



# National Approach for Road and Street Works in Wales

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## 1.0 Introduction

Road works and street works are essential to enable the road network and the services within it to be maintained and improved. However they also have the potential to cause significant traffic disruption and delay. The Welsh Government is committed to improving the situation and has developed the National Approach for Road and Street Works in Wales to drive improvements in the planning, co-ordination and implementation of these works.

Welsh Ministers are directly responsible for the motorway and trunk road network in Wales. There are over 75 miles of motorway and over 1000 miles of trunk road. This Approach for Road and Street Works details actions that the Welsh Government will take to drive improvements across its own network, while encouraging local authorities to adopt similar best practice for the local roads for which they are responsible.

The Welsh Government can also make new Regulations and introduce new Codes of Practice for the street works industry in Wales. This Approach for Road and Street Works therefore also sets out the areas such Regulations and Codes of Practice will be brought forward for consultation.

The Welsh Government recently passed the Well-being of Future Generations (Wales) Act 2015 which makes commitments to improve the economic, social, environmental and cultural well-being of Wales. This demonstrates the Welsh Government's commitment to deliver real and long lasting change for people in Wales. This Approach for Road and Street Works is of particular relevance to achieving the goals of a prosperous and resilient Wales.

The Active Travel (Wales) Act 2013 created new duties for highway authorities to consider the needs of walkers and cyclists, and make better provision for them. Road works and street works should provide suitable provision for pedestrians, including the visually impaired, disabled people, and cyclists.

The effective control and co-ordination of road and street works has a crucial part to play in achieving these commitments. Such work is essential to maintain or improve services to communities or ensure the road network on which we all rely continues to function. However, poorly planned and executed road and street works can cause severe delay to road users and have a detrimental impact on the Welsh economy.

The Approach for Road and Street Works sets out an ambition for significantly improving the way road and street works are managed, ensuring that while work is undertaken and communities have the services and well maintained infrastructure on which they rely, Wales remains open for business.

## 2.0 Background

“Road works” (or “works for road purposes”) are works usually carried out by highway authorities to repair, maintain or replace highways, which under highways law includes the footway or pavement.

“Street works” are carried out by statutory undertakers, or licensees under Section 50 of New Roads and Street Works Act 1991 (NRSWA), or their contractors, to install, inspect, maintain, repair or replace apparatus. Most utility companies (gas, electricity etc.) are statutory undertakers. Statutory undertakers have a statutory right or duty to install, inspect, maintain, repair, or replace apparatus in or under the street in primary legislation.

Road and street works are currently controlled in both England and Wales under the New Roads and Street Works Act (NRSWA) 1991 and the Traffic Management Act 2004.

NRSWA supported by Regulations and Codes of Practice, provides a legislative framework for street works by undertakers (including utilities) and works for road purposes – to the extent that these must be co-ordinated by highway authorities (Section 59).

The Traffic Management Act (TMA) 2004 provides additional powers to reduce congestion: Part 1, makes provision for the designation of Traffic officers, Part 2, places a duty on local traffic authorities to manage their road network to make sure that traffic can move freely on their roads and on the roads of other traffic authorities; Part 3, allows for the introduction of permit schemes for road and street works; Part 4, stronger powers for local highway authorities to direct when works are carried out or where new apparatus is placed and Part 6, allows for the civil enforcement of traffic contraventions.

The Active Travel (Wales) Act 2013 places a new duty on Welsh Ministers and local authorities. Section 9, part 2 (b) explicitly states that they must have regard to the needs of walkers and cyclists in the exercise of their functions under Part 3 of the New Roads and Street Works Act 1991.

Though the legislative framework for the control of road and street works is the same for both England and Wales, the approach differs slightly due to the introduction of Regulations and Codes of Practice at different times.

The Welsh Highway Authorities and Utilities Committee (Welsh HAUC) provides a valuable collaborative forum for highway authorities and undertakers to discuss issues of mutual interest and agree joint approaches and action. The Welsh Government works closely with Welsh HAUC as well as the national HAUC group to progress the road street works agenda in Wales.

### **3.0 What are the Main Issues?**

Since its introduction back in the early 1990s legislation to control road and street works has greatly improved the performance of both undertakers and highway authorities. However, inevitably congestion arises on the network due to these works and over time there have been incidences of traffic disruption being greater than necessary due to over running or conflicting works.

Concerns over the management of road and street works in Wales were raised during the course of two recent investigations.

In its 2011 report on major transport projects, the Wales Audit Office highlighted the adverse impact that delays to the alteration or renewal of statutory undertakers' plant and services can have on disruption to the travelling public and out turn costs.

In addition the National Assembly for Wales Public Accounts Committee (PAC) inquiry into the "Value for Money of Motorway and Trunk Road Investment" which reported in June 2015, having reviewed evidence from across the industry, highlighted the continuing poor management of road and street works and its adverse impact on both project cost and the road user as a key issue that needs to be addressed.

### **4.0 The Approach for Road and Street Works**

The Welsh Government's vision for road and street works in Wales is that they will be, managed in a way that minimises delay to the public and business while facilitating essential maintenance and improvement work to services and infrastructure on which the economy and communities rely.

To achieve this no changes are proposed to primary legislation. By working in partnership with its supply chain and both undertakers and highway authorities through Welsh HAUC significant improvements can be made to the way road and street works are managed for the benefit of Wales within the existing legislative framework. With direct responsibility for the motorway and trunk road network, which carries over a third of all traffic in Wales, the Welsh Government itself has an important role to play in leading by example with the adoption of best practice.

In order to deliver significant improvements both for the people and economy of Wales, actions will be taken forward in five key areas:

- A. Improving the Planning, Co-ordination and Implementation of Road and Street Works;
- B. Improving the Delivery of Major Transport Projects;
- C. Improving Communication with the Public and Business;
- D. Skills and Training; and
- E. Culture

## 5.0 Key Interventions

### A. Improving the Planning, Co-ordination and Implementation of Road and Street Works

Over the last decade the making of Regulations and the publishing and updating of Codes of Practice has proceeded at a quicker pace in England than in Wales. Some of the Regulations and Codes of Practice that have been introduced in England only may potentially have a beneficial effect on the planning, co-ordination and implementation of work in Wales. Therefore:

- *Welsh Government will conduct a review of all the Regulations and Codes of Practice in force in the UK to determine the level of compliance and relevance to Wales. Welsh Government will develop a prioritised programme for the introduction of those that would be beneficial to Wales by October 2016. Welsh Government will work with Welsh HAUC to produce guidance where it is not appropriate to regulate. Welsh Government will ensure that new requirements such as the Active Travel Act are adopted by the street works sector in Wales.*

With so many statutory undertakers and highway authorities competing for road space the efficient and effective planning, co-ordination and implementation of works is fundamental to minimising disruption.

This can only be achieved if timely and accurate information is available on all work that is planned on the road network. The “Noticing” of undertakers’ works is already a requirement of the legislation and some highway authorities also record their own works in order to effectively discharge their traffic management duty. However, practice varies across Wales and information is often incomplete or out of date. In addition designations such as traffic sensitivity, Active Travel Routes, tourist routes may change over time and the Street Gazetteer must be maintained to ensure this information is correct. Therefore:

- *Welsh Government will ensure that all work (including its own and 3rd party works, e.g. Section 38 and Section 278 works) on the trunk road is “Noticed” in accordance with guidance and regulations from October 2016. Welsh Government will look at mechanisms to improve co-ordination at the strategic level to ensure better consultation with stakeholders along the trunk road network. The Welsh Government will encourage other highway authorities in Wales to follow suit and promote the use of the Quarterly Performance Scorecard to monitor performance;*
- *Welsh Government will update the Street Gazetteer for the trunk road network (including Additional Street Data) on a monthly basis from July 2016 and encourage other highway authorities in Wales to do the same; and*

- *Welsh Government will work with the National Street Gazetteer Concessionaire to encourage all undertakers working in Wales and highway authorities in Wales to perform monthly downloads from the national hub from July 2016.*

A number of different approaches have been adopted across the UK for improving the planning, co-ordination and implementation of road and street works. These range from informal codes of practice to formal permit and lane rental schemes under the Traffic Management Act 2004. Permit schemes provide an alternative to the notification system (in accordance with the New Roads and Street Works Act 1991), whereby, rather than informing the highway authority about its intention to carry out works (Noticing), a promoter will have to apply for a permit (permission) to occupy the highway, removing their statutory right. The Permit Scheme applies to all work including the highway authority's own activities.

There are a number of potential advantages to the introduction of a formal permit scheme including: enhanced co-ordination and co-operation; improved partnership working between stakeholders; improved communication; better timing and a reduction in the duration of works and enhanced forward planning. However, there are potential disadvantages including the increased cost to statutory undertakers and potentially their customers. There are fees for the issue of permits to cover increased administrative costs incurred by highway authorities.

The Traffic Management Permit Scheme (England) Regulations 2007 were amended in 2015 meaning that highway authorities in England wishing to introduce a permit scheme no longer need the Secretary of State's approval before a scheme can be operated. The requirement to obtain the approval of Welsh Ministers prior to the operation of such schemes in Wales has been retained. This has been done to ensure firstly that the business case for their introduction is robust and secondly if required a consistent approach is adopted across Wales so business does not have to contend with widely differing administrative processes. Therefore:

- *Welsh Government remains neutral on permit schemes and does not specifically promote them in Wales. The Welsh Government will work with any stakeholder wishing to implement a permit scheme to establish whether there is a robust business case for the introduction of permit schemes in Wales following the Welsh Government Transport Appraisal Guidance; WelTAG; and*
- *If a business case establishes that permit schemes are the best approach for improving the planning, co-ordination and implementation of road and street works in Wales the Welsh Government will develop and publish guidance.*

## **B. Improving the Delivery of Major Transport Projects**

The alteration or renewal of statutory undertakers' plant and services often lies on the critical path in the programming of the delivery of major transport projects. Delay in carrying out this work not only prolongs disruption to the travelling public, but can significantly escalate costs. Important and significant improvements have been made in the reliability of project programming and cost control, but the Welsh Government acknowledges that more can be done: Therefore:

- *Welsh Government will work with Welsh HAUC to develop a voluntary code of practice to improve collaborative working on major projects with the aim of all stakeholders signing up to it by October 2017. Welsh Government will review projects that were not as successful and will look to build upon existing initiatives and case studies promoted by National Joint Utilities Group (NJUG).*

## **C. Improving Communication with the Public and Business**

The publication of accurate and timely information in advance of road and street works is essential for the public and business to make well informed decisions on their travel arrangements and understand the impact of works outside their properties.

The Welsh Government already provides support to local authorities in Wales that allows them to publish summary street works information to a central website. In addition many local authorities themselves publish information on their own websites and the Welsh Government provides information on its own network via the Traffic Wales website [www.trafficwales.com](http://www.trafficwales.com). However more can be done to improve the quality of the information, its coverage and the ease with which it is accessed. Therefore:

- *Welsh Government will work with Welsh HAUC to improve the quality of road and street works information available to the public and business by April 2017. Welsh Government will examine what tools are available to improve its own information systems and will work with NJUG to build upon their Principles of Good Communication document.*

## **D. Skills and Training**

Everyone working on the highway should be appropriately qualified and competent to ensure the safety of both the workforce and the travelling public. Under the New Roads and Street Works Act, the installation, renewal, maintenance and inspection of underground apparatus in any street or road must be undertaken by trained and competent personnel. Within England, there is a requirement for road workers to reapply for their accreditation every 5 years (introduced in 2009), which incurs administration costs. Currently this



requirement does not apply in Wales. In addition the Department for Transport (DfT) has recently introduced changes to the qualification modules and Street Works Card. Therefore:

- *Welsh Government will carry out a consultation exercise during the course of 2016, to establish whether the existing training regime is effective in ensuring standards are maintained, or whether the introduction of a formal re-assessment process will drive up standards of safety and operational works compliance. Welsh Government will consult on the changes introduced by the DfT.*

## **E. Culture**

We want to achieve a “step change” in our performance and a culture of continual change across the industry. To achieve this we need to be able to measure our progress, clearly identify what is working and what is not and the contribution being made by each of the stakeholders. Therefore:

- *Welsh Government will develop a measure of availability for the trunk road network by October 2016 to inform future decision making on management of the network;*
- *Welsh Government will review the performance of the trunk road network and develop a programme of improvements to address “pinch points” and improve network resilience by April 2017; and .*
- *Welsh Government will work with Welsh HAUC to develop a “balanced score card” approach to measuring organisational performance in Wales by promoting the Quarterly Performance Scorecard with the aim of all stakeholders submitting their data to it by April 2017. Welsh Government will ensure Welsh data is effectively extracted and published to drive the right behaviours in meeting the stated objectives.*

## Appendix 1 – Summary of Actions

Action	Date
<b>A. Improving the Planning, Co-ordination &amp; Implementation of Works</b>	
<p>Welsh Government will conduct a review of all the Regulations and Codes of Practice in force in the UK to determine the level of compliance and relevance to Wales. Welsh Government will develop a prioritised programme for the introduction of those that would be beneficial to Wales. Welsh Government will work with Welsh HAUC to produce guidance where it is not appropriate to Regulate. Welsh Government will ensure that new requirements such as the Active Travel Act are adopted by the street works sector in Wales.</p>	<p>By October 2016</p>
<p>Welsh Government will ensure that all work (including its own and 3<sup>rd</sup> party works, e.g. Section 38 and Section 278 works) on the trunk road is “noticed” in accordance with guidance and regulations. Welsh Government will look at mechanisms to improve co-ordination at strategic level to ensure better consultation with stakeholders along the trunk road network. The Welsh Government will encourage other highway authorities in Wales to follow suit and use the Quarterly Performance Scorecard to monitor their performance.</p>	<p>From July 2016</p>
<p>Welsh Government will update the street gazetteer for the trunk road network (including Additional Street Data) on a monthly basis and encourage other highway authorities in Wales to do this as well.</p>	<p>From July 2016</p>
<p>Welsh Government will work with the NSG Concessionaire to encourage all undertakers working in Wales and highway authorities in Wales to perform monthly downloads from the national hub.</p>	<p>From July 2016</p>
<p>Welsh Government remains neutral on permit schemes and does not specifically promote them in Wales. The Welsh Government will work with stakeholders to establish whether there is a robust business case for the introduction of permit schemes in Wales following the Welsh Government Transport Appraisal Guidance (WelTAG).</p>	<p>On going</p>
<p>If a business case establishes that permit schemes are the best approach for improving the planning, co-ordination and implementation of road and street works in Wales the Welsh Government will develop and publish</p>	<p>On going</p>

guidance.	
<b>B. Improving the Delivery of Major Transport Projects</b>	
Welsh Government will work with Welsh HAUC to develop a voluntary code of practice to improve collaborative working on major projects. Welsh Government will review previous work to understand why previous attempts were unsuccessful and will look to build upon existing initiatives and case studies promoted by NJUG.	By October 2017
<b>C. Improving Communication with the Public and Business</b>	
Welsh Government will work with Welsh HAUC to improve the quality of road and street works information available to the public and business. Welsh Government will examine what tools are available to improve its own information systems and will work with NJUG to build upon their Principles of Good Communication document.	By April 2017
<b>D. Improving the Standard of Skills and Training in the Sector</b>	
Welsh Government will carry out a consultation exercise to establish whether the existing training regime is effective in ensuring standards are maintained, or whether the introduction of a formal re-assessment process will drive up standards of safety and operational works compliance.	During the Course of 2016
<b>E. Promoting a Culture of Continual Improvement</b>	
Welsh Government will develop a measure of availability for the trunk road network to inform future decision making on management of the network	By October 2016
Welsh Government will review the performance of the trunk road network and develop a programme of improvements to address “pinch points” and improve network resilience by April 2017	By April 2017
Welsh Government will work with Welsh HAUC to develop a “balanced score card” approach to measuring organisational performance in Wales by promoting the Quarterly Performance Scorecard with the aim of all stakeholders submitting their data. Welsh Government will ensure Welsh data is effectively extracted and published to drive the right behaviours in meeting the stated objectives.	By Aril 2017

## Appendix 2 - Road and Street Works Legislation

### New Roads and Street Works Act 1991

Highway authorities have a duty to maintain their roads under Part IV of the Highways Act 1980 and any road works that they undertake are subject to this legislation. The legislation governing the work of the undertakers is the New Roads and Street Works Act.

Undertakers are permitted to carry out street works by virtue of their statutory right, or a licence granted under the New Roads and Street Works Act and do not necessarily need the prior consent of the highway or street authority.

### Traffic Management Act 2004

The Traffic Management Act was introduced to give greater controls to street authorities in response to the increased numbers of utility companies and associated levels of disruption. The Traffic Management Act in particular addresses the quality and speed of reinstatements, the notice given of forthcoming works and the co-ordination of those works.

Part 4 of the Traffic Management Act amended the legislation to give street authorities much greater powers to minimise unnecessary disruption caused by poorly planned works: street authorities have more control over where and when works can and cannot take place; they can impose longer restrictions to protect streets which are dug up repeatedly; and they have greater enforcement powers.

### Statutory Instruments

The following Statutory Instruments have been implemented in Wales:

<b>Statutory Instruments (Wales)</b>	<b>No.</b>
The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (Wales) Regulations 2009	1268 (W.115)
The Traffic Management Permit Scheme (Wales) Regulations 2009	1267 (W.114)
The Street Works (Fixed Penalty) (Wales) Regulations 2008	102 (W.15)
The Street Works (Registers, Notices, Directions and Designations) (Wales) (No 2) Regulations 2008	540 (W.52)
The Street Works (Inspection Fees) (Wales) (Amendment) Regulations 2007	1713 (W.150)
The Traffic Management (Guidance on Intervention Criteria) (Wales) Order 2007	1712 (W.149)
The Traffic Management Act 2004 (Commencement No. 2 and Transitional Provisions (Wales) Order 2007	3174 (W.279) (C.130)

The Welsh HAUC website contains a full listing of current Wales Statutory Instruments and may be accessed via the following link: <http://www.whauc.com>

### **Traffic Manager Role**

Every highway authority in England and Wales must appoint a Traffic Manager and the role of the Traffic Manager is 'to perform such tasks as the authority considers will assist it to perform the network management duty' (Traffic Management Act, SI 17(2)). The post of Traffic Manager is one of several statutory posts a local authority must provide, although the duty is not actually placed on the Traffic Manager. There are three broad areas that the Traffic Manager needs to consider: dealing with congestion; minimising disruption from planned work or events; and planning for the unplanned.

The network management duty on the local authority's network is prioritised according to the sensitivity of that part of the network to traffic disruption. Each local authority should have developed hierarchies of their network to ensure that they focus attention on those parts of the network that are most sensitive to disruption.

If a local authority fails to manage their network effectively a Traffic Director could be appointed by the Welsh Government to run their network management affairs, at their expense.

The primary objective of the network management duty is for every local authority to make the best use of existing roads for the benefit of all road users. The Traffic Management Act allows an authority to take action deemed reasonably practicable to achieve this. The Traffic Manager provides a focal point within the authority for performance of the duty and champions the need for the authority to consider the duty in all areas of work.