

ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Tuesday 14 th January 2020
Report Subject	Effect on the Public Highway of Roadworks by Utility Companies
Cabinet Member	Deputy Leader and Cabinet Member (Streetscene & Transportation)
Report Author	Chief Officer (Streetscene and Transportation)
Type of Report	Operational

EXECUTIVE SUMMARY

Environment Overview & Scrutiny Committee requested a summary report, explaining effect and impact of road work's undertaken by utility companies on the Highway Network and the Council's role in relation to the regulation, co-ordination and inspection of these works.

RECOMMENDATIONS

1	That Scrutiny notes the content of this report and acknowledge the statutory framework and duties on the Council as Highway Authority in relation to utility works carried out on the Highway Network.
---	--

REPORT DETAILS

1.00	BACKGROUND
1.01	The majority of utility infrastructure reaches residential properties under the Highway Network and the Highway Authority plays an integral role in ensuring residents and business owners have the necessary amenities, such as clean drinking water, gas, electricity and telecommunications.
1.02	The New Roads and Street Works Act 1991 (NRSWA) provides the legal framework for road works undertaken by statutory undertakers, such as utility companies. In 2004 the Traffic Management Act was introduced, tightening the regulatory framework within which utilities excavate roads, giving Highway

	<p>Authorities more power to co-ordinate, control and direct works effectively with the aim of minimising disruption.</p>															
1.03	<p>All statutory undertakes have the statutory right to access their apparatus, and lay new equipment in the public highway. Utilities are however required to notify the Highway Authority of their intention to work on the highway under the following timescales;</p> <table border="1"> <thead> <tr> <th>Works Category</th> <th>Works Duration</th> <th>Notice Periods</th> </tr> </thead> <tbody> <tr> <td>Major</td> <td>+ 10 Days</td> <td>3 Months</td> </tr> <tr> <td>Standard</td> <td>4 – 9 Days</td> <td>10 Working Days</td> </tr> <tr> <td>Minor</td> <td>Up to 3 Days</td> <td>3 Working Days</td> </tr> <tr> <td>Immediate</td> <td>n/a</td> <td>2 Hours After</td> </tr> </tbody> </table>	Works Category	Works Duration	Notice Periods	Major	+ 10 Days	3 Months	Standard	4 – 9 Days	10 Working Days	Minor	Up to 3 Days	3 Working Days	Immediate	n/a	2 Hours After
Works Category	Works Duration	Notice Periods														
Major	+ 10 Days	3 Months														
Standard	4 – 9 Days	10 Working Days														
Minor	Up to 3 Days	3 Working Days														
Immediate	n/a	2 Hours After														
1.04	<p>Under section 56(4) of NRSWA, the Highway Authority are required to co-ordinate all works undertaken on the adopted Highway Network and, this also includes highway maintenance works, such as the Council's own resurfacing work.</p> <p>All road works are co-ordinated by staff from the Streetscene and Transportation portfolio under the direction of the Highway Network Manager and recorded on the Council's Street Works register, via a 'return path' inbox, which enables the utilities to detail their works and allows the Council to place restrictions and suggest preferred timings for the works.</p> <p>The Road Space Manager will analyse each notice, and determine if the works duration and proposed traffic management (such as traffic signals) are suitable and appropriate. The Council can only refuse works if the proposed traffic management is deemed unsuitable and could cause a hazard on the network, and/or works are already planned or taking place at or near the location which deems the road space unavailable.</p> <p>In 2018, 4,125 individual road works were undertaken by utility companies on the Highway Network in Flintshire</p>															
1.05	<p>Flintshire County Council facilitate quarterly co-ordination meetings with all the utility companies that operate in the County. The purpose of these meetings is to explore opportunities for all works promoters to share long term plans for asset upgrades and major maintenance projects and promote opportunities for trench, site sharing and long term strategic road space booking.</p> <p>Utilities are required to provide information regarding any works that are over 10 days in duration. Collaborative working is promoted, however it is not always feasible. Cables and pipes within the highway must be a certain distance apart and this can prevent the utilities from laying their apparatus in the same trench. In addition, consideration is given to the size of the excavation and the impact the subsequent traffic management would have on our network before approval.</p>															

1.06	<p>The Council will place a 3 year restriction on a road that has been resurfaced. During the period of the restriction a utility company can only carry out road works if they are of an urgent nature, or if a new service connection is required. During December, the Council also places a restriction on all non-immediate works on the Classified A and B network, and on all main roads leading into and in town centres, to reduce congestion on the network during the run-up to Christmas. There is no legal basis to this restriction, and the Council relies on its positive working relationships with the utilities to ensure this embargo is adhered to.</p>								
1.07	<p>Every time a utility carries out roadworks on the highway, their subsequent reinstatement is guaranteed for a period of 2 years. If defects are identified within the 2 years, the utility are responsible for any remedial works, following this period the burden falls onto the Council. Under section 72 of NRSWA the Highway Authority are empowered to carry out investigatory works to check whether or not a utility has complied with the duties placed on it in respect of reinstatement of the street.</p> <p>These visual inspections are categorized as follows;</p> <table border="1" data-bbox="363 853 1332 1193"> <thead> <tr> <th data-bbox="363 853 850 909">Inspection Category</th> <th data-bbox="850 853 1332 909">Timing of Inspection</th> </tr> </thead> <tbody> <tr> <td data-bbox="363 909 850 1003">A</td> <td data-bbox="850 909 1332 1003">Undertaken during the progress of the works</td> </tr> <tr> <td data-bbox="363 1003 850 1097">B</td> <td data-bbox="850 1003 1332 1097">Undertaken 6 months after the works have been completed</td> </tr> <tr> <td data-bbox="363 1097 850 1193">C</td> <td data-bbox="850 1097 1332 1193">Undertaken 3 months before the end of the guarantee period</td> </tr> </tbody> </table> <p>Highway Authorities are required to inspect 10% of each of these categories. In order to ensure the burden of remedial costs do not fall onto the Council, Flintshire inspect a far higher percentage than required (15% of A and B, and 100% of C).</p>	Inspection Category	Timing of Inspection	A	Undertaken during the progress of the works	B	Undertaken 6 months after the works have been completed	C	Undertaken 3 months before the end of the guarantee period
Inspection Category	Timing of Inspection								
A	Undertaken during the progress of the works								
B	Undertaken 6 months after the works have been completed								
C	Undertaken 3 months before the end of the guarantee period								
1.08	<p>In addition to the visual inspections, in April 2019 the Council introduced a core sampling programme on completed reinstatements.</p> <p>The long term performance of a reinstatement is dependant, not only on the surface characteristics but also on the underlying properties of that reinstatement and the correct placement and compaction of the reinstated materials. The coring programme enables the Council to carry out detailed investigatory sampling and testing to determine any non-compliance. An appointed contractor carries out the sampling and laboratory are undertaken to determine compliance. The subsequent results are used to promote good working practices with reinstatement teams operating in the area. The Council currently take 20 core samples per month, an increase in this number is currently under consideration for 2020/21.</p>								
1.09	<p>The Council issues a roadworks bulletin to all stakeholders on a weekly basis, which includes details of all planned works for the following week. Recent amendments have been made to this document, removing industry jargon and simplifying the format. The Council use the 'One Network'</p>								

	<p>mapping platform which details road works on the network in real-time. This system extracts data directly from the Council's Streetworks register and uploads them to a mapping system, and offers the opportunity to communicate live updates to all road users to influence driver behaviour.</p> <p>The platform will detail the extent of the works, the traffic management in use and the promoters contact details. Date ranges can also be set to view any forthcoming planned roadworks. The system is particularly useful in communicating immediate roadworks, which, due to the statutory notice periods are rarely captured within the weekly roadworks bulletin. The Council are currently considering expanding the use of this platform to include the plotting of all diversion routes.</p>
--	--

2.00	RESOURCE IMPLICATIONS
2.01	Road Space is currently supported by one Operational Manager and two Road Space Inspectors supported by the Streetscene Coordinators who undertake some of the site inspections. Established cost recovery processes are in place for reinstatements failing to meet the required standard and currently this service area operates cost neutrally. There are no additional resource implications as a result of the report.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	The Streetscene service has undertaken risk assessments on the provision of road space related activities.

4.00	CONSULTATIONS REQUIRED / CARRIED OUT
4.01	None.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	New Roads and Street Works Act 1991
6.02	Traffic Management Act 2004

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Stephen Jones Telephone: 01352 704700 E-mail: stephen.o.jones@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	None.