



**TRANSPORT  
SCOTLAND**

An agency of  The Scottish Government

# **M8 M73 M74 MOTORWAY IMPROVEMENTS**

**DBFO AGREEMENT**

**Schedule 4 - O&M Works Requirements**

**Part 9: Liaison Procedures**

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## **SCHEDULE 4**

### **O&M WORKS REQUIREMENTS**

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**SCHEDULE 4 - O&M WORKS REQUIREMENTS**  
**PART 9: LIAISON PROCEDURES**

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## 1. General Principles

- 1.1. Where under these O&M Works Requirements there is a requirement to liaise, a Liaison Procedure shall be developed by the Company.
- 1.2. The following principles shall be reflected in any such Liaison Procedures:
  - 1.2.1. there shall be full consultation and co-operation between the involved parties so far as possible;
  - 1.2.2. matters shall be prepared on a joint basis so far as possible;
  - 1.2.3. each party shall be given a reasonable opportunity to consider matters, and where information is supplied it shall include, or be accompanied by, sufficient explanatory or other material to enable the information to be properly considered; and
  - 1.2.4. so far as practical, points arising shall be discussed immediately between those concerned so that where in any Liaison Procedures there is reference to any material being sent for comment, this shall be a reference to the final form of material the substance of which has previously been discussed between the parties.
- 1.3. The Liaison Procedures shall be kept under review.
- 1.4. Where a particular Liaison Procedure involves the Company and the Scottish Ministers and either Party is dissatisfied with the operation of such Liaison Procedure and/or considers that it should be amended in any way, the following provisions shall apply:
  - 1.4.1. the Parties shall discuss in good faith the reason for such dissatisfaction and endeavour to agree amendments to the Liaison Procedure;
  - 1.4.2. if such dissatisfaction is not resolved the matter shall be referred to counsel for the Scottish Ministers and counsel for the Company who shall be asked to produce joint advice;
  - 1.4.3. where the Parties are still unable to resolve the matter giving such consideration to such joint advice the matter should be referred to the Dispute Resolution Procedure and the provisions of Schedule 7 shall apply.

## 2. O&M Works

- 2.1. The Liaison Procedures shall be developed in accordance with these O&M Works Requirements and shall include, but shall not be limited to:
  - 2.1.1. agreement by the Company and the Scottish Ministers and, as appropriate, with the Police and other emergency services, Undertakers, Relevant Authorities, South East Management Unit, South West Management Unit and other organisations responsible for roads adjoining the O&M Works Site, the public and interest groups, event organisers, others responsible for activities within the O&M Works Site, public transport operators and Traffic Scotland Control Centre (TSCC);
  - 2.1.2. provision for periodic meetings between the persons and persons representing the organisations referred to in paragraph 2.1.1 above to discuss issues affecting traffic management;
  - 2.1.3. establish procedures with the persons referred to in paragraph 2.1.1 above for the imposition of temporary speed limits or lane restrictions to accommodate poor visibility, adverse weather conditions, incidents and accidents;

- 2.1.4. establish procedures for the handling of any Emergency, including without limitation access procedures and routes for the emergency services (Police, fire and ambulance);
- 2.1.5. provision, if necessary, for the issuance of any licence or consent necessary for the Company or any person for which it is responsible to stop on the O&M Works Site in accordance with this Agreement.
- 2.1.6. provision by the Company of a responsible person for each section of the Project Roads which may be affected by the Operations, who shall liaise with both the Scottish Ministers and the other persons referred to in paragraph 2.1.1 above in accordance with these Liaison Procedures, all under the general direction of the Liaison Officer; and
- 2.1.7. provision by the Company for liaison with the public in accordance with the requirements of Section 12 to Part 1 of these O&M Works Requirements.

### **3. Liaison Officer**

- 3.1. The Company shall appoint a Liaison Officer throughout the O&M Works who shall be suitably qualified.
- 3.2. The Liaison Officer shall manage the liaison and coordination of the requirement referred to in this Part 9 to Schedule 4 of the O&M Works Requirements and for such other responsibilities described elsewhere in these O&M Works Requirements.
- 3.3. The person appointed as Liaison Officer shall be subject to the written consent of the Scottish Ministers.
- 3.4. The Company shall provide the contact name and telephone number of the Liaison Officer to all public bodies and local residents.
- 3.5. Notification shall be given, and public advertisements made, in all circumstances where disruption or concern shall be likely to be caused, including, but not limited to, the commencement of any O&M Works, notable changes in working routines, the introduction of new traffic management systems (whether temporary or permanent), noisy operations and out-of-hours working. All adjacent land owners and tenants shall be notified prior to works commencing in their vicinity.
- 3.6. Duties of the Liaison Officer shall include, but shall not be limited to:
  - 3.6.1. responsibility for establishing, developing and maintaining liaison arrangements and protocols as required to ensure the obligations of the Company under this Agreement are being fulfilled;
  - 3.6.2. responsibility for ensuring that the Company undertakes all appropriate consultation and liaison to assist the Scottish Ministers in complying with their community planning obligations as set out in Part 2 of the Local Government in Scotland Act 2003;
  - 3.6.3. representing or ensuring representation by other appropriate members of the Company's staff at all liaison meetings with organisations listed in paragraph 2.1.1;
  - 3.6.4. ensuring that the minutes of all liaison meetings called by the Company shall be prepared and copies issued to the Scottish Ministers within 5 Business Days of the meeting taking place;
  - 3.6.5. ensuring that the issues arising from the liaison meetings shall be managed in accordance with the requirements of this Agreement and that any actions required from the Company shall be completed within the agreed or required timescales;

- 3.6.6. establishing liaison arrangements with any other organisations relevant to the Operations where required; and
- 3.6.7. providing a monthly report to the Scottish Ministers not later than the 15th day of each calendar month throughout the Service Period listing:
  - (i) liaison meetings held;
  - (ii) issues arising from such liaison meetings;
  - (iii) actions taken or to be taken arising from such liaison meetings; and
  - (iv) action plans agreed between the Company and any consultee.
- 3.7. The Company shall ensure that a written record shall be maintained of all consultation, liaison and co-ordination.

