

REPORT TO CABINET

Title: **UTILITY WORKS ON THE HIGHWAY**

Date: 31 March 2011

Member Reporting: Councillor Rayner, Lead Member for Highways and Streetcare

Contact Officer(s): Ben Smith, Highway Services Manager

Wards Affected: This report will have direct, or indirect impact on all Wards within the Royal Borough.

1. SUMMARY

Approximately 40,000 holes are dug on the road network within the Royal Borough each year. The majority of which are by utility companies to maintain, or improve their essential services such as gas, water and electricity.

These roadworks can cause significant disruption and delay to road users and also have a negative impact on the business community and are a source of great frustration. Additionally, poor quality reinstatements have caused additional problems to the highway network.

The purpose of this report is to seek opportunities to reduce this disruption and improve the management and co-ordination of utility works on the road network, whilst improving the quality of reinstatements.

This will be achieved by building on the already established initiatives such as proactive management, negotiation and co-ordination coupled with a very robust enforcement regime and developing new initiatives such as:

- increased monitoring activity
- improved 'back-office' systems and operational practices
- developing improved relationships with utility companies
- applying a prosecution policy for non-compliance

In addition, new longer-term, and more radical initiatives, such as the introduction of a permit-scheme will be investigated to consider whether real benefits can be delivered for local residents.

2. RECOMMENDATION: That:

- i. **The short-term initiatives set out in the main body of the report be progressed**
- ii. **The feasibility of a permit scheme be investigated with the outcomes considered by the Lead Member for Highways & Streetcare in conjunction with the Director of Environment**

- iii. **Authority be delegated to the Director of Environment, in consultation with the Lead Member for Highways & Streetcare, to implement any improvements arising from the short-term or long-term initiatives which benefit residents (subject to funding)**

What will be different for residents as a result of this decision?
The proactive approach offered by this report will build on existing good practice to further reduce disruption caused by roadworks and a more co-ordinated approach will reduce delays to road users. The Borough is looking for improved cooperation from Utilities operators.

3. SUPPORTING INFORMATION

Background

Within the Royal Borough approximate 40,000 holes are dug on the road network each year, the majority are which are undertaken by utility companies to maintain or improve essential services such as electricity, water, gas and communications. Both the Highway Authority and all the Utilities are governed by the New Roads and Street Works Act 1991 (NRSWA).

These works often cause disruption, congestion and are a source of great frustration to residents and road users. *'...In London it is estimated that 35% of traffic delays are caused by roadworks at an estimated cost of nearly £1billion of economic disruption each year with more than 100 utility companies digging up the roads...'*
(Source: Greater London Authority website) In the Borough areas there are 55 recognised Utilities entitled to dig up our roads.

The purpose of this report is to seek opportunities to reduce this disruption and improve the management and co-ordination of utility works on the public highway.

The Royal Borough has a duty under NRSWA to properly coordinate all works on the highway. Public Utilities have an equivalent duty to cooperate with us to achieve the best coordination which is sometimes lacking. The Streetworks Coordinator together with other network management officers and other officers planning work on the highway manage this coordination process. However the scale of Public Utility works is extensive with the Streetworks Coordinator having to examine over 250 notices on a daily basis.

These activities are undertaken by a 'Streetworks Co-ordinator' supported by 6 multi-disciplinary streetcare inspectors who monitor and inspect utility works on the ground in addition to their other duties of inspecting and maintaining the public highway in a safe manner. There are also two network management officers who work closely with the 'Streetworks Co-Coordinator' to co-ordinate events including Royal Ascot,

Windsor Triathlon, state visits and community events such as the St. Georges day parade. This is to reduce the impact of delays/diverted traffic on other activities.

NRSWA requires utility companies to notify the Royal Borough of planned works; advise the duration of the works; to comply with restrictions imposed upon *traffic sensitive streets** and reinstate the highway to agreed national standards. Failure to comply with these basic principles can result in enforcement action which can impose financial penalties. Repairs have to be guaranteed for either 2 or 3 years.

(* Traffic Sensitive Streets are defined as '...a street on which any work will create unacceptable delays or disruption to highway users...')

However, there are approximately 55 registered utility companies who enjoy a 'right' to work on the highway. A number of works are also designated as 'emergencies' which significantly limits the 'power' of the highway authority to intervene (for example notices can be submitted after works start).

Additionally, the 'Traffic Management Act (2004)' places a duty on the highway authority to '...secure the expeditious movement of traffic' seeking to minimise disruption and congestion.

In practice, these legislative requirements provide a framework for co-ordinating activities but still rely in a large part on the relationship and approach of the particular utility company wishing to undertake the works.

The Royal Borough has been active in this area and the following actions have been undertaken to date:

- A '**Utilities Conference**' has been established by the Lead Member for Highways & Streetcare which seeks to share best practice and encourage co-ordination of works whilst encouraging the utility companies to adopt a 'Utilities Charter' which is a voluntary local code of practice

This has been attended by most of the larger Public Utility companies but not all have agreed to the Charter. It has however produced excellent results where the Utilities have built better links with the Royal Borough. Members will recall that Maidenhead has recently benefited from over 3km of new 400mm (16") water main. This has been closely planned between Borough and Water Company and has gone very well.

In contrast a new electricity supply through Windsor where there was much less planning and discussion has gone less well. In this case sections of the work have failed which will cause further disruption.

- A strong approach is adopted with respect to planned works in terms of imposing restrictions and co-ordination. Additionally, enforcement action or a prosecution route is followed if co-operation is not forthcoming or conditions are breached
- Programming of works and duration are key elements of managing the impact of Utilities on the roads. Notices are regularly challenged to reduce duration or to revise times to avoid other constraints. Any overruns of the estimated / agreed end dates without good reason are penalised financially. Utilities are also

monitored for method and quality and inadequate work practices also attract significant financial penalties.

- 30% of all utility works are routinely inspected by statute.
- An additional resource has been allocated to increase monitoring utility works on a short-term 'trial' basis which commenced in January 2011 to increase the overrun inspection percentage. This has highlighted that quite a high number of road works do not comply with notices.
- 100 core samples of highway reinstatements are taken three times a year to ensure an acceptable standard of road repairs are achieved. If the reinstatement is defective repair works will be demanded and penalties payable.

Despite this robust approach, roadworks remain a cause of disruption and frustration and the focus must be on reducing the volume and duration of utility works and co-ordination of activities.

Current working practices are supported by a strong enforcement regime which imposes penalties coupled with a proactive approach in improving relationships with the utilities and jointly planning works. Thereby offering a combination of 'carrot' and 'stick'.

In the short-term the following improvements will be considered:

- allocating additional resource to monitor utility works (particularly major works) to minimise the duration of roadworks and ensure that the utility company allocates resources to complete the works as quickly as possible
- where Utilities use emergency procedures they will be required to complete works quickly by providing sufficient resources and working longer hours.
- invest in scanner (non-invasive) technology to increase the volume of reinstatement inspections. This will reduce the number (and cost) of cores which are taken whilst increasing the number of reinstatement inspections, thereby driving up standards of reinstatement
- Management and coordination of 40,000 road openings each year is a major task which is undertaken using the "Confirm" software system. Officers are looking at further improvements to this system to improve functions / reliability.

Also all roadworks are published on various websites. The Borough subscribes to "Elgin" which automatically takes information from Confirm and puts it onto a map based format to enable the public to better plan journey avoiding roadworks.

- The availability of specialist legal support is being investigated to recover 'bad debts' and challenge the resistance of utility companies to accept, and subsequently, pay fines

- A review of 'Traffic Sensitive Streets' and "streets with special engineering difficulties" is underway to increase the powers to control and manage roadworks more effectively
- And most importantly by improving the relationship and communication to enable joint planning of works.

In the longer-term the 'Traffic Management Act (2004)' includes provision to introduce a 'permit' scheme whereby the utility company has to apply for permission, and pay a permit fee, before digging up the highway.

Additionally, a simple scale of penalties are adopted and imposed for breach of permit conditions. Thereby, changing the emphasis of current practice. On the face of it, this seems a simple and more practical approach.

Permit schemes have been introduced primarily within London with 'Transport for London (TfL) and 16 London Boroughs introducing a scheme. Outside London, there is limited 'take-up', although Kent County Council have adopted a scheme.

The objectives of a permit scheme are to:

- reduce disruption to residents, business and bus users
- provide better information for road users about highway works
- improve co-ordination between utility companies
- encourage minimally invasive works (For example: greater use of boring and tunnelling techniques) and minimise the impact of excavations

Whilst a permit scheme may apparently offer benefits it will incur significantly time and set-up costs and, potentially, additional resources, to manage and operate. Therefore, it is critical to consider the following points

- what are the nature and scale of problems to be addressed
- are current initiatives able to achieve similar outcomes to a 'permit' scheme
- would a permit scheme offer value for money

It is too early to answer these questions at this stage (however feedback from other Highway Authorities is certainly not very positive) and it is recommended that the feasibility of a permit scheme be investigated with the outcome reported to the Lead Member for Highways and Streetcare in Summer 2011.

In addition to the permit schemes, the Mayor for London, in conjunction with a number of London Boroughs and business, is lobbying government to approve regulations that would mean utility companies could be charged for digging up the roads through a new lane-rental scheme. This would give them an incentive to complete works early – the less time they take, the less they pay.

A 'Lane-rental' scheme offers, potential further benefits to a permit scheme and a timetable and way forward from the Department for Transport is currently awaited.

In financial terms income of circa £200,000 is currently generated on an annual basis through enforcement activities. This income is ring fenced under NRSWA to offset highway costs and additional repairs.

In summary, roadworks cause considerable disruption to residents and road users and a proactive approach must be adopted which focuses on minimising the volume of roadworks through improved co-ordination; encouraging non-invasive techniques; management which minimises the duration of roadworks and imposes restrictions which benefit road users. Benefits of improved liaison have been proved on several major projects.

4. OPTIONS AVAILABLE AND RISK ASSESSMENT

4.1 Options

	Option	Comments	Financial Implications
1.	Do-Nothing: retain existing practices	This is not recommended as there is a recognised need to further minimise disruption from roadworks and improve the quality of reinstatements on the highway network	No additional financial implications.
2.	Actively pursue the short-term measures only	This is Recommended as good practice and is likely to deliver benefits in minimising disruption from roadworks and improving the quality of reinstatements	Capital funding will be required to invest in scanner technology and migrate the 'Confirm' system to a hosted solution. Additional resources for inspection will incur additional revenue costs unless existing priorities can be adjusted accordingly.
3.	Actively pursue the short-term measures whilst investigating potential longer-term solutions	This is Recommended as it will deliver a package of longer-term improvements which build upon the short-term initiatives	The investigation of longer-term solutions can be undertaken within existing resources
4.	Adopt an alternative strategy	Develop and consider an alternative strategy	This cannot be quantified at this stage

4.2 Risk assessment

The following significant risks and opportunities have been identified:

Risks

- Positive relationships which have been developed with some utility companies (For example: South-East Water) may deteriorate
- A more proactive approach may incur additional costs which are not currently funded

Opportunities

- Disruption to residents and road users may be reduced
- This report offers a positive response to concerns of local residents offering an opportunity to place 'residents first'

5. CONSULTATIONS CARRIED OUT

No formal consultation has been undertaken in respect of this report.

However, disruption and congestion is known to be of significant concern to residents and road users and this report offers a proactive response to these concerns.

6. COMMENTS FROM OVERVIEW AND SCRUTINY PANEL

This report was considered by the Planning & Environment Overview and Scrutiny Panel on Monday 14th March 2011 and resolved the following:

***** **Comments to be added** *****

7. IMPLICATIONS

The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
Yes	Yes	Yes	Yes	Yes	Yes

Background Papers:

None