient level of technical development and operational exploitation;

(j) **Deliver quality of timing and positioning** – use of satellite-based infrastructures, or any technology providing equivalent levels of precision for the purposes of ITS applications and services that require global, continuous, accurate and guaranteed timing and positioning services;

(k) **Facilitate inter-modality** – take into account the coordination of various modes of transport, where appropriate, when deploying ITS;

(l) **Respect coherence** – take into account existing Union rules, policies and activities which are relevant in the field of ITS, in particular in the field of standardisation.