



## **OFFICER REPORT TO LOCAL COMMITTEE (REIGATE AND BANSTEAD)**

### **UTILITY WORKS (STREET WORKS) ON SURREY'S HIGHWAY NETWORK**

**18 JUNE 2012**

#### **KEY ISSUE**

To provide Members with a background on Street Works in general, communication exchange and the monitoring of Street Works. To also give information on the Street Works Team structure and the recent utility works on the A217 Brighton Road.

#### **SUMMARY**

Street Works are inevitable, new building developments require new services and supplies, existing pipe and cable installations require upgrading to meet increasing demands, new technology drives the need for new apparatus. Existing equipment requires maintaining in line with targets set by industry regulators on such things as leak rates and out of service delays. (The most notable example of the latter being the Directive by the Health and Safety Executive requiring the replacement of all metallic gas pipes within 30 metres of properties with new Polyethylene pipes)

Utility companies have a legal right to carry out 'streetworks' within the highway network. Activities are controlled by two key pieces of legislation, the New Roads and Streetworks Act 1991 and the Traffic Management Act 2004.

This report sets out the key responsibilities for Surrey County Council, as the Street Authority, and the utility companies in working together to ensure that works are being carried out with due regard to safety, to the standards required to maintain the highway asset, and to minimise disruption to all road users. It sets out how works are notified by the utility companies, how they are coordinated by the County Council, and how they are subsequently monitored and inspected.

## OFFICER RECOMMENDATIONS

**The Local Committee (Reigate and Banstead) is asked to note the content of the report.**

### 1 BACKGROUND AND LEGISLATION

- 1.1 The New Roads and Street Works Act 1991 (NRSWA) and the Traffic Management Act 2004 (TMA) provide the legislative framework for works being carried out on the highway, imposing a statutory Duty on the County Council, as the Street Authority, to coordinate activity on the highway in order to:
- ensure the safety of all road users
  - to ensure the expeditious movement of traffic (including pedestrians)
  - protect the structure of the street.
- 1.2 NRSWA requires that all Works Promoters (any person wishing to work on the highway) provide the Street Authority with sufficient advance notification of any works to be carried out to enable us to coordinate all works on the highway (the amount of notice required is dependant upon the nature and duration of the works, **see Appendix 2**). The utility companies have a Duty to assist the Street Authority in coordination. The Street Authority is required to keep a formal and accessible register of all, including our own, works on the highway.
- 1.3 Notification of works is given by the system of Electronic Transfer of Notices (EToN), a central government controlled hub whereby information can be exchanged virtually simultaneously between Works Promoters and Street Authorities via the internet.
- 1.4 NRSWA incorporates a series of Codes of Practice, which set out how the Act is to be implemented. This includes the “Code of Practice for the Coordination of Street Works and Works for Road Purposes” and the “Specification for the Reinstatement of Openings in Highways”, referred to as the SROH.

The SROH sets out the type, quality and quantity of materials to be used when backfilling and reinstating an excavation. It also details the standards, in terms of compaction and surface profile, to which the work has to be carried out and subsequently inspected.

Non-compliance with the SROH can put at risk the long term performance of the highway, and without a robust system of monitoring and enforcement, failure of such reinstatements in the future may necessitate the use of maintenance budgets to carry out remedial works.

NRSWA also contains Safety at Street Works and Road Works a Code of Practice. This document defines the requirements for the layout of a works site with respect to Signing, Lighting and Guarding and also defines the relevant traffic management needs.

- 1.5 Offences under NRSWA (such as failing to provide advance notice of major works, or significant breaches of Safety requirements) may be referred to the Magistrates Courts. Convictions lead to fines for the utility companies, set at varying levels on a standard scale.
- 1.6 It should be noted that the utility companies are wholly responsible for the management and on site supervision of their own works. As the Street Authority, the County Council is responsible for monitoring the utilities' performance through inspections, and are responsible for coordination activities, including monitoring of incoming Notices, ensuring works are completed to agreed standards and timescales.

These activities are carried out by the Street Works Team, part of Surrey Highways. The structure and roles of the team are described in section 5.4

## **2 HOW THE UTILITY COMPANIES NOTIFY THEIR WORKS**

- 2.1 There are 11 key utility companies operating within Surrey, with varying degrees of coverage across the county. 200,219 Notices were received from utilities in Surrey during 2011/12, relating to 45,917 actual works sites. This equates to over 700 Notices received each working day, which are received using the dedicated electronic transfer system, and are managed in Surrey using a system of software called Symology, an industry accepted market leader.
- 2.2 Notices must contain information on the specific road, the position of works in the road (e.g. house number, footway or carriageway etc), the proposed start and end dates, the traffic management methods (e.g. signing only through to temporary traffic signals, even complete closure) and who is doing the work.

Different Notices are required at different stages of the works – advance warning Notices, works commenced, works completed etc, as well as a formal registration containing the details of the works that were carried out (size and position of the excavation etc). Each job will therefore have at least three Notices, and in some cases, many more.

The amount of advance Notice required for each set of Works depends on the proposed duration of the work on site, and is defined in NRSWA. **Appendix 2** includes the definitions of these works categories, and the required Noticing periods in each case.

It should be noted that Notices for Immediate Works are required to be issued within a two hour period following the commencement of works, hence it is not possible to coordinate Immediate Works.

- 2.3 The following table shows the breakdown of Major, Standard and Immediate works Notices received in the 2011/12 financial year.

Type of Work	No. of Works Notices - Surrey	No. of Works Notices – R & B	R & B %
Major works (11days +)	941	123	13%
Standard works (4 – 10 days)	3787	457	12%
Immediate Works	13496	1166	8%

### 3 HOW UTILITY WORKS ARE MONITORED

#### Monitoring of Notices

- 3.1 Notices are reviewed to ensure that conflicts between works, or between works and diversion routes (if roads are being closed) are, wherever practicable, avoided. Timescales and working times are considered in order to reduce congestion and disruption as far as possible. Accurate information within the Notices is therefore essential to ensure that effective coordination can take place.

Ideally 100% of incoming notices would be reviewed on a daily basis, with over 700 notices a day, this is not practical with current resources. Monitoring therefore focuses on Notices for significant works, i.e. major works and works on the traffic sensitive routes within the county, where coordination is most critical.

Notices may be challenged by the Streetworks team, on either the timing (i.e. proposed dates) and/or the duration of the works. Because utility companies have a right to maintain their apparatus, the need for works cannot be challenged, but where new services (rather than replacements) are required, there can be some scope for directing works away from critical routes.

- 3.2 Projected forward works programmes supplied by the utilities and our own contractors are reviewed, and are discussed at formal Coordination meetings, held on a quarterly basis. These are attended by representatives from the major utility companies, who meet with the Surrey Street Works team, as well as service delivery representatives from Surrey Highways and other interested groups such as Surrey

Police, to again identify any potential clashes or opportunities for combined working.

Separate meetings are held with utility companies to review specific works and often detailed site layout requirements are established with a meeting on site with a Surrey Street Works Officer.

- 3.3 Receiving accurate information via the Notice is essential for both coordination and monitoring of works effectively.

In order to improve accuracy levels, Fixed Penalty Notices (FPNs) can be issued to the Works Promoter for which a fine is payable to the Street Authority.

An FPN offers an undertaker the opportunity to discharge any liability to conviction by simple payment of a standard penalty, but the same level of evidence is required as would be necessary if referring the case to the Magistrates' Courts. The intention of the system is to encourage accurate and timely notice data, improving the co-ordination of works, and thereby contributing to the overall aim of minimising disruption arising from road and street works.

Surrey County Council do not at present issue FPN's to utility companies, however this is under review in line with the proposal to implement a Permit scheme (see 5.2).

### **Sample Inspections and Defect Inspections**

- 3.4 All works by utility companies are subject to a two year guarantee period (three years in the case of deep works), during which time any failures must be remedied by the utility company.

Outside of this period it can be possible to attribute failures to the utility however the responsibility lays with the Street Authority to prove the reinstatement was not carried out to specification.

- 3.5 Under NRSWA, the Street Authority has the right to carry out visual Sample Inspections to determine whether or not a utility company has complied with the requirements for reinstatement of the street as defined in the SROH. Only reinstatements that do not comply with the SROH can be defected.

The Street Authority may carry out inspections on utility reinstatements at any time and in any quantity. However inspection fees can only be reclaimed from the utility for carrying out inspections on up to 30% of a given utilities works averaged from openings recorded over the previous three years. Any inspections over this figure would be at cost to the Street Authority. For 2011/12 Surrey completed just over 8,000 inspections split equally into the categories below.

Category A An inspection whilst the site is in progress, to look at methods and materials, and site safety.

Category B Inspection within six months of works completion

Category C Within three months of the end of the Guarantee period,

- 3.6 Inspection sites are generated randomly by the Symology computer system to ensure fairness and integrity of the process.
- 3.7 Where defects are identified during any category of sample inspection, this starts a subsequent defect inspection process, and utilities are required to pay defect inspection charges (at a prescribed rate – see **Appendix 3**).

The number of defects identified for each utility is monitored, and forms part of an overall performance assessment. Should the percentage of defects for any utility rise above 10% in any 3 month period, then an Improvement Notice can be served by the street authority, which requires the utility to undertake an Improvement Plan, which is monitored by the authority at the expense of the utility.

For the six month period 1 April - 30 September 2011, Inspection defect rates were 8.8% on Category 'A' inspections, 8.5% on Category 'B' inspections and 2.9% on Category 'C' Inspections.

There are currently no Improvement Notices issued.

### **Core Samples**

- 3.8 The County Council is entitled to carry out further 'Investigatory Works' to confirm that the Utility companies have complied with their duties to reinstate the public highway to the correct standards and using the correct materials.

Within Surrey, this takes the form of core samples. (A core sample being a 150mm diameter plug removed from a reinstatement). These are tested for materials and construction methods (i.e. appropriate compaction of materials during construction). The coring activity is undertaken by the Asset Management Team, within Surrey Highways.

If these investigatory works identify a defect in the reinstatement, the reasonable cost of the investigation for that defect can be recovered; otherwise the activity is at the Authorities expense. **(Appendix 3)**.

Many Authorities will only assess the bound (tarmac) layers of a given reinstatement. Surrey takes an approach which includes assessing the materials used in the subsurface levels, effectively the foundations, as it

is considered that these layers of construction are most likely to cause failure of the overall carriageway structure. This is not a typical approach, but it ensures that the quality of the whole reinstatement.

- 3.9 1200 cores are taken annually for assessment. In 2009/10 results shewed a compliance rate of around 55%.

Figures for subsequent years are not available at the time of writing however a recent review of cores taken from sites of Southern Gas Networks shewed a compliance figure in the order of 70%.

These figures are seen as being unacceptable and a more focused approach has been adopted towards the 2012/13 coring activity. With the percentage of cores taken against each utility being a reflection of the quantity of works carried out and weighted for poor past performance.

### **Over-running works**

- 3.10 Works may need to be extended for a variety of valid reasons. These can be bad weather, unexpected sub surface soil conditions, emergency works elsewhere, unrecorded apparatus, etc. However where works extend beyond the agreed Notice period without prior agreement, or where plant, material or any debris is left behind after works are completed in such a way as to cause disruption to road users, charges can be levied on the Works Promoter.

These charges, under Section 74 of NRSWA, are set at prescribed rates and are dependent upon the category of road (see **Appendix 3**). The charges are intended to act as an incentive to the utility companies to ensure their works are completed and the highway returned to its normal operation without delay.

- 3.11 Site are required to be monitored on a regular basis to establish over run charges and the utility involved must be given fair warning of the instigation of the process.

## **4 THE RECOVERY OF FEES AND CHARGES**

- 4.1 All fees and charges permissible under NRSWA and the TMA are set nationally, rather than by the Authority. **Appendix 3** sets out details for each of the standard fees and charges that can be applied.
- 4.2 It must be noted that no income is guaranteed for NRSWA activities, with the exception of Sample Inspections, which is still subject to completing the required number of inspections in each category.

In addition, increased levels of monitoring, enforcement and the resulting penalties are designed to improve performance, and also thereby reduce future recovered sums.

- 4.3 Other standard charges are also applied, in accordance with Surrey's agreed schedule, for example for the implementation of temporary Traffic Regulation Orders for road closures and for attending site to turn off permanent traffic signals and pedestrian crossing signals.

## **5 OTHER ISSUES**

### **Parity**

- 5.1 There is a requirement under the TMA that there must be parity between how utility companies are dealt with and those carrying out highway works (or 'works for road purposes') on behalf of Surrey Highways.

The TMA is not prescriptive in how parity should be applied, but in practical terms it means submitting Notices for all works in the same way that the utilities do, being subject to the same processes and standards for coordination of works and availability of the network, inspecting works in the same way, and sharing the performance information in the same way.

This process is in place with contractors May Gurney and Tarmac. Work is in hand to implement the process with Skanska (lighting), Greendale (vegetation) and Motus (traffic signals).

Fixed Penalty Notices and Section 74 over-run charges are applied to highway works as part of the agreed Term Contract conditions. With Contract payments adjusted accordingly.

### **Permit Schemes**

- 5.2 Permit schemes are an alternative to Noticing and can be seen as a more robust mechanism for a Highway Authority to exert more control over works on the network and so improve their ability to co-ordinate.

Rather than informing a street authority of its intention to carry out works in the area, the Works Promoter must formally request a period of time on the highway through a Permit and this would apply equally to our own works. A Permit can include conditions which impose constraints on the dates and times of activities, the method of working and the process of applying variations to those conditions, particularly time extensions, so there is a greater incentive to complete activities on time.



Permit fees can also be applied, but are subject to a maximum level imposed by the Department for Transport (DfT). Any permit scheme must be designed as 'cost neutral', in that any income generated from permit fees is used to cover the costs of the staff, systems etc that are required for operating the scheme. In the event that fees exceed the allowable costs, the DfT will require the fee scales to be adjusted for subsequent years.

- 5.3 A Permit Scheme has been running in Kent for a couple of years, many London Boroughs have adopted the London Permit Scheme (LoPs) and various other Street Authorities are now considering the implementation of a scheme.

Surrey County Council currently are preparing a joint Permit Scheme proposal with East Sussex County Council. Informal consultation is taking place at present with a desire, should the Scheme gain approval from the Secretary of State, of a May 2013 implementation.

### **Surrey Street Works Team**

- 5.4 Part 1 of the Public Value Review (PVR) resulted in four dedicated Street Works Officers being appointed from 1 October 2011. (The duties previously being covered as part of the function carried out by Community Highways Officers).

The primary function of these Officers being to undertake the Statutory Sample Inspections referred to in para 3.2, however expectation was that other duties such as site meetings with Works Promoters, over run monitoring and resolving customer queries would also be included. The four Officers being geographically split into North East, North West, South East and South West areas.

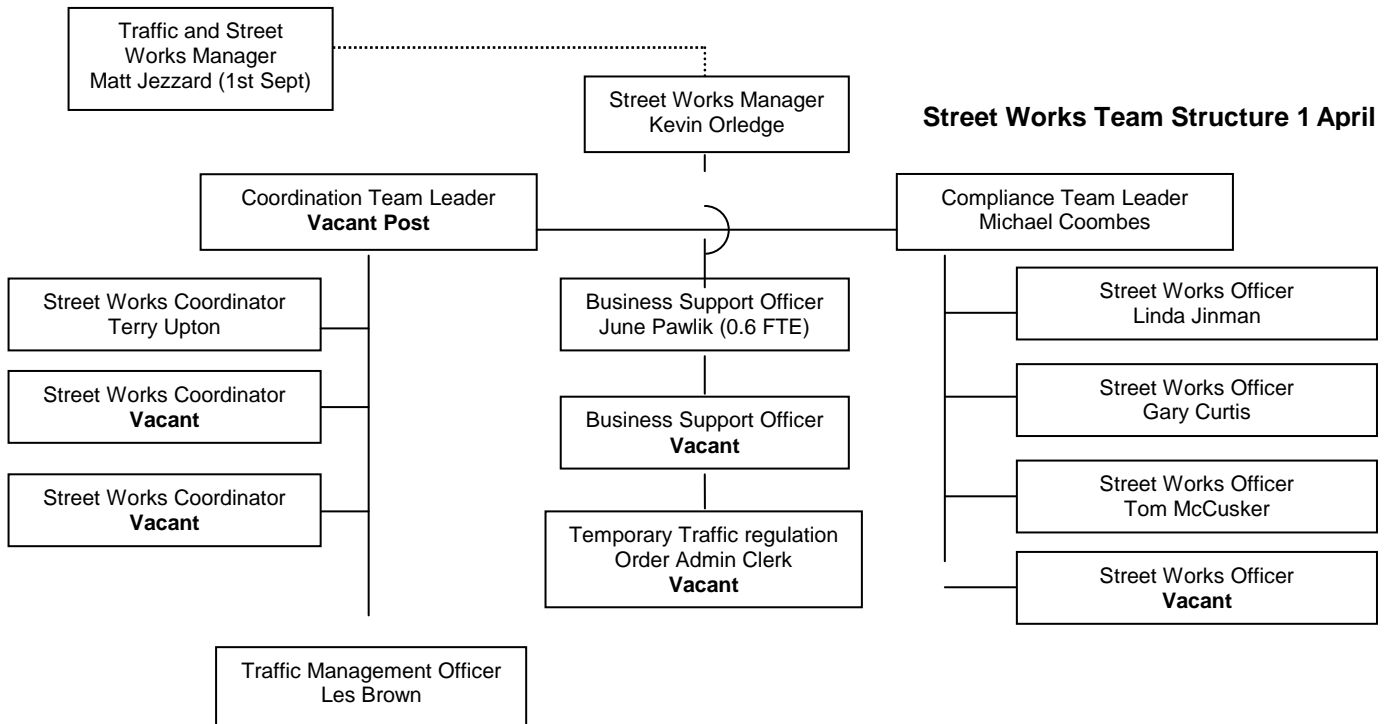
In addition the business support function was strengthened with the addition of one additional Officer.

The role of Street Works Manager became vacant in June 2011 and was filled on a part time basis until September 2011 by an industry consultant. An 'Acting' Street Works Manager appointed with effect from the 28 November following attempts to recruit both permanent and Agency staff into this role. A permanent manager being appointed on 1 April 2012

In Part 2 of the PVR it was recognised that the Surrey Street Works team was under resourced. As a result a new structure was introduced on 1 April 2012. 11 posts in the old structure have been increased to 14. Currently 8 posts are filled and recruitment is in progress to resource the remaining 6 positions.

The current shortfall in staffing levels results in a lower level of coordination of works and a lower level of inspection taking place. To assist in coordination Duties, one Street Works Officer has temporarily been transferred into a coordination role.

(Discussions are in progress relating to strengthening the team still further over and above the PVR levels).



### A217 Brighton Road

5.5 A need was identified by Sutton and East Surrey Water (SESW) for a new large diameter water main to enable bulk transfer within the SESW area to assist with providing greater flexibility and resilience within their entire distribution network, including Burgh Heath and the surrounding areas particularly during periods of low rainfall and drought.

Considerable time and resource was invested by SESW assessing alternative routes with ultimately on the route along the A217 proving viable.

Works of this magnitude and nature on a significant section of the Surrey Highway network will invariably present traffic issues and various pre works discussions were held between SCC and SESW to agree timings and traffic management arrangements.

Towards the end of the scheme issues were identified with some of the materials used for the trench reinstatement to the north of the Tadworth roundabout necessitating a lane closure on safety grounds and remedial action.

Concerns have been raised over the ride quality on the carriageway reinstatement between the Tadworth and Chipstead roundabouts. A recent investigation measuring the surface regularity of this section using a rolling straight edge device identified areas of reinstatement outside the specification defined in the SROH and SESW have agreed a remedial programme to be implemented after the Olympic cycle events and before the end of the summer school vacation.

The condition of the verge areas especially at the roundabouts has also been raised and again SESW have agreed remedial action, the full extents to be agreed and carried out at a suitable time of year. This will include replanting the daffodil bulbs on the Marie Currie 'Field of Hope'.

### **Utilities Task Group**

5.6 A Task group has been set up following a Select Committee meeting with the review topic of "Improving the co-ordination and quality of the work by Utility Companies". The issues identified being

- Disruption and Public Inconvenience
- Poor Coordination
- Quality of Works
- Communication

The start up meeting was held on 15 May 2012 with a desire to present a report to the Select Committee in the Autumn of this year. The Task Group is chaired by Cllr Pat Frost.

### **Communication**

5.7 Reference should be made to section 2 for details of Notice communication with utility companies and with 3.2 for general and planning utility communications.

Whilst good practice such as advanced warning signage, letter drops, public displays, etc., exists, there is no provision in statute for their compulsion. Surrey Street Works will always request the above notifications take place with utility companies in the main being fully cooperative.

Details of planned works can be viewed on the Roads and Transport section of the Surrey County Council public web site. It is recognised

that this information and its presentation could be enhanced and new resource when available will be tasked with this issue.

To enhance communication of significant works to stakeholders, a new system has recently been implemented by Surrey Street Works involving the issuing of information sheets containing details of specific works, including the location, duration, extents and likely traffic effect. **(See Appendix 1)**

These sheets being issued to Members, Surrey Officers including the Contact Centre, Emergency Services, Boroughs and Parishes, schools, churches, residents associations and other salient stakeholders.

This process is in its infancy with a positive response received to date. Again enhancements will take place with the addition of new resource.

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**BACKGROUND PAPERS:** New Roads and Street Works Act 1991  
Traffic Management Act 2004  
Code of Practice for the Coordination of Street Works and Works for Road Purposes and Related Matters (DfT)  
Specification for Reinstatement of Openings in the Highway (DfT)  
Safety at Street Works and Road Works a Code of Practice (DfT)