



Llywodraeth Cymru
Welsh Government

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Road and Street Works Strategy for Wales

December 2015

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1.0 Introduction

The Welsh Government is committed to deliver real and long lasting change for people in Wales. A key aim of the Programme for Government (PfG) is to strengthen the conditions that will enable business to create jobs and sustain economic growth.

The effective control and co-ordination of road and street works has a crucial part to play in achieving this. 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, if poorly planned road and street works can cause severe delay to road users and have a detrimental impact on the Welsh economy.

This Road and Street Works Strategy sets out an approach for significantly improving the way road and street works are managed, ensuring that while communities have the services and well managed 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. In Wales, the Welsh Government is highway authority for motorways and trunk roads. Local roads are the responsibility of the local authorities.

“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 by 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.

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.

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 (WHAUC) provides a valuable collaborative forum for highway authorities and undertakers to discuss issues of mutual interest and agree joint approaches and action.

3.0 What are the Main Issues?

Since its introduction back in the 1990s legislation to control road and street works has greatly improved the performance of both undertakers and highway authorities. However, the incidence of congestion due to over running or conflicting works is still greater than necessary.

Evidence for this in Wales has been provided by 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, 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 Strategy

The Welsh Government's vision for road and street works in Wales is that they are, 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 communities rely.

To achieve this no changes are proposed to existing legislation. By working in partnership with both undertakers and highway authorities through WHAUC significant improvements can be made to the way road and street works are managed for the benefit of Wales within the existing legislative framework. In addition with direct responsibility for the trunk

road network, which carries over a third of all traffic in Wales, we think that the Welsh Government itself has an important role to play in leading the adoption of best practice.

In order to deliver significant improvements both for the people and economy of Wales we believe we need action in five key areas:

- A. The planning, co-ordination and implementation of road and street works**
- B. The Delivery of Major Projects**
- C. Communication with the Public and Business**
- D. Skills and Training; and**
- E. Culture**

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

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

- *Welsh Government will conduct a review of all the Regulations and Codes of Practice in force in England and develop a programme for the introduction of those that would be beneficial to Wales by April 2016.*

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. Therefore:

- *Welsh Government will ensure that all work (including its own) on the trunk road is “noticed” in accordance with guidance and regulations from June 2016 and encourage other highway authorities in Wales to follow suit;*
- *Welsh Government will update the street gazetteer for the trunk road network (including Additional Street Data) on a monthly basis from June 2016 and encourage other highway authorities in Wales to also do this; and*

- *Welsh Government will encourage all undertakers working in Wales and highway authorities to perform monthly downloads from the national hub from June 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 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, a promoter will have to apply for a permit to occupy the highway. The Permit Scheme applies to all work including the highway authority's own.

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.

Amendments to the Traffic Management Permit Scheme (England) Regulations 2007 earlier this year mean 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 will work with stakeholders to establish whether there is a robust business case for the introduction of permit schemes in Wales by April 2016; and*
- *Welsh Government will develop Welsh guidance on permit schemes in Wales by April 2017, if it is established that this is the best approach for improving the planning, co-ordination and implementation of road and street works.*

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. Despite current legislation, delay and cost over runs still occur and more can be done. Therefore:

- *Welsh Government will work with WHAUC 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 September 2016*

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.

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. 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 WHAUC to improve the quality of road and street works information available to the public and business by April 2017.*

D. Skills and Training

Anyone working on the highway should be adequately 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. 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.*

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 April 2016 and encourages all other highway authorities in Wales to do the same; and*
- *Welsh Government will work with WHAUC to develop a “balanced score card” approach to measuring organisational performance in Wales with the aim of all stakeholders signing up to it by April 2017.*

Appendix 1 – Summary of Actions

Action	Date
A. Improving the Planning, Co-ordination & Implementation of Works	
Welsh Government will conduct a review of all the Regulations and Codes of Practice in force in England and develop a programme for the introduction of those that would be beneficial to Wales	By April 2016
Welsh Government will ensure that all work (including its own) on the trunk road is “noticed” in accordance with guidance and regulations and encourage other highway authorities in Wales to follow suit	From June 2016
Welsh Government updates the street gazetteer for the trunk road network (including Additional Street Data) on a monthly basis and encourages other highway authorities in Wales to also do this	From June 2016
Welsh Government encourages all undertakers working in Wales and highway authorities to perform monthly downloads from the national hub	From June 2016
Welsh Government works with stakeholders to establish whether there is a robust business case for the introduction of permit schemes in Wales	By April 2016
Welsh Government develops Welsh guidance on permit schemes in Wales, if it is established that this is the best approach for improving the planning, co-ordination and implementation of road and street works	By April 2017
B. Improving the Delivery of Major Transport Projects	
Welsh Government works with WHAUC to develop a voluntary code of practice to improve collaborative working on major transport projects with the aim of all stakeholders signing up to it by September 2016	By September 2016
C. Improving Communication with the Public and Business	
Welsh Government works with WHAUC to improve the quality of road and street works information available to the public and business	By April 2017
D. Improving the Standard of Skills and Training in the Sector	
Welsh Government carries 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
E. Promoting a Culture of Continual Improvement	
Welsh Government develops a measure of availability for the trunk road network and encourages all other highway authorities in Wales to do the same	By April 2016
Welsh Government works with WHAUC to develop a “balanced score card” approach to measuring	By April 2017

organisational performance in Wales with the aim of all stakeholders signing up to it	
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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:

Statutory Instruments (Wales)	No.
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 Street Works (Records) (Wales) Regulations 2005	1812 (W.142)

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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.