



Department
for Transport

Road Works:

Reducing disruption on local 'A' roads

Moving Britain Ahead



April 2016

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Foreword



Like a lot of people, I travel many miles by road and have been struck by the number of times I have been caught up in congestion on local 'A' roads - sometimes only to drive past the works and see nothing happening. I've also been told about sites where temporary traffic lights are left in place after works are completed, causing unnecessary delays which are a major source of frustration, not to mention a burden on the economy.

As a result I am keen to make changes so that works on key local 'A' roads are carried out in the best way to minimise disruption. We all know that utility companies have to maintain, install and repair their infrastructure, to maintain reliable supplies of water, electricity, gas and telecommunications that are vital parts of our everyday lives. Local councils also have a duty to keep their roads in good condition. So road works need to happen, but I am keen to minimise the inconvenience they cause to local communities and the travelling public.

We expect traffic volumes to continue to grow. A growing economy will also increase demand for reliable and efficient utility services and more of them, and we will always need good, well-maintained roads. So it is important that the Government takes steps to help reduce the impact of road works, now and in the future.

This consultation sets out my plans to change the way works are carried out on the key local 'A' roads which make up about 10% of the roads that local authorities are responsible for. I'd like to know what you think about how it should work. I am clear about what I want to achieve but I welcome your views on how this can best be delivered.

I have also asked Highways England, which is responsible for the Strategic Route Network of motorways and trunk roads, to look at ways to tackle similar problems on their roads.

Rt Hon Patrick McLoughlin MP
Secretary of State for Transport

Executive summary

- 1 This consultation explains in more detail the Government's proposals to improve journeys by reducing the frustration and delays experienced by drivers, in particular when driving on 'A' roads looked after by local highway authorities.
- 2 We are consulting on proposals in two areas:
 - ensuring that works on local 'A' roads are not left unattended over weekends. Instead, the work site should either be cleared or returned to traffic use, or the works should continue throughout the weekend.
 - prompt removal of temporary traffic lights once works are complete.
- 3 Section 1 considers the scale of the issue, the type of works that take place and the differing challenges faced by utility companies, and by local highway authorities which carry out road maintenance works as well as coordinating works by utilities.
- 4 Section 2 looks at what happens now, and how new measures could change the approach taken by utility companies and local highway authorities and improve journeys for road users.
- 5 Section 3 explains the measures we have considered, what measures we are proposing to take forward and why.
- 6 Section 4 sets out what information we want to gather to fully understand the possible impacts of new measures. It contains a lot of questions - not all of them will be relevant to you, but we would be very grateful if you would include as much information as possible in responding to those questions that affect you.

How to respond

The consultation period began on Tuesday 12th April 2016 and will run until Friday 27th May 2016. Please ensure that your response reaches us before the closing date. If you would like further copies of this consultation document, it can be found at www.dft.gov.uk or you can contact us below if you need alternative formats (Braille, audio CD, etc.).

Please send consultation responses to:

Reducing-A-Roadisruption@dft.gsi.gov.uk

Addressed to:

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When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

1. Background

The scale of the challenge

- 1.1** We estimate that around 2 million works take place on England's local roads each year. That includes works carried out for local authorities maintaining the roads, and works by utility companies installing, repairing and maintaining their apparatus to deliver their services to homes and businesses.
- 1.2** This consultation focusses on works on local 'A' roads. 'A' roads make up 9.5% of the road length on local authorities' networks. We are keen to introduce measures to ensure that works on these vital roads are given higher priority, and that everyone carrying out works on these roads causes the least disruption possible.
- 1.3** We expect traffic volumes and demand for utility services to continue to grow which means that it will become ever more important to minimise congestion and disruption caused by road works. This document is to let you know about the Department's proposals to make that happen, ask you about how it could work best, provide data and give you the opportunity to add any other thoughts.
- 1.4** We are publishing a 'consultation stage' Impact Assessment alongside this document, which explains our plans and their expected impacts. We would also welcome any comments you may have on this.

Types of road works

- 1.5** There are two different types of road work:
 - a.** Works for utility companies to install, repair and maintain our services. Those include water, electricity, gas and telecommunications. Much of the apparatus is placed underneath the road, so utilities' works frequently involve digging up the road. In legislation these works are known as 'street works'. Many utility companies have the right to dig up the road for these purposes and are known as statutory undertakers. They also need to comply with rules about how they carry out their works. This includes notifying the authority responsible for the road concerned of their plans, or obtaining a permit and completing the works to statutory standards of safety and 'reinstatement' of the road. Works may also be carried out by street works licence holders under the New Roads and Street Works Act.
 - b.** Works by local highway authorities to fulfil their duty to maintain their roads in good condition. These mainly consist of filling pot-holes or re-surfacing the roads and are known as 'road works'.

For this consultation, when we use the term 'road works', it means both of the above types of work.

Aims of road works

- 1.6** Local authorities and utility companies carry out works for different reasons:
- a. Local authorities have a 'network management duty' to co-ordinate what is happening on their roads to minimise disruption and congestion. They also need to make sure that works done on their roads are safe, and that the roads are returned to a satisfactory standard afterwards to minimise future deterioration. Authorities also have a duty to maintain the roads, so carry out their own works for 'road purposes', such as repairs and re-surfacing.
 - b. Utility companies dig up the roads as part of delivering a high quality and reliable service to all their customers. They provide water, gas, electricity and telecommunications to homes and businesses. They also have to satisfy requirements placed on them by the regulators to provide and restore services promptly and cost-effectively.
- 1.7** We think there are ways to make significant reductions in the disruption caused by these works, in particular on local 'A' roads. Reduced congestion will benefit local communities and road users including those driving for business, commuters and leisure users. That will in turn benefit the wider economy and contribute to future growth.
- 1.8** Those carrying out works on the roads are generally commercial organisations that need to complete works at the lowest cost. Those companies will not benefit directly from the changes to behaviour that we are seeking - that will be the wider community and the economy. For this reason, we think it is unlikely that those organisations will voluntarily make changes to the way they work if it adds to their costs.

2. Our aims for change

- 2.1** We are focussing on the following aspects of works on local authority 'A' roads:
- a. Works sites are frequently left in place throughout weekends with no work taking place. This is where work has been started during one week, but will restart the following week.
 - b. When works with temporary traffic lights have been completed but the lights have been left in place, they cause delays for longer than necessary. We do, however, recognise that some new road surfaces need time to set before they can be reopened to traffic.
- 2.2** We also think that, to be effective and fair, any measures should apply to both local authorities' works and utilities' works - for local communities and road users, disruption and delays are undesirable no matter who causes them. We believe that this will have a big influence on the way works are completed on local 'A' roads.

Avoiding congestion at weekends

- 2.3** Currently the duration of most works on local roads are measured in standard working days - Monday to Friday. This means that, for works that have been started during one week but not completed before the end of Friday, work sites can be left in place over the weekend, continuing to cause congestion when no work is taking place. As well as Saturday and Sunday, we wish to consider whether the proposals should apply also to public holidays, except for Easter Sunday and Christmas Day.
- 2.4** The level of resulting disruption will vary considerably depending on the type of road, but we recognise that works on 'A' roads are likely to cause the greatest inconvenience and frustration for road users. Although there will be a big variation in the cost of congestion depending on the type of road and the day of the week, we think that the cost of a day's delay on a local 'A' road can run into thousands of pounds. The savings to the economy that could be made by reducing unnecessary delays on these roads are potentially very large.
- 2.5** To tackle the disruption caused by unnecessary occupation of 'A' roads at weekends we are considering the following options:
- a. Works being carried out 7 days a week, including working at the weekend as normal working days. In this case, the barriers, signs and temporary traffic lights would be left in place and work would continue. This would not just mean someone being present on site, but work being carried out to progress the job. Although delays would still occur at weekends, road users would see that there is a good reason for it. It would also lead to the works being completed sooner, and subsequent days' disruption saved. We

expect that working over the weekend will add costs for those doing the works - additional costs may include up-lifts on labour rates, possible additional costs for sourcing reinstatement materials and supervision and administration costs - but the potential benefits are substantial.

- b. As an alternative, those responsible for the works could return the site to full use on the Friday and come back and re-open the site to continue working the following Monday. This approach would avoid any additional costs associated with working throughout the weekend. However, costs could still be incurred by the works' promoter in the non-productive 'lost opportunity' time that it would take to remove and replace the site on the Friday and Monday. This approach would be likely to extend the overall duration, so the benefits would be lower. For that reason, the 7 day a week working option would be our preferred approach.
 - c. For works that are due to last 5 days or fewer, works should be planned to be completed within the working week on these roads. This option would require a different approach when planning short-term works, so that those on 'A' roads would be prioritised in the planning process to avoid impinging on the weekend. For these works, we expect that this approach would not incur any additional cost.
- 2.6** We do recognise that it is sometimes necessary to leave sites for short periods during the working day. Therefore we propose that sites could be unattended for up to 2 hours at the weekends without incurring a charge. In such cases, a sign could be displayed with the reason for the site being vacant, and explaining when work will resume.
- 2.7** These proposals would also apply to immediate work (that needs to be carried out urgently or in response to an emergency e.g. a burst pipe). Although we expect that the immediate element of the work, i.e. fixing the leak or restoring the supply, will normally be carried out promptly, we want to avoid the situation where open excavations are then left to be reinstated the following week, causing avoidable disruption.
- 2.8** We know that the right solution will not be the same in every case or for every road, and will depend on how easy or difficult it would be to close the site and re-open it, and on the necessary people and materials being available at the right time. We expect that the works promoter would make the decision on how to handle the work on a case-by-case basis.
- 2.9** Complying with these measures can add costs for those carrying out the works, both utilities and authorities, such as:
- a. additional wage costs for those working at weekends;
 - b. additional cost for non-productive work clearing the site before and after the weekend;
 - c. additional costs in obtaining materials at weekends; and
 - d. extra administration costs.
- 2.10** It is also likely that there will be costs for the co-ordination role carried out by authorities in ensuring that the requirements are complied with. This may

include the cost of inspecting at weekends. Alternatively, a solution such as photographic evidence may reduce the need for staff to visit sites at weekends.

- 2.11** On the other hand, everyone using those roads will benefit as the frustration and cost of being delayed due to inactive work sites at weekends will be removed.

Minimising delay by prompt removal of temporary traffic lights

- 2.12** Temporary traffic lights are used at works sites to manage the traffic flow where simple 'give and take' arrangements won't work. We are aware of cases where works have been completed, but temporary traffic lights have been left in place causing unnecessary delay when the road could have been returned to normal full traffic use. This may be due to the fact that temporary traffic lights are handled by a separate team or contractor, and that agreements may specify a certain period within which the traffic management must be removed. We want to make sure that 'A' roads are returned to full traffic use as quickly as possible to minimise congestion and frustration.
- 2.13** We know that when some works appear to be complete, new-laid tarmac or concrete will still need time to set or cure. Where that is the case, and it is necessary to leave the site unattended with traffic lights left in place, we believe that a sign should be displayed to inform road users of the reason for the obstruction and when the road will be returned to normal use.
- 2.14** We think that this requirement can largely be met through better planning of works on 'A' roads and changes in processes and agreements, with minimal on-going costs. This could be achieved through:
- a. the gangs that complete the reinstatement of the road being trained and authorised to deactivate the lights, and remove the obstruction to traffic before leaving the site safe, even if the equipment will later be collected by another gang or contractor;
 - b. shorter time-scales for the removal of lights following completion of the work on 'A' roads, so that lights will be removed within a limited time of the work being completed, or of the new surface being ready to return to traffic use.

3. Achieving the changes

The options

- 3.1** We have given a lot of thought and spent time talking to sector representatives on how to achieve these changes. We have considered the following options.
- i. **Do nothing.** We do not consider this to be a feasible option, as we need to see real change in the way works are carried out on local 'A' roads for all the reasons explained above.
 - ii. **Impose charges to compel compliance with the behaviours.** Works promoters (working for both utilities and authorities) who fail to meet the requirements when carrying out work on local 'A' roads would be subject to maximum charges that could be applied, in a similar way to New Roads and Street Works Act 1991, section 74 'over-run' charges. It may be necessary to allow authorities to nominate certain 'A' roads where it considers the charges are unnecessary or inappropriate due to the use and traffic patterns on that road. This is our preferred option.
 - iii. **Implement the measures through permit scheme conditions.** This would mean mandating permit schemes for all English authorities through legislation, which are currently optional. This approach would require all authorities that do not already have a permit scheme to introduce one. We consider that this would be a disproportionate way of implementing this policy and it could take a longer to impose the requirement and for those 'noticing' authorities to develop and introduce schemes. This approach would also go against the premise of 'localism' by requiring authorities to have schemes who have so far deemed them to be unnecessary in their areas. A new mechanism for implementing the requirements would also be needed to ensure permit schemes included provision for imposing the necessary conditions to require weekend working.
 - iv. **Asking for voluntary change.** Asking those carrying out the works to do so in ways to meet the new requirements. We do not consider that this would be effective. Whilst some companies would comply, we feel this would be limited as it would cost them more, with no direct benefit for them and no opportunity to pass on the costs.

Our proposals

- 3.2** Our plan is to seek the opportunity to legislate to require local authorities to impose charges for failure to comply with the following requirements:
- a. where works are being carried out on local authority 'A' roads, they should either be removed during weekends to allow traffic to proceed unhindered, OR work should be continued throughout Saturday and Sunday (day-times);

- b. when works on local 'A' roads have been finished, temporary traffic lights (portable traffic signals) should either be removed immediately, OR if the road reinstatement requires time to set / cure before being suitable for traffic, they should be left in place only for as long as necessary (this requirement to apply even if the works are within the agreed duration).
- 3.3** We would propose applying the same level of charge to both utilities' and local authorities' own works. Local authorities would not be able to apply charges in relation to both a. and b. for the same event.
- 3.4** Legislation would also set out details of the charges that can be applied in what circumstances and how the income could be used. Maximum charges would be set at a level to prompt a change in behaviour and to reflect the cost of the congestion caused, along the lines of current 'over-run' charges and based on technical reinstatement categories for returning the road to public use.
- 3.5** Guidance may also be made to clarify the use of the new measures.

4. Making it work in practice

- 4.1** We know that legislation is only one part of the solution. We also need to consider enforcement, and how the legislation would work in practice. We are also seeking some more information about the works carried out. We would be very grateful if you could consider and respond to the questions set out below.
- 4.2** Question 20 asks whether the proposals should also apply to public holidays. In answering the questions below, it will be helpful if works' promoters and local authorities could provide information in relation to public holidays and specify what difference it would make if they were within the scope of the proposals.

Getting a good deal for road users

- 4.3** We have developed these ideas so that all those using local 'A' roads have better journeys, whether they are travelling for leisure, business, or commuting - especially at weekends. So first, we have some questions for road users, before moving onto questions aimed at local authorities and those carrying out works on the roads.

Question 1: As a road user, do you support the aims of these proposals?

Comments:

Question 2: Do you have any suggestions about how those carrying out the works could communicate better with road users to minimise delays and frustration? Please give examples.

Comments:

Weekend works

- 4.4** We would like to know the proportion of works that would be affected by the proposed weekend working measures. Our analysis suggests there is a big difference in outcome depending on whether the works' promoter chooses to clear the site or to continue working through the weekend. To help us assess the impact of the proposed measures, please provide the following information.

Question 3: For works' promoters (authorities and utilities), please specify the annual number of works in each category carried out by or for your organisation below. The total of your answers to e, f and g should match your answer to c.

	Major	Standard	Minor	Immediate-emergency	Immediate-urgent	Total
a. How many works in total do you carry out on local roads?						
b. From your answer to a) How many works are in the carriageway of local 'A' roads?						
c. From your answer to b) How many works span one or more weekend(s)?						
d. From your answer to c), how many deploy temporary traffic lights (portable traffic signals)?						
e. From your answer to c), how many sites do you estimate you would clear at weekends?						
f. From your answer to c), at how many sites do you estimate you would continue working at weekends?						
g. From your answer to c), at how many works could you re-schedule to avoid weekends?						

4.5 We would like to understand more about the costs that would be incurred by works' promoters if they have to work at the weekend.

Question 4: Please tell us the average daily cost for a work gang at minor, standard and major works? (We recognise that larger scale works may require more manpower).

Comments:

Question 5: Please tell us what the percentage uplift on labour costs might be for working a) Saturday and b) Sunday?

Comments:

Question 6: What other costs would be incurred by working at weekends? Please give values if you can. Please also tell us if there may be ways of reducing or avoiding these costs.

Comments:

Question 7: How long would it typically take to return a site to traffic on a Friday, and re-install it on a Monday for each of major, standard and minor works? Please provide costs if you can.

Comments:

Question 8: Is there anything preventing all minor works being started and finished during Monday - Friday?

Comments:

Question 9: Do you agree that works' promoters could be required to self-report that they have complied with the weekend requirements by providing timed photographic evidence?

Comments:

- 4.6** We would like to understand, as works' promoters, how you anticipate dealing with any additional costs that would be incurred as a result of these proposals.

Question 10: Please tell us how you would deal with any costs that might be incurred from these proposals. Please provide any estimates of costs and impacts.

Comments:

Question 11: Do you think we should set charges on the same basis as over-run charges that are intended to reflect the cost of congestion caused, or is there another basis that would be more effective?

Comments:

- 4.7 We would like to gather data relating to the cost of congestion in local highway authority areas on 'A' roads. This information is most likely to be available to authorities who have developed a cost benefit analysis related to traffic management such as where they have recently developed a street works permit scheme using 'Quadro'.

Question 12: For local authorities, if you have it, please provide data on the cost of congestion for the 'A' roads in your area, by day of the week if possible.

Comments:

- 4.8 The following questions concern the co-ordination or network management carried out by local authorities.

Question 13: Do you think that local authorities should be able to remove the new requirements in relation to works carried out on specific roads if they think that local considerations make them unnecessary? Please provide examples of where this may be justified.

Comments:

Question 14: If legislation were to set *maximum* charges, please specify in what circumstances you would use discretion to charge a lower amount

Comments:

Temporary traffic signals

- 4.9 We are proposing that a charge be applied to works' promoters who fail to remove temporary traffic lights from a works site on 'A' roads promptly when works have been completed. We recognise that where hot-lay materials or concrete have been used, time will need to be allowed for the materials to set.

Question 15: For highway authorities, do you agree that the works' promoters should be required to self-report the time that works have been completed and that the lights have been removed by providing timed photographic evidence?

Comments:

Question 16: For works' promoters, when deploying temporary traffic lights at work sites, are they installed / removed by the team that carries out the reinstatement or by a separate team or organisation? If the latter, how does it work?

Comments:

Question 17: For works' promoters, what is the average time taken to remove traffic lights from works once completed on 'A' roads?

Comments:

Question 18: For works' promoters, would you need to change how you operate to satisfy the new requirements for temporary traffic lights from works on 'A' roads? Please provide examples and details of any one-off or ongoing costs.

Comments:

Question 19: Do you think that a daily charge should be set for this failure to comply, or a shorter period? If a shorter period, to what period do you think the charge should apply (e.g. 2, 4, 8 hours)?

Comments:

General considerations

Question 20: As well as Saturday and Sunday, should the proposals also apply to public holidays (other than Easter Sunday and Christmas Day)?

Comments:

Question 21: It may be necessary to update the Electronic Transfer of Notices (EToN) to take account of these changes. If changes were to be made, how much would it cost your organisation to implement? (This could include licence fees, management fees, and training).

Comments:

Question 22: Please tell us any other thoughts or suggestions you have on these proposals.

Comments:

What will happen next

A summary of responses, including the next steps, will be published within three months of the consultation closing on www.dft.gov.uk . Paper copies will be available on request.

If you have questions about this consultation please contact:

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Annex A: Impact assessment (see separate document)

- A.1 When responding to the consultation, please comment on the analysis of costs and benefits, giving supporting evidence wherever possible. In particular, the Impact Assessment asks for your views in relation to some specific questions and for any information you can provide on the costs and benefits.
- A.2 Please also suggest any alternative methods for reaching the objective and highlight any possible unintended consequences of the policy, and practical enforcement or implementation issues.

Annex B: Consultation principles

The consultation is being conducted in line with the Government's key consultation principles which are listed below. Further information is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

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London SW1P 4DR
Email consultation@dft.gsi.gov.uk

Annex C: Full list of consultation questions (see separate word document)