

Wiltshire Council

Environment Select Committee

13 March 2018

Subject: Management of Street Works in Wiltshire

Cabinet Member: Councillor Bridget Wayman - Highways, Transport and Waste

Key Decision: No

Purpose of Report

1. To outline to the Committee how street works by Utility companies and others are managed by this Council.

Background

2. On 15 November 2017 at the Environment Select Committee -Executive Annual Meeting on the 'Highways and Transport' portfolio, a report was requested detailing how street works are managed in Wiltshire in comparison to other Local Authorities. Information was requested regarding signage, pedestrian access, and the added value to the Council.

Main Considerations for the Council

Highway Network

3. The Council is responsible for a highway network comprising over 4,400 kilometres (3,000 miles) of road. The importance of these routes to residents, local businesses and the economy for the movement of people and goods is generally understood by the public.
4. What is not so well understood is the function that the county's roads also perform in delivering the electricity, gas, water, drainage, telephone, broadband and other services needed by our communities. Under most roads there is a complex network of services which are vital to the local businesses and communities.
5. These services are provided by a large number of different organisations who often make use of numerous different contractors to repair, renew or provide new services. All of these operations on the road network need to be carried out safely, and with as little delay to the travelling public as possible.
6. The Utility companies have a statutory right to carry out works to their apparatus in the roads and footways, and this has to be co-ordinated with the extensive road maintenance and resurfacing work undertaken by contractors working for this Council.

Responsibilities of the Council

7. The Council, as Street Authority, has a statutory duty to co-ordinate all works in the highway, for which it has responsibility under (S59 of the New Roads and Street Works Act (NRSWA)) and Utility companies have a statutory duty to co-operate in this process.
8. The Council also has a statutory duty under the Traffic Management Act (TMA) to ensure that traffic disruption from road works and other activities on our road network is kept to a minimum.
9. Under NRSWA the Council is required to maintain a register for every street for which they are responsible. The register should contain information about street works and other prescribed types of works. This includes road works by Wiltshire Council and their contractors. The amount of advance notification that a works promoter needs to give prior to undertaking their works is dependent on the type and duration of the works.
10. All works on the public highway have to be registered. Electronic notices are submitted from work promoters following a protocol known as EToN (Electronic Transfer of Notices) which is heavily regulated. Each set of works will require many notice submissions governing the life cycle of the works.
11. Major works (works lasting longer than ten days) must submit three months advance notice and one month notice of actual start. Standard works (3 -10 days duration) require ten days' notice, and minor works (planned works of up to three days) require three days' notice. Immediate, urgent and emergency works do not require notification prior to commencement on site, but they must be noticed within two hours of starting.
12. The Council's legal powers allow us to give direction of timings to reduce the duration of works, enforce financial penalties for over running works, and manage the licencing and approval process for a number of other legal authorisations required, including road closure applications, temporary traffic signal licences, private works contractors licences (Section 50 licences) and any changes to the Council's permanent signals required to undertake the works.

The Council's Network Management Team

13. The Council's Network Management Team forms part of the Highways Asset Management Team. It currently has twelve members under the management of Joanne Heal, the Network Manager. Five members of the team are street works Technicians who are mobile staff visiting the sites to carry out inspections during and after works.
14. The street works team acts as the central co-ordination point for all works activities on the Council's road network, and have specific powers and duties relating to works undertaken by the Utility companies.

15. The team are also involved in the management of the Council's own highway maintenance works, advising and directing on traffic management and the timing and duration of works in order to reduce the disruption to the travelling public. It is a legal requirement that the Council must treat its own works in the same way as works by others.
16. All of this activity on the network results in a highly reactive workload for the team. In an average year they deal with approximately:
 - 15,000 works activities on the network per year,
 - 80,000 works communications notices,
 - 1,000 road closure applications,
 - 1,000 multi-way traffic light applications (i.e. anything more than two way shuttle working lights),
 - Over 100 private works application licences and resultant bonds required to protect the Council's asset,
 - Around 80 applications to temporarily switch off our permanent signals,
 - Approximately 5,000 works site inspections.
17. In addition to dealing with street works, the team are also responsible for:
 - Advising on around 5,000 notifications for routing of abnormal loads through our County,
 - Managing road space bookings for hundreds of events held on the highway,
 - Managing the annual Town Centre waiting restriction and parking restriction review process,
 - The Management of the maintenance of the Council's 200 permanent traffic signal sites.
18. The Network Management Team take the lead on major projects and events which impact on our road network. For example, on the Network Rail electrification project they were successful in arranging for Network Rail to build a new temporary relief road in Royal Wootton Bassett. This resulted in the diversion route being reduced from a potential 40 miles to 2 miles for the 18 months that the routes through the area had to be closed to enable the works to be carried out.
19. The management of road works and street works is a technical, highly regulated area requiring specialised skills and the work is highly reactive in nature. The network management team do suffer from a high level of staff turnover, and there is a shortage of these skilled staff in the industry. It can be difficult to recruit when staff leave, and this can have a direct impact on the team's ability to respond to issues on the network.

Managing works on the network

20. The Network Management team work hard behind the scenes, challenging and directing on project programmes to ensure that road disruption is kept to a minimum whilst all of these essential works are being carried out. Some level of disruption to the public is unfortunately inevitable, and the team also manage a large volume of questions, comments and correspondence as a result of the works.

21. The regulations set out in the NRSWA, give Utility companies a statutory right to install, inspect, maintain, repair, or replace apparatus in or under the street. Wiltshire Council as the Highway Authority has a duty to co-ordinate works on the road network. There are over 20 pieces of legislation, Codes of Practice and industry advice notes governing street works which the team need to ensure compliance with.

Signing lighting and guarding

22. The requirements for Signing Lighting and Guarding (SLG) of works in the highway are set out in the statutory Code of Practice (CoP) - Safety at Street Works and Road Works. The CoP is issued by the Secretary of State for Transport under Section 65 of NRSWA. Local highway authorities in England and Wales must also comply with this CoP for their own works.
23. Failure to comply is evidence of failing to fulfil the legal requirements in SLG. Utility 'defect notices' are issued to non-compliant organisations, which they have to respond to and rectify any inadequacies that our inspections have identified. These inspections are funded by the Utility company themselves.

Reinstatements

24. Reinstatement of works in the highway by utilities have to comply with the Specification for the Reinstatement of Openings in Highways, which is a code approved by the Secretary of State under Section 71 of the NRSWA.
25. It is permitted for the utilities to make and maintain a temporary reinstatement in the highway, which must have a permanent reinstatement within six months. This can result in unsightly temporary repairs, especially in paved areas, but it is permitted under the regulations.

Inspections

26. The team carry out site inspections of Utility works for which there is a charge. There are a number of different types of inspection with the most common inspection being a sample inspection at one of three stages of the work. These are randomly generated and the Council is permitted to charge for a total of only 30% of works in any financial year.

Other inspections categories are:

- defect inspections
- investigatory inspections
- improvement plan costs or expenses
- inspections of work carried out under Section 50

27. Any works that do not comply with the requirements are brought to the attention of the relevant Utility. Remedial works are undertaken by them at their own expense. Works that comply with the standards are guaranteed by the Utility for two or three years depending on how deep the excavations are.

Improvement Plans

28. The Council's streetworks team check all Utility company's performance at the end of each quarter. Those that have a pass rate for all inspection categories of less than 90% are considered for the serving of an improvement notice.
29. Serving the notice requires the Utility to prepare an Improvement Plan, which is discussed at an initial Improvement Plan meeting. The plan should include all measures to achieve expected performance of over the 90% pass rate. Initial trend analysis of the defects is important in directing the Utility in achieving compliant sites and reinstatements. Proactive engagement in the monitoring of the plan by the street works team is vital.
30. Reaching agreement on each other's expectations is essential for a successful Improvement Plan. Agreeing a monitoring regime of additional inspections funded by the Utility, and continued trend analysis of any failures, helps the Utility focus on reoccurring failures. Joint site visits on completed and live sites quickly establishes any changes in working methods that may be required by the Utility to make the required improvements.
31. Monthly meetings are held by the street works team to review the plan, and make any adjustments to it as a result of the continued trend analysis. Wiltshire Council has had continued success in the issuing of improvement notices and managing Improvement Plans. As the management of the plan is funded by the Utility the Council's costs are recovered, and more importantly there are long term benefits to protecting our highway asset and the positive impact this has on our highways maintenance budget.
32. The processes and procedures followed by this Council are consistent with those adopted by other highway authorities because they are all governed by the same legislation in the TMA and NRSWA. The public satisfaction with the management of street works in Wiltshire is slightly above the national average as indicated in the latest National Highways and Transport (NHT) survey, which is the subject of a separate report to this Committee.

Future Developments

33. In November 2017 this Committee received a report on the new Highways Infrastructure Management System (HIAMS). The contract has been awarded and the implementation of the new system has started with the aim of going live on 1 April 2018.
34. This system will replace the Exor and Mayrise systems and will cover the following areas.
 - Major Maintenance Management
 - Works Ordering
 - Highway Inspections
 - Street Works Management
 - Structures
 - Street Lighting
 - Pavement Management and asset condition modelling/financial modelling

35. The street works management module forms a major element of the new system. It will provide mobile working for the street works technicians and reduce the current reliance on inefficient paper based systems. The co-ordination of the various operations on the highway will enable better co-ordination of works.
36. The Council's website already has details of roadworks and diversion routes. The new HIAMS system will link to this information. It is also intended to improve the website to provide better information on the works being undertaken by the Council and the reasons for undertaking works which currently may not always be apparent to the public. This is likely to be a longer term project as the priority in the short term is to ensure a smooth transition to the new system and implement mobile working.
37. Other changes in connection with street works management are likely to come through the potential for a 'permitting' scheme for street works carried out by utilities and roadworks carried out by ourselves, which is already happening in some authorities. Permit Schemes provide an alternative to the 'notification system' of the NRSWA. Instead of informing of the intentions to carry out works on the highway, a works promoter would book time on the highway through a permit application This would require approval as opposed to the current noticing system which is deemed as granted unless challenged.
38. The expectations of a permitting scheme are that it should reduce delays to road users, reduce the time works are on the highway restricting traffic flows and should enable better planning of works. However, its operation would need more staff resources. It can be used to cover costs, but cannot be used as a money generating scheme. This Council will be monitoring developments in other authorities in the south west regarding permit schemes.

National Policy Engagement

39. The street works sector in England is likely to be changing on a massive scale in the future, and we are fortunate that this Council supports its officers in being involved in both local and national engagement with the Department for Transport (DfT) and national working parties. These working parties are shaping the future of the most important street works related codes of practice and potential subsequent changes to the legislation and regulations.
40. Street Manager is the DfT's fast moving project, which will have the biggest impact on how street works are co-ordinated and recorded in the future. Wiltshire Council is involved directly and indirectly through the national Joint Authority Group representing Highways Authorities in the street works industry (JAG UK), and individual relationships with those working directly on the project. Jo Heal, the Council's Network Manager, is our lead on this engagement.
41. Other national reviews are in progress for the Codes of Practice on the following matters:
 - Co-ordination of Street Works Road Works and Other Related Matters Working Party (Highways Chair - Jo Heal, Network Manager),
 - Statutory guidance for Coring issued December 2017 (Working party member - Colin Rivett, Wiltshire Council Compliance and Performance Manger),

- Inspections Code of Practice (Working party member - Colin Rivett),
- Specification for Reinstatement of Openings in Highways (Working party, Highways Chair - Colin Rivett).

42. The expertise of the Council's street works team is recognised at a national level with the involvement of staff in these important working groups and organisations.

Safeguarding Considerations

43. None.

Public Health Implications

44. The condition of roads and related infrastructure can have serious safety implications, especially with regard to the condition of highways and the contribution they can make to reducing accidents. Roads, bridges, highway structures, signs and street lighting need to be kept in good condition in order to protect the public and those maintaining the assets.

45. It is important that those working on the highway have adequate signing and protection measures to keep the workforce and the public safe.

Environmental and Climate Change Considerations

46. The effects of climate change could be significant for the highway network. There was considerable damage to the roads, footways and drainage systems in the flooding of 2014, and such events could be repeated. Having good reinstatement of road openings is important in preventing the premature deterioration of the highway network and the infrastructure.

Equalities Impact of the Proposal

47. The improved maintenance of the highway network, and its effective management is important for local communities, and good performance by the highways contractors, would benefit all road users, including users of public transport, and vulnerable road users such as cyclists and pedestrians.

Risk Assessment

48. There are significant risks associated with working on the highway, especially in terms of road safety, and the reputational effects of delays to traffic on the network. These risks are significantly reduced with effective management, co-ordination and supervision of those working on the highway.

Risks that may arise if the proposed decision and related work is not taken

49. No specific decision is required at this time.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

50. No specific decision is required at this time.

Financial Implications

51. The highway network and related infrastructure forms the Council's largest asset, and has a replacement value of over £5 billion. It is important that it is maintained in the most cost-effective way in order to obtain value for money. This includes ensuring that work carried out by others on the network is carried out to the appropriate standards.
52. It is predicted that the annual cost of congestion in the UK will rise by 63% by 2030 to £21 billion. It is essential that the disruption caused by road works and street works is efficiently managed and that the Network Management team have sufficient resources to do so.

Legal Implications

53. The duties of the Council as highway authority are mainly set out in the Highways Act 1980, NRSWA and the TMA. It is important to ensure that the Council carries out the duties in this legislation, which includes co-ordinating and monitoring the work carried out by others on the highway network.
54. The Secretary of State has powers to intervene if it is deemed that a Local Authority is failing to comply with its Network Management duties under the TMA.

Options Considered

55. The duties of the street works team are defined in the legislation, particularly NRSWA and TMA. There is limited scope in deviating from these requirements as the duties are well defined.

Conclusions

56. The highway network forms the Council's largest asset, and it is important that it is maintained in the most cost-effective way in order to show value for money.
57. The effective management of street works on the network, by this Council and others, is important to ensure that the safety of the public and reduce delays to traffic. Traffic congestion can have a negative effect on the economy and an adverse impact on local communities.
58. Co-ordinating the large number of different potentially conflicting operations on the road network is often a challenge, especially as the road network has evolved over time and in many instances does not have adequate capacity for current traffic flows.

Proposal

59. It is recommended that the Environment Select Committee:

- (i) Acknowledges the high number of works activities and notices on the highway network dealt with annually by the Council's street works team.
- (ii) Recognises the efforts made by the Council's Network management team to balance the competing demands for the limited road space on the highway network.
- (iii) Supports the efforts being made to provide better information to the public through the website and the introduction of more mobile working for the street works team.
- (iv) Encourages the engagement of the Council's street works team in national working groups and with the DfT.
- (v) Considers whether there is a role for the Committee in reviewing the effects of the introduction of HIAMS and mobile working for the Network Management and street works team.

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The following unpublished documents have been relied on in the preparation of this report:

None

Appendices

None