

# **New Roads and Street Works Act 1991**

## **Code of Practice for the Co-ordination of Works in Roads**

Version 1.0  
April 2013

## Version History

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# Contents

	Page
<b>Foreword</b>	<b>1</b>
<b>Chapter 1 Introduction</b>	<b>2</b>
<b>Chapter 2 Co-ordination and Co-operation in Action</b>	<b>4</b>
2.1 Introduction	4
2.2 The Process	4
2.3 Planning	5
2.4 Information – The Key to Co-ordination	5
2.5 Co-ordination Considerations	6
2.6 Discussion and Co-operation	6
2.7 Co-ordination Machinery	7
2.8 Forward Planning	9
2.9 Collaborative Working	10
2.10 Other Statutory Obligations	10
<b>Chapter 3 The Scottish Road Works Register</b>	<b>12</b>
3.1 Background	12
3.2 General Arrangements for the Keeping of the SRWR	12
3.3 Form of SRWR	13
3.4 Contents of SRWR	13
3.5 National Street Gazetteer and Associated Data	13
3.6 Prospectively Maintainable Roads	14
<b>Chapter 4 Roads Subject to Special Controls</b>	<b>15</b>
4.1 General	15
4.2 Protected Roads	15
4.3 Roads with Special Engineering Difficulties	17
4.4 Traffic Sensitive Roads	22
4.5 Procedure for Making Designations	24
4.6 Procedure for Withdrawing Designations	25
4.7 Other Features of the Road	25
<b>Chapter 5 Works Categories and Notice Requirements</b>	<b>28</b>
5.1 Works Notices and Notice Periods	28
5.2 Definition for each Works Category	28
5.3 Minimum Notice Periods for each Works Category Noticing	32
5.4 Notice Types and Timing Issues	34
5.5 Reinstatement Definition	40
5.6 Remedial Works	41
5.7 Other Notice Types and General Noticing Issues	41
5.8 Information Required Enabling a Notice to be Recorded Correctly on SRWR	42

5.9	Early and Late Start Consent and Works Extension Procedure	43
5.10	Other Requirements	44
5.11	Notice Procedure – Trench Sharing	46
5.12	Failure of the Scottish Road Works Register	47
5.13	Legal Provision for Notices	47
<b>Chapter 6</b>	<b>Restrictions Following Substantial Works for Road Purposes</b>	<b>48</b>
6.1	Background	48
6.2	Substantial Works for Road Purposes – Definition	48
6.3	Restriction Notices	49
6.4	Exemptions	49
6.5	Severable Works	50
6.6	Policy Guidance	50
6.7	Early Starts	51
6.8	Road Works Authority Consent to Works on Roads with Restrictions	52
<b>Chapter 7</b>	<b>Directions</b>	<b>53</b>
7.1	Directions under Section 115 of NRSWA	53
7.2	Section 115A: Power to give Direction as to the Placing of Apparatus	55
<b>Chapter 8</b>	<b>The Completion of Works within Reasonable Periods</b>	<b>57</b>
<b>Chapter 9</b>	<b>Procedure for Embargoes on Road Works</b>	<b>59</b>
9.1	Introduction	59
9.2	The Statutory Position	59
9.3	Statutory Embargoes	59
9.4	Voluntary Embargoes	60
9.5	Use of the Scottish Road Works Register	61
9.6	Emergency and Urgent Works	61
<b>Chapter 10</b>	<b>Composite Works by More than One Organisation</b>	<b>62</b>
10.1	Background	62
10.2	Process	62
<b>Chapter 11</b>	<b>Related Matters</b>	<b>64</b>
11.1	Location of Works and Apparatus – Exchange of Information	64
11.2	Prospectively Maintainable Roads	64
11.3	Road Closures and Traffic Restrictions	65
11.4	Maintenance of Undertakers’ Apparatus	68
11.5	Major Works for Road Purposes – Sharing of Costs	69
11.6	Other Publications	70
11.7	Working near Rail Tracks and Tramways	70

11.8 Vehicle Parking at Road Works	70
11.9 Storing Materials	71
11.10 Apparatus Belonging to Others	71
11.11 Environmental Issues	72
11.12 Fixed Penalty Notices	72
<b>Chapter 12 Training</b>	<b>73</b>
12.1 Duty to Ensure Competence of Employees	73
12.2 The Qualification Notice (not yet operative)	73
<b>Appendix A Glossary</b>	
<b>Appendix B Terms of Reference for Area RAUCs and Local Co-ordination Meetings</b>	
<b>Appendix C Guidelines for Works at or near Level Crossing</b>	
<b>Appendix D Notice Procedure Diagrams</b>	
<b>Appendix E Early and Late Start Consent and Works Extension Procedures</b>	
<b>Appendix F Paper Transfer of Notices</b>	
<b>Appendix G Legal Provision for Notices</b>	

## **Foreword**

Road works are a necessary fact of life if we wish to have a safe and well maintained road network and to continue to enjoy essential utility services such as gas, water, drainage, electricity and telecommunications.

At 55,515 km, the Scottish road network is a significant asset. Within it there are over 300,000km of electricity cables, gas pipes, water pipes, sewers and drains. In addition there is estimated to be well over 100,000 km of telecommunications cables.

With such a significant asset, it is inevitable that works in roads will be required to ensure that the structure of our roads and the pipes and cables under them are well maintained and that they remain available now and for future generations. In the last full year more than 110,000 works were carried out on Scottish roads of which 95,000 were excavations or surfacing. This does not include short duration localised works such as filling in potholes.

With such a significant volume of works being undertaken on our roads, it is essential that they are well planned, well managed and well co-ordinated with the aim of ensuring that they are completed as quickly as possible causing the minimum inconvenience to the public.

Although primary legislation and regulations set out the general framework for the co-ordination and planning of works on roads, it is this Code of Practice which sets in place the practical guidance which allows the process to operate on a day to day basis.

I am therefore delighted to endorse this Code and trust that it will take us further towards our aim of delivering high quality road works which are undertaken speedily and effectively with the minimum of disruption to the public.

**Keith Brown**  
**Minister for Transport and Veterans**  
**January 2013**

# CHAPTER 1

## Introduction

The New Roads and Street Works Act 1991 (NRSWA) as amended by the Transport (Scotland) Act 2005, supported by relevant Regulations and Codes of Practice, provides a legislative framework for all 'works in roads' in Scotland. This includes road works by undertakers (utility companies) and works for road purposes by road works authorities – to the extent that these must be co-ordinated by the road works authorities.

The aim is to balance the statutory rights of road works authorities and undertakers to carry out works with the expectation of road users that disruption from works shall be kept to a minimum.

The Scottish Ministers have approved this code under the powers to approve or issue codes of practice in the following sections of NRSWA:

- Section 115(4) – the power of road works authorities to give directions as to the timing of road works
- Section 115A(8) – the power of road works authorities to give directions as to the placing of apparatus
- Section 117(9) – restrictions on works following substantial works carried out for road purposes
- Section 118(3) – the duty of road works authorities to co-ordinate works
- Section 119(2) – the duty of undertakers to co-operate with road works authorities and with other undertakers.

Practical guidance is given on undertakers' and road works authorities' responsibilities with regard to road works.

The effective co-ordination of road works is one of the most important aspects of road works legislation, benefiting road works authorities, undertakers and road users alike. NRSWA sets out the duties of the road works authorities when co-ordinating and undertakers when co-operating with them to:

- ensure safety;
- minimise inconvenience to people using a road, including a specific reference to people with a disability; and
- protect the structure of the road and the apparatus in it.

That duty for road works authorities extends to co-ordination in appropriate cases with other road works authorities where works in a road for which one authority is responsible affect roads for which other authorities are responsible. This will, by definition, include road managers where appropriate. Undertakers shall use their best endeavours with regards to the

execution of road works, to co-operate with the road works authority and one another.

This Code of Practice is intended to help road works authorities carry out their duty to co-ordinate works in the road under section 118 of NRSWA, and undertakers to fulfil their duty to co-operate in this process under section 119 of NRSWA. In undertaking these duties to co-ordinate and co-operate, the road works authorities and undertakers shall be required to undertake all of their duties under NRSWA and supporting regulations and to apply any guidance provided in any other Codes of Practice issued or approved under NRSWA or such practice as appears to the Scottish Road Works Commissioner to be desirable.

The key principles for road works authorities and undertakers are:

- **ACCURATE INFORMATION** - most notice periods specified in the legislation and regulations are **minimum periods**. Longer periods of notice should be given whenever possible, and notice information should be updated at the earliest possible opportunity;
- **COMMUNICATION** - regular communication between road works authorities and undertakers is vitally important. **Local Road Authorities and Utilities Committee (RAUC) liaison meetings** between road works authorities, undertakers and other interested parties play a central role.
- **FLEXIBILITY** - the need to balance the potentially conflicting interests of road users and undertakers' customers. Recognition that work programmes and possibly working practices may have to be revised to deliver well coordinated works.

This code was prepared by a Road Authorities and Utilities Committee (Scotland) (RAUC(S)) Working Group comprising representatives from local roads authorities and undertakers and was chaired by the Scottish Road Works Commissioner. It was the subject of extensive consultation with relevant organisations.

This Code of Practice has been approved by Scottish Ministers and comes into operation on 1 April 2013.

The Scottish Road Works Commissioner has agreed to keep this code under review. If you have any comments or suggestions regarding this code, these should be forwarded to the Commissioner.



## CHAPTER 2

### Co-ordination and Co-operation in Action

#### 2.1 Introduction

- 2.1.1 Works in the roads restrict the movement of traffic, pedestrians and other users of the road by reducing the width of the road available for use and thus disrupt such movements. The level of the disruption caused will depend on the type of works and how busy the road is.
- 2.1.2 Minor works in a non traffic sensitive road may cause virtually no disruption, save to the residents and delivery vehicles. However a cluster of small scale works close to a larger scale one could cause serious disruption.
- 2.1.3 Works of any description in a busy road where the normal traffic flow is close to or in excess of the design capacity of that road will cause serious disruption, although works in any busy road will cause some disruption.
- 2.1.4 It is therefore essential that works in the road are effectively co-ordinated to ensure that traffic disruption is minimised whilst allowing works promoters the necessary time and space in the road to complete their works.

#### 2.2 The Process

The co-ordination process has four phases:

<b>Planning</b>	The works promoter shall interrogate the Scottish Road Works Register (SRWR) to consider if its proposed works will interfere with other works already noticed.
<b>Information</b>	The works promoter shall place a notice on the SRWR as early as possible. The road works authority needs accurate and timely information on what is proposed and when it is proposed to happen.
<b>Consideration</b>	The road works authority must consider if changes to the proposals could reduce disruption.
<b>Discussion &amp; Co-operation</b>	Undertakers must co-operate with the road works authority to achieve minimal disruption.

## 2.3 Planning

- 2.3.1 The process of co-ordination starts at the planning stage. It is the responsibility of the works promoter when planning the timing and duration of works to interrogate the SRWR to identify suitable periods which do not conflict with works already noticed.

## 2.4 Information - the Key to Co-ordination

- 2.4.1 Successful co-ordination requires accurate and timely information together with good communication between road works authorities and undertakers. The road works authority cannot fulfil its statutory duty to co-ordinate without adequate advance notice of all proposed works.

The basic principle of minimum notice periods is, the greater the potential for disruption, the longer the notice period required.

- 2.4.2 Works promoters should recognise the advantages of giving more advance information and notification than the prescribed minimum notice period. There will be circumstances where the road works authority and others concerned may have no objection (or indeed, find it advantageous) if the works proceed before the end of the full prescribed notice period. In such cases consent should be given to an early start. See paragraph 6.7 for details on the use of early starts.
- 2.4.3 Work promoters should be prepared to discuss their proposals with other interested parties, including frontagers, and to modify them if it is appropriate and practical to do so.
- 2.4.4 The SRWR has been set up to provide the maximum assistance possible to those planning and coordinating works in roads. This includes the ability to:
- (i) describe in detail the proposed works in the notice, particularly the location and timing of any planned works.
  - (ii) plot the area of proposed works against a map.
  - (iii) inform the works promoter when the works information provided would contravene the rules set out in this Code of Practice (for example works without enough notice given).
  - (iv) allow works promoters to inform on the progress of their works through to completion, giving reminders at each stage when information on the next step is required to be sent.
  - (v) share information with both road works authorities and undertakers to allow planners to coordinate at the earliest stage possible.
  - (vi) flag potential co-ordination conflicts (where works are planned in the same area at the same time) to both the works promoter and the road works authority for that area.

## **2.5 Co-ordination Considerations**

- 2.5.1 Local co-ordination meetings are valuable for sharing information and enabling all parties to understand each others' difficulties and constraints. But they cannot be in permanent session and realistically they can only cover major programmes and proposals with relatively long lead times.
- 2.5.2 The day-to-day co-ordination of the majority of proposals can only be achieved through the regular interrogation of the SRWR, especially given the relatively short lead times for minor and standard works.
- 2.5.3 Road works authorities must consider all aspects of proposed works and other influences that may affect traffic, which include:
- (i) the road network capacity at the relevant times;
  - (ii) the scope for collaborative working arrangements, including trench and duct sharing between undertakers and the road works authority;
  - (iii) the optimum timing of works from all aspects;
  - (iv) the effect on traffic, in particular the need for temporary traffic restrictions or prohibitions;
  - (v) appropriate techniques and arrangements particularly at difficult road junctions and pinch points;
  - (vi) the working arrangements required in protected and traffic sensitive roads, and roads with special engineering difficulties;
  - (vii) the effect of skip and scaffold licences, any known special events and other licences or consents issued in respect of affected roads under the Roads (Scotland) Act 1984; and
  - (viii) developments for which planning permission has been granted on roads affected by the works.

## **2.6 Discussion and Co-operation**

- 2.6.1 The primary aim of section 118 of NRSWA is for the road works authority to co-ordinate works in the road with the active co-operation of all parties concerned.
- 2.6.2 A road works authority should discuss any potential difficulties that the proposed works might cause with the works promoter and agree an acceptable way forward. However, safety concerns, urgency or lack of co-operation may make it necessary for the road works authority to use its powers of direction. These are covered in Chapter 6 (Restrictions Following Substantial Works for Road Purposes) and Chapter 7 (Directions).

## **2.7 Co-ordination Machinery**

- 2.7.1 Co-ordination means resolving any differences between those competing for space or time in the road, including traffic and pedestrians, in a positive and constructive way.
- 2.7.2 Enhanced facilities for self co-ordination within the SRWR are available to works promoters. Using the SRWR, the road works authority will be able to co-ordinate road works effectively with the other parties concerned. Co-ordination will also continue to be achieved through regular meetings of dedicated groups comprising of representatives from all appropriate major interests, including not only the road works authority and undertakers but, as the occasion requires, the local planning authority, police, other emergency services and organisations representing disabled people.

### **Area RAUCs**

- 2.7.3 At area level the groups will be set up under the aegis of RAUC(S) and will be concerned principally with policy determination within RAUC(S) and Highway Authorities and Utilities Committee (UK) (HAUC(UK)) guidelines, monitoring the effectiveness of local co-ordination arrangements, providing policy guidance on a local basis and, where possible, resolving local differences. They will also facilitate dispute resolution and arbitration procedures. Further details on dispute resolution and arbitrations procedures can be found in the Code of Practice for Dispute Resolution and Appeals.

### **Local Co-ordination**

- 2.7.4 At local level these groups should be organised and chaired by the relevant road works authority. They may be convened at a road works authority level where appropriate but, wherever considered appropriate, the group may be based on a grouping of road works authorities in order to minimise the number of meetings. They will be concerned primarily with direct co-ordination of individual schemes and dissemination of information.
- 2.7.5 These local groups should meet at least quarterly or more frequently if the need arises, but a discussion should always take place whenever proposed major works are likely to conflict with other works in roads, especially in roads prone to congestion. They should cover:
- (i) specific major works with, wherever appropriate, assessed alternative routes for the proposal, and a full assessment of the preferred route;
  - (ii) medium term and annual works programmes for both road works authorities and undertakers;

- (iii) planned road closures for the next quarter and the rolling year ahead to allow all works on roads to be planned within such closures wherever possible; and
- (iv) other significant events.

Commissioner Advice Paper No 7 provides guidance as to how information for Local RAUC meetings may be extracted from the SRWR.

2.7.6 The following topics may also be covered provided they do not conflict with the primary aim of the meeting, which is to co-ordinate the identified road works:

- (i) local policies and strategies affecting road works, traffic management proposals (including the effect of diversionary routes) and the potential for reducing disruption through common schemes/trench sharing etc;
- (ii) proposed designations of roads subject to special controls and other constraints;
- (iii) reviews of performance at local level, including damage prevention;
- (iv) feedback from RAUC(S);
- (v) road works permissions; and
- (vi) any joint forward advertisement of road works and works for roads purposes where major traffic disruption is likely.

2.7.7 Representatives from all major interests should then ensure that they are well enough informed to be able to discuss major projects and medium term and annual work programmes that are relevant to them. They should be able to demonstrate the appropriate knowledge of individual schemes where these are of concern and should also be able to speak and take appropriate decisions on behalf of their organisations.

### **Terms of Reference**

2.7.8 Model terms of reference for both Area RAUCs and local co-ordination meetings have been established by RAUC(S) and can be found in Appendix B.

### **Permissions**

2.7.9 Road works authorities will maintain a record of all road works and apparatus installed under road works permissions granted by them. In responding to a plant enquiry regarding their own apparatus, road works authorities should also include details of any permission holder's apparatus.

## **Liaison with Other Bodies**

2.7.10 Road works authorities should liaise with adjacent road works authorities if works are likely to affect traffic flows across boundaries and/or trunk roads. They should also provide information to other bodies likely to have an interest such as:

- (i) the police;
- (ii) other emergency services;
- (iii) public transport operators;
- (iv) any other appropriate bodies e.g. organisations representing disabled people, pedestrians, motorcyclists and cyclists; and
- (v) the appropriate planning and environmental health officers.

2.7.11 Where it is possible that the works could require a change to a bus route, then discussions with the bus operators and road works authority should be entered into at an early stage in the planning process.

## **2.8 Forward Planning**

### **2.8.1 Forward Planning Information**

Forward planning information on long-term programmes from all works promoters will help road works authorities to co-ordinate works. It will also help works promoters to identify opportunities for joint working and to co-ordinate the timing of resurfacing. This might include mains replacement programmes or reconstruction of main roads, which will be planned several years ahead.

The advance notice for works under section 113 of NRSWA is the minimum period. Work promoters should be entering advance notice for their works on to the SRWR at the earliest opportunity. This should include long term programmes, which may include those works in their annual operating programme, or three or five year rolling programmes.

It is much easier to adjust the timing of medium and long-term programmes to fit with the plans of other works promoters when there are reasonable lead-in times than to do so only when the detailed plans are available and contractual commitments may have been made. While accurate information is important, it is accepted that the longer the lead time the greater the uncertainty about the timing of works. Such uncertainty should not be seen as a barrier to entering works on to the SRWR at the earliest possible date.

## **2.8.2 Recording Information**

It is essential that information on major or potentially very disruptive works and activities is included in the SRWR at the earliest opportunity. This will enable works promoters to:

- (i) take part in early co-ordination;
- (ii) consider joint working;
- (iii) consider trench sharing;
- (iv) highlight other works which need to be co-ordinated with these works; and
- (v) produce reports for works co-ordinators.

The entry should give as much detail as possible. This information should be reviewed and updated regularly to include details as they are finalised.

## **2.8.3 Expected Start and Completion Dates**

Each notice requires the insertion of an expected start date and an expected completion date. It is the responsibility of the works promoter to ensure that any changes to these dates are inserted on to the SRWR as soon as they are known to the works promoter.

## **2.9 Collaborative Working**

2.9.1 It is important that all road works authorities and undertakers seek every possible opportunity to collaborate on road works, as this can minimise traffic disruption and benefit the travelling public and the undertaker's customers. Paragraph 2.8.1 above highlights the need to place the details of longer term programmes on to the SRWR at the earliest possible opportunity. Identifying major works as far in advance of the proposed date as possible will help to facilitate opportunities for collaborative works e.g. road closures in city centres should be made use of by as many promoters as possible to minimise disruption and maximise shared reinstatement opportunities.

2.9.2 It should be possible to arrange contracts so that the excavating primary promoter serves notice and carries out work on behalf of itself and others. However, it must be emphasised that such arrangements do not remove the legal liability imposed by NRSWA on individual undertakers.

## **2.10 Other Statutory Obligations**

2.10.1 Both road works authorities and statutory undertakers operate under other statutes which impose additional obligations that impact on those under NRSWA – for road works authorities to co-ordinate all works,

and for undertakers to co-operate.

2.10.2 There are additional duties on roads authorities; for instance Sections 20 to 21 of the Equality Act 2010 give disabled people a right of access to goods, facilities, services and premises. By providing integrated and accessible transport and a barrier-free pedestrian environment, local traffic and roads authorities will help deliver this right and fulfil their obligations.

2.10.3 The utility companies have statutory obligations to provide a supply or service, and these are closely monitored by the utility regulators, The Water Industry Commission for Scotland (Scottish Water), and OFGEM (gas and electricity industries) to ensure that the required level of service is maintained. This will include restoring supply, as well as ensuring new customers are connected within certain time frames. OFCOM (regulator of telecommunications) places a universal service obligation on BT across the UK to meet all reasonable requests for service. Under legislation, customers of the electricity, gas or water companies, subject to certain exemptions, may be entitled to compensation if a company fails to meet these guaranteed standards of performance.

2.10.4 The operators of a gas network also have obligations under Regulations enforced by the Health and Safety Executive. These require operators of gas networks to carry out certain works within a specific time or to replace certain types of apparatus within a specified period. Currently, the gas industry has a programme to replace all iron mains within 30 metres of properties, over 30 years old, from 2001, with highest priority given to that apparatus at greatest risk based on an agreed safety case to assess priorities. The priorities may change to reflect an escalation of risk based on either new information about specific types of pipes or apparatus, or as result of incidents involving a specific pipe.



# CHAPTER 3

## The Scottish Road Works Register

### 3.1 Background

3.1.1 The Scottish Road Works Commissioner (the Commissioner) is required to keep a register called the Scottish Road Works Register (SRWR).

The Commissioner uses the information held within the SRWR for reporting and measuring both undertakers' and road works authorities' performance.

3.1.2 Section 112B of NRSWA allows for regulations to be made, to prescribe certain information that is to be contained within the SRWR. This Chapter of the Code of Practice provides further details on:

- the information that is to be held;
- how that information should be held; and
- who is responsible for providing that information.

The Commissioner is required to make arrangements so that the SRWR is made available to all those wishing to view it, including members of the public.

### 3.2 General Arrangements for the Keeping of the SRWR

3.2.1 Information relating to all roads, as defined within NRSWA, will be held on the SRWR. Particular arrangements for holding the information will depend upon the status of the road. Every road will fall into one of the following scenarios:

(i) **Roads where the local roads authority is responsible for the maintenance.** This covers the vast majority of roads where road works are being undertaken.

(ii) **Roads where the local roads authority is not responsible for the maintenance.** This includes the motorway and trunk road network in Scotland managed by Transport Scotland. It also includes any roads and bridges managed by statutory authorities e.g. Rail Authority. These Road Authorities maintain their own information within the additional tables of the SRWR, pertaining to those roads and bridges. Information on the roads, such as the Unique Street Reference Number (USRN) and road name will also be contained within the SRWR and will be referenced in such a way as to indicate who the responsible road works authority is and provide the necessary contact information.

(iii) **Private Roads.** Information relating to private roads, which is known, will be contained in the SRWR and will be referenced in such a way as to indicate the status of the road. There is no requirement to register the road manager for these roads.

### **3.3 Form of SRWR**

3.3.1 The SRWR in Scotland is an online system.

3.3.2 All records shall be referenced to the National Street Gazetteer (NSG) using the USRN, and allow retrieval by USRN, road name, road description or road number.

### **3.4 Contents of SRWR**

3.4.1 The SRWR shall contain the following information:

(i) all works or occupation of any road as defined;

(ii) the National Street Gazetteer (NSG); and

(iii) details of all roads subject to special conditions;

(iv) details of road reinstatement category for the purposes of undertakers' reinstatement obligations.

3.4.2 The SRWR should also contain particulars of unmarked apparatus notified to the road works authority under section 139(2) of NRSWA.

#### **Giving Notice**

3.4.3 When giving notice of works in roads the information required to be entered is detailed within the SRWR.

Where works are to be carried out on private roads, paper or electronic copies (in addition to the SRWR) of that notice shall be sent to the road manager by the works promoter. In many cases the road manager will be the householder adjacent to the road.

### **3.5 National Street Gazetteer and Associated Data**

3.5.1 All information contained in the SRWR shall be referenced to the NSG. The SRWR will contain full details of the relevant NSG entries enabling information to be identified by any appropriate road reference such as a road name, road description or road number.

3.5.2 To allow correct referencing of notice information to roads, the information within the NSG, as held within the SRWR, must be correct

and up to date. This is achieved by a process of quarterly updates undertaken by road works authorities.

- 3.5.3 The NSG contains details of road designations within the Associated Street Data (ASD). The procedures for making and withdrawing designations are contained within Chapter 4 of this Code of Practice.

Designations must be recorded within the ASD and any new, withdrawn or amended designations shall be recorded on the SRWR.

### **3.6 Prospectively Maintainable Roads**

- 3.6.1 Section 146 of NRSWA provides that, where road works authorities are satisfied that a road in their area is likely to become a public road, they may make a declaration to that effect. Such a road must also be included in the local street gazetteer, which amongst other things (see paragraph 3.2), will be expected to identify the following:

- a. public roads;
- b. prospective public roads; and
- c. private roads of which the roads authority has knowledge, together with details of the road manager where that is known.

- 3.6.2 Private roads and prospective public roads are to be identified as such in the Associated Street Data sets of the SRWR.

# CHAPTER 4

## Roads Subject to Special Controls

### 4.1 General

4.1.1 NRSWA enables certain categories of road to be designated as being subject to special controls. These are:

- protected roads;
- roads with special engineering difficulties; and
- traffic sensitive roads.

### 4.2 Protected Roads

#### Background

4.2.1 By virtue of section 120 of NRSWA, all special roads within the meaning of the Roads (Scotland) Act 1984 (e.g. motorways) are protected roads. In addition, a road works authority may designate other roads as protected roads providing the requirements as specified in the Regulations are met.

4.2.2 Roads, other than special roads, may also be designated as protected only if they:

- (i) serve or will serve a specific strategic traffic need;
- (ii) are subject to such high and constant traffic flows that designation as traffic sensitive would not be sufficient to avoid serious disruption to traffic caused by road works; and
- (iii) there is a reasonable alternative route in which undertakers can place their apparatus which would otherwise have been placed lawfully in the protected road.

#### The Implications of Designation

4.2.3 Undertakers should give the same notice for protected roads as those applicable to traffic sensitive roads.

4.2.4 Once a road has been designated as protected, the activities of undertakers and road works authorities will be severely restricted.

4.2.5 Undertaker's apparatus may not be placed in the road (except by way of renewal) without the consent of the road works authority, although under NRSWA, lateral road crossings should normally be allowed. However, if it is allowed with conditions attached, the road works authority may contribute to the undertaker's expenses in complying

with those conditions where the undertaker is involved in additional expense.

- 4.2.6 Road works authorities may charge a reasonable fee to cover expenses incurred by them in relation to consents.
- 4.2.7 Undertakers' works in verges and central reservations not encroaching on the carriageway should normally be allowed. Road maintenance or repairs will, in general, be carried out at night or, where appropriate, at weekends, or at other times when the impact upon traffic will be kept to a minimum. However, working at night may cause conflict with environmental health legislation.

### **Existing Roads – Designation as a Protected Road**

- 4.2.8 Given the possible financial implications for both road works authorities and undertakers, designation should be contemplated only when essential. The decision to designate should be taken only after consultation and after other means of reducing delay and inconvenience caused by road works have been explored.
- 4.2.9 The road works authority must justify the need for designation and:
- (i) take into account the needs of undertakers both to supply and maintain services to frontagers and the use of such roads for existing primary supply routes; and
  - (ii) reimburse all reasonable expenses incurred by the undertaker if removal or alteration of apparatus in the road is required (subject to appropriate allowances for betterment, deferment of renewal and value of recovered apparatus). The cost sharing arrangements for diversionary works will not apply.

### **New Roads – The Implication of Designation**

- 4.2.10 Where construction of a road is planned and is being considered for designation, the road works authority shall consult with all undertakers who might have a vested interest and others, such as transport, bridge, and sewer authorities, as well as adjacent landowners and frontagers who might have an interest. The road works authority will, where requested and where reasonably practicable, make provision at the undertaker's expense for furnishing the requisite service areas or service strips alongside the carriageway and for supplying duct or service crossings.

## 4.3 Roads with Special Engineering Difficulties

### Background

- 4.3.1 Under Section 122 and Schedule 6 of NRSWA, the term 'special engineering difficulties' relates to roads or, more commonly, parts of roads, associated with structures, or roads of unusual construction where works must be carefully planned and executed in order to avoid damage to, or failure of, the road structure with associated danger to persons or properties.
- 4.3.2 Plans and sections of any works proposed must therefore be approved by any authority with an interest in the structure, i.e. the road works authority, sewer, transport or bridge authority. This enables the authority concerned with the structure to satisfy itself that no detrimental effect will result from any proposed road works.

### Scope of Designations

- 4.3.3 The designation of roads with special engineering difficulties should be used only where strictly necessary, bearing in mind the safeguards already provided elsewhere in NRSWA e.g. sections 128 (for other apparatus in the road), 147 and 148 (for bridges and sewers), and 152 (level crossings and tramways). This is in the interests of all concerned (e.g. road works authorities, undertakers and, where appropriate, the owner of the structure involved).

### Circumstances where Designation may be Appropriate

- 4.3.4 (i) **Bridges.** The road may be designated if the bridge authority is concerned about the influence of road works on the strength, stability and waterproofing of the bridge, or access for maintenance or for any other purpose. In general, the designation would relate to the whole of the bridge structure, but it will only be necessary to designate the area adjacent to the bridge and not the whole length of the road. Three areas may be designated:
- the bridge deck;
  - an area in the vicinity of the abutments where the excavation is no deeper than 1.2 metres; and
  - where further restrictions are required if excavation is greater than 1.2 metres deep.
- (ii) **Retaining walls.** Retaining walls may be designated where they give support to the road and bridge abutments and where the foundations are sufficiently shallow to cause concern that any excavations would adversely affect the integrity of the structure. Where the foundations are piled, designation is only likely to be necessary if

the excavation could alter the degree of support given to the piles by the soil.

In many cases, it will only be necessary to designate the area adjacent to the structure concerned and not the whole width of the road. Two areas may be designated:

- where excavations are no deeper than 1.2 metres, and
- where further restrictions will be required if an excavation is deeper than 1.2 metres.

(iii) **Cuttings and Embankments.** Areas adjacent to such structures should be designated if excavation could lead to slides or slips of the soil, or where excavation could affect special construction features such as earth reinforcement systems or lightweight fills. The whole width of road may be designated, or specific areas similar to those in (b) above.

(iv) **Isolated Structures.** Examples of isolated structures include high mast lighting columns and large sign gantry supports. Where excavation could affect their stability, areas immediately around the supports should be designated, again distinguishing between excavations up to 1.2 metres deep and those that are deeper than 1.2 metres.

(v) **Subways and Tunnels at Shallow Depth.** Areas immediately above the subway/tunnel and adjacent areas may be designated.

(vi) **Tramway Tracks in the Road.** Areas occupied by the tracks and immediately adjacent areas may be designated. Additional protection to the appropriate authority is also given in Section 152 of NRSWA. See also paragraph 11.7.

(vii) **Culverts.** The area of the road immediately above a culvert may be designated where works could adversely affect structural integrity. Accordingly, a reinforced concrete pipe or box culvert would not justify designation but a masonry or steel culvert could be considered if the depth of cover is shallow.

(viii) **Undertakers' Apparatus.** Designation is required only in exceptional circumstances, such as:

- electricity pylons adjacent to the road; or
- the presence of critical operational apparatus, for example communications or signalling cables for transport operators like Network Rail; or
- apparatus at shallow depths particularly when within the bound layers.

In most cases the need for safety and security of apparatus is adequately covered by the requirements of Sections 128 or 148 of NRSWA.

- (ix) **Pipelines.** Some types of pipeline installed under the Pipelines Act 1962, and similar structures which traverse the road, may justify designation.
- (x) **Engineering Problems.** Roads that pose extraordinary engineering problems in the event of excavation taking place may be designated e.g. a road of weak construction founded on very poor soil such as a peat bog, which might have utilised geotextiles.

### **Practical Considerations**

- 4.3.5 Designations should not be made as a matter of policy wherever there is a bridge or structure likely to be affected by road works. Each case should be considered on its merits. Road works authorities and owners of structures should re-examine the designations concerned with a view to withdrawing any that are unnecessary in the light of the other safeguards included in NRSWA or other legislation.

### **Cellars**

- 4.3.6 It is not practical for the road works authority to identify all cellars under footways and carriageways to decide whether they justify designation.
- 4.3.7 Under section 56 of the Roads (Scotland) Act 1984, owners of cellars wishing to carry out works are required to notify the roads authority and those undertakers identified by the roads authority as being affected by the works.
- 4.3.8 Road works authorities and undertakers wishing to carry out work in areas where they know, or might reasonably be expected to know, of the existence of cellars, should notify the cellar owners or frontagers when they intend to carry out excavations close to cellars or extensive excavations which will impinge upon any cellars.

### **Policy Guidance**

- 4.3.9 The responsibility for the designation of sections of roads with special engineering difficulties lies with the road works authority, who is also responsible for maintaining such designations within SRWR. It is important to appreciate that:
  - (i) the owner of the structure informs the road works authority of the existence of the structure so that it can be considered for designation; and



- (ii) the key relationship, in terms of ensuring that adequate precautions are taken, is that between the works promoter and the owner of the structure concerned.

4.3.10 If this mechanism is to work effectively, it is essential that:

- (i) there is close co-operation and consultation between the road works authority, undertakers, bridge authorities and other owners of relevant structures in relation to the designation and withdrawal of designation of sections of roads with special engineering difficulties;
- (ii) arrangements are agreed between works promoters and the owners of structures on the handling of emergency and urgent works on sections of roads with special engineering difficulties;
- (iii) in the cases of planned major works and the provision of new supplies, there are early discussions between works promoters and the owners of the structures concerned; and
- (iv) on receipt of formal notices covering works on sections of road with special engineering difficulties, the road works authority ensures that the necessary actions are in hand.

### **Works not Requiring Plans and Sections**

4.3.11 Road works that can be undertaken either without breaking up or opening the road, or by making use of existing manholes, cannot endanger the integrity of the road or structure that the designation was intended to protect. Accordingly:

- (i) no plans and section are required in respect of any of the following works:
  - those not involving any breaking up or opening of the road;
  - small works in manholes and surface boxes, such as cable repairs, meter replacements and valve operations;
  - pole, lamp, column and sign replacement in situ;
  - pole testing;
  - resetting frames and covers;
  - resurfacing areas up to 20 square metres; and
  - remedial works to restore reinstatement to specification.
- (ii) however, road works involving the insertion or extraction of cables or ducts from existing manholes should be notified, but a description of the works will be sufficient and the relevant authorities' response, if any, should be made within 3 days; and
- (iii) road works to a service pipe or line in a bridge where the apparatus is in preformed pipe or cable bays, and can be reached by removal of the paving or loose fill, will also require only a description of the

road works; in this case, the relevant authorities will have 7 days within which to respond.

### **Works Requiring Plans and Sections**

4.3.12 The following principles apply where road works involve breaking up a road and require plans and sections:

- (i) To facilitate interpretation of plans and sections, details of the civil engineering design, requirements and method of construction and implementation of the road works should, where appropriate, be submitted to the relevant authority. It is therefore essential that the authority is informed of proposed road works as far in advance as is possible, to allow the effect on the existing structure to be determined. This should be accomplished by informal exploratory discussion in addition to normal co-ordination meetings.
- (ii) When exploratory discussions show that little if any alteration is required to the structure concerned, a plan and section should be submitted to the relevant authority. If the road works relate only to a service pipe or service line, in each case of less than 100 metres in length, or overhead electric or telecommunications lines, the submission need allow only 7 working days for response. Otherwise the submission must allow one month for approval or disapproval.
- (iii) Where it is clear that more than minimal alteration to the structure will be needed, plans and sections should be submitted in good time to allow for adequate consideration of the proposed road works and the protective measures or alterations that must be made to the structure concerned, and the appropriate response (approval or otherwise) from the relevant authority.

4.3.13 Where a road has been designated because of an undertaker's apparatus or a hazardous pipeline which is fundamental to the structure and integrity of the road, or is particularly sensitive to the risk of damage by road works, the road works authority must consult that undertaker when plans and sections of proposed road works are submitted. The authority must not approve any proposals except in accordance with the specified requirements of that undertaker and in cases of dispute between undertakers this shall be resolved in accordance with the Code of Practice for Dispute Resolution and Appeals.

4.3.14 The undertaker promoting the road works should afford the relevant authority all reasonable facilities for inspecting or monitoring the execution of the road works. The extent of the support needed will depend on the scale and nature of the road works.

- 4.3.15 In the case of minor works, an inspection to ensure that the structure remains undamaged will be sufficient.
- 4.3.16 Extensive road works, or any underground road works immediately adjacent to the structure concerned, can involve monitoring the excavation, installation and maintenance of supporting works or structures and the backfilling of excavations.
- 4.3.17 The undertaker promoting the road works will be responsible for the reasonable costs of taking measures to protect the relevant structure.
- 4.3.18 Where the road works authority is legally entitled to recover its reasonable costs and it is necessary to monitor the road works, the undertaker must meet the reasonable monitoring costs. Should the undertaker dispute the need for monitoring in whole or in part, to save delay monitoring must take place and the undertaker advised of costs incurred. The dispute must be settled subsequently.

## **4.4 Traffic Sensitive Roads**

### **Background**

- 4.4.1 Under section 123 of NRSWA, a road works authority may designate certain roads (or parts of roads) as "traffic sensitive". The criteria under which such designations are to be made are specified in The Road Works (Scottish Road Works Register, Notices, Directions and Designations) (Scotland) Regulations.
- 4.4.2 It is expected that these criteria will cater for the majority of cases. Road works authorities will therefore normally apply them as a matter of course. However, to cater for very special local circumstances, such as individual annual or seasonal events, or where the existence of the criteria has not been established but there is a danger of serious disruption to traffic, provision is made for additional designations of traffic sensitivity by agreement between road works authorities and local undertakers. Therefore, this type of designation can only be made by agreement with the majority of local undertakers.
- 4.4.3 Designations may apply to the whole, or parts of, the carriageway, verge, footway or pedestrian area, and to:
- certain times of the day;
  - days of the week; or
  - days of the year.
- depending on circumstances.
- 4.4.4 The traffic sensitivity designation will also apply to the first 50 metres or complete length, whichever is shorter, of an adjoining road that has a junction with that traffic sensitive road where temporary traffic control is

deployed on the traffic sensitive road. Road works authorities must ensure that these additional lengths of road are clearly designated within the Associated Street Data sets in the SRWR.

- 4.4.5 Once a designation is made, it applies to all works taking place in the road. Road works authorities carrying out works for road purposes, as well as undertakers carrying out road works, must avoid carrying out those works in traffic sensitive situations at traffic sensitive times unless there is no alternative.
- 4.4.6 Works promoters should clearly understand that shorter notice periods for works in traffic sensitive roads are only permissible for works that take place outside sensitive times. Where road works are planned to take place in a traffic sensitive road, outside traffic sensitive times and as a consequence, a shorter notice period, or no notice is given, it is essential that the road works are suspended during the traffic sensitive period. Full, unimpeded traffic flow must be provided during the traffic sensitive period, if necessary by temporarily backfilling excavations or using road plates.

### **Vehicular Routes**

- 4.4.7 Provided they meet the statutory criteria, traffic sensitive routes may include:
- (i) main inter-urban roads and main radial and other commuter routes (many routes near town and city centres) which carry heavy peak traffic flows;
  - (ii) heavily trafficked routes into and within holiday areas during the holiday/visitor season;
  - (iii) routes that are only traffic sensitive on certain predetermined occasions e.g. race meetings, county shows etc; and
  - (iv) locations adjacent to schools.

### **Pedestrian Areas**

- 4.4.8 Subject to meeting the criteria these may include:
- (i) commuter routes - footways very heavily used at peak times by commuters;
  - (ii) special events pedestrian routes - pedestrian routes to special events, e.g. the local showground, football ground etc., which are only sensitive on certain days of the week; and
  - (iii) pedestrian shopping areas - often areas of special paving, with restricted access for delivery vehicles.

## **4.5 Procedure for Making Designations**

- 4.5.1 The procedure for making designations is set out in Schedule 2 of the Road Works (Scottish Road Works Register, Notices, Direction and Designation) (Scotland) Regulations.
- 4.5.2 Before making a designation of a road, the road works authority shall give notice of their intention, specifying a time, not less than one month, within which objection may be made to:
- (i) every undertaker which the authority know to have apparatus in any road to which the proposed designation refers or which has given notice under section 113 of their intention to execute road works in the road;
  - (ii) every local authority (other than the road works authority) in whose area any road to which the proposed designation relates is situated;
  - (iii) any person who has requested the road works authority in writing to be given notice of a proposed designation; and for protected roads only
  - (iv) the owners or reputed owners, and the occupiers or reputed occupiers of any land which is adjacent to the road.
- 4.5.3. For roads with special engineering difficulty and traffic sensitive roads the notice must also be published within one or more newspapers circulating in the locality.
- 4.5.4 If within the specified period no objection is received by the road works authority, or if all objections have been withdrawn, that authority may make the designation.
- 4.5.5 If within that period an objection is received by the road works authority from any person on whom notice is required to be served or from any other person appearing to the road works authority to be affected by the proposed designation and the objection is not withdrawn, the road works authority shall before making the designation:
- in the case of roads with special engineering difficulty or traffic sensitive roads, consider the objection and may make the designation, with or without modifications, or may decide not to make the designation, as they think fit; and
  - in the case of a protected road, hold a local inquiry. Where a local inquiry has been held the road works authority shall consider the objections and the report of the person who held the inquiry and may make the designation, with or without modifications, or may decide not to make the designation, as they think fit.

## **4.6 Procedure for Withdrawing Designations**

- 4.6.1 A road works authority may at any time withdraw the designation of a road as a protected road and the designation of a road as traffic sensitive.
- 4.6.2 A road works authority may at any time withdraw the designation of a road as a road with special engineering difficulties. However this shall not occur without prior consultation with the transport authority or undertaker at whose request the designation was made, or without the consent of the Scottish Ministers where the designation was made in pursuance of a direction by them.
- 4.6.3 If a road works authority withdraws a designation of a road as a protected road they shall publish a notice in one or more newspapers circulating in the locality in which the road to which the withdrawn designation related.
- 4.6.4 The road works authority must record the detail of all designations and withdrawals by using the Associated Street Data in the SRWR (see Chapter 3).

## **4.7 Other Features of the Road**

### **Background**

- 4.7.1 There are a number of other features of a road that may either:
- impact upon the planning and co-ordination of road works; or
  - be subject to restrictions imposed by legislation other than NRSWA.

To facilitate best practice, information about such features may be held as an Associated Data record in the SRWR. Such data may be provided by the relevant roads authority or body responsible for the designation (see also RAUC(S) Advice Note 5). Data capture codes have been defined for the following types of feature:

### **Environmentally Sensitive Areas**

- 4.7.2 These will include such areas as Sites of Special Scientific Interest and Ancient Monuments. The Special Designation Description will indicate the type of sensitive area.

### **Structures (not Designated as Being of Special Engineering Difficulty)**

- 4.7.3 There are various structures associated with the road which, whilst not fully meeting the criteria for designation as being of Special Engineering Difficulty, nevertheless warrant extra care being taken

when working in their vicinity. The Special Designation Description will indicate the type of structure.

### **Special Surfaces**

4.7.4 These include, but are not restricted to, such surfaces as porous asphalt, tactile and coloured surfaces. The Special Designation Description will include the type of surface.

### **Pipelines**

4.7.5 Government and oil or gas pipelines laid under the Pipelines Act 1962.

### **Priority Lanes**

4.7.6 These include cycle routes and bus lanes. The Special Designation Description will indicate the type of priority lane.

### **Level Crossing Precautionary Areas**

4.7.7 The Special Designation Description will indicate the extent of the Precautionary Area. When works are proposed within the Precautionary Area, the procedures applied in Appendix C of this Code must be followed.

### **Special Construction Needs**

4.7.8 The Special Designation Description will indicate the extent and type of special construction and could include such sites as geotextile mats and areas where sulphate resistant concrete is required.

### **Parking Bays and Restrictions**

4.7.9 The Special Designation Description indicates roads with parking meters, residents' parking bays, parking restrictions such as red routes and other permanent restrictions. This will alert works promoters to plan any necessary action such as applying to the local authority to have parking suspended.

### **Pedestrian Crossings and Traffic Signals**

4.7.10 The Special Designation Description indicates roads which have signal-controlled pedestrian crossings and permanent traffic signals.

### **Speed Limits**

4.7.11 The Special Designation Description indicates the speed limit appropriate to the road.

## **Transport Authority Critical Apparatus**

4.7.12 This is apparatus used, or owned, by a Transport Authority that is critical to the operations of the Transport Authority and if damaged or interrupted could disrupt or temporarily stop services; for instance damage to high voltage cables supplying power to a rail network would cause its closure and severe inconvenience to the passengers.

## **Other Situations Meriting Special Consideration**

4.7.13 Designation of traffic sensitive situations is intended to apply to locations where serious traffic disruption may ensue from the presence of road works or works for road purposes. There are, however, a number of situations for which designation as traffic sensitive is not appropriate but where special care needs to be exercised when works in roads are to be carried out.

Situations which might merit special attention (but which would not otherwise satisfy the requirements for traffic sensitivity) include:

- (i) access to busy bus or railway stations;
- (ii) works at major bus stands on the road;
- (iii) road works near to the vehicular access to fire stations, ambulance stations, police stations and hospitals;
- (iv) footway works impacting on people with visual or other disabilities;
- (v) sites of accident concentration; and
- (vi) sites at school crossing patrols.

It would be appropriate to identify and discuss such situations at local co-ordination meetings with a view to agreeing means of minimising the occurrence of problems on site.



# CHAPTER 5

## Works Categories and Notice Requirements

### 5.1 Works Notices and Notice Periods

5.1.1 This Chapter describes the information to be entered on the SRWR at various points in time and should be read in conjunction with the diagrams contained in Appendix D. It identifies the special requirements for emergency and urgent works and covers the full spectrum of work categories from minor works to major works where a minimum of three months' notice of starting date is required.

The noticing procedure has been developed to ensure, as far as is possible, that undertakers and road works authorities enter the same range of details for their works.

5.1.2 Before an undertaker commences work for the first time in any particular road works authority's area, that undertaker must contact that road works authority prior to serving its first notification.

### 5.2 Definition for each Works Category

5.2.1 Table 5.1 provides a definition for each works category used in Scotland.

5.2.2 Notwithstanding the definitions given in Table 5.1, the following guidance provides additional clarification regarding the work categories.

#### 5.2.3 Emergency Works

(i) The term also includes works not falling within that definition which cannot be severed from those that do, such as road works not at the emergency site that are necessary to shut off or divert a supply. Remedial works to dangerous defective reinstatements are emergency works (see paragraph 5.6.2).

(ii) Bar holes used to detect gas leaks do not count as excavations and reinstatements for the purposes of noticing. However, they do require to be reinstated in compliance with the Specification for Reinstatement of Opening in Roads.

(iii) The onus of proving the existence of an emergency always lies with the works promoter.

(iv) Emergency works may be large jobs involving considerable disruption. When this occurs the public expects as much warning as possible so that appropriate avoiding action may be taken. Works promoters should, wherever practicable, in addition to giving the formal notice, inform the

road works authority and if necessary the police by telephone of the emergency, as soon as the extent becomes apparent.

- (v) In the case of large-scale emergency works, road works authorities should provide undertakers with details of officers who can be contacted by telephone, including those available for out-of-hours contact.

#### 5.2.4 Urgent Works

- (i) It is essential that works promoters use this provision responsibly. It is equally important that road works authorities recognise the needs of undertaker customers and the impact that a loss of supply can have on key institutions and organisations. This provision will prove particularly useful where an undertaker fears that persons or property may be endangered if immediate action is not taken, e.g. in places of public assembly. Under normal circumstances it would be expected that urgent works would be commenced as soon as is reasonably practicable and in any event within hours of the need being identified.
- (ii) In addition, significant leaks from water pipes may be designated as urgent where the undertaker considers that the leak could:
- cause damage to the structure of the road;
  - cause damage to the apparatus of other undertakers; or
  - compromise the safety of road users.

#### 5.2.5 Major Works

- (i) This notice provides an opportunity for the road works authority to consider the implications of all proposals for road works which are likely to have a major impact upon:
- traffic
  - the structure of the road or the apparatus, or
  - proposals of other works promoters
- and where there is greater need to co-ordinate the proposed works with those of other undertakers and the road works authority themselves. Such works are more likely to give rise to the need for road closures and diversions.
- (ii) In the case of major works, by definition, the works promoter, in formulating its proposals, will have made them known to, and discussed them and their programming with, the road works authority and other interested parties. Notwithstanding that the minimum requirement is for three months' notice, details of major works should be entered on to the SRWR at the earliest possible opportunity. Provision of this advance information will reduce the likelihood of programme changes being required at a later date although the timings and extent of the road works can be altered, in agreement with the road works authority.

- (iii) This enables proposals from work promoters to be discussed at the regular co-ordination group meetings described in Chapter 2. They may even give rise to the need for a special meeting of the group.
- (iv) In cases where diversionary works are involved, all relevant authorities and undertakers must comply with the requirements of the Code of Practice for Measures Necessary where Apparatus is affected by Major Works (Diversionary Works) and HAUC(UK) Advice Note No 2010/1 Diversionary Works. Paragraph 2.8.1 highlights the need for works to be entered on to the SRWR at the earliest possible date if proper planning of road works is to occur.
- (v) In some extremely limited cases, because of factors affecting national security, the works promoter may not be able to give more than the minimum notice of their proposals. They should however, in these circumstances consider taking the road works authority into their confidence at the earliest possible date.

#### **5.2.6 Minor Works (Mobile & Short Duration)**

- (i) Mobile and short duration works are referred to in the Safety at Street Works and Road Works Code of Practice, and all necessary signing, lighting and guarding must be applied.
- (ii) Mobile and short duration works shall be stopped and cleared away where directed by the local road works authority or police if deemed to be causing an obstruction.

<b><u>Works Category</u></b>	<b><u>Definition</u></b>
<b>Emergency (Including Remedial - Dangerous)</b>	<p>Emergency works means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property.</p> <p>Where works comprise items some of which fall within the preceding definition, the expression "emergency works" shall be taken to include such of the items as do not fall within that definition as cannot reasonably be severed from those that do.</p>
<b>Urgent</b>	<p>These are works which fall short of emergency works as defined in NRSWA, but are of sufficient urgency to warrant immediate action either to prevent further deterioration of an existing situation or to avoid an undertaker breaching a statutory obligation.</p> <p>"urgent works" means:</p> <p>(a) road works (not being emergency works) whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required):</p> <ul style="list-style-type: none"> <li>• to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker;</li> <li>• to avoid substantial loss to the undertaker in relation to an existing service; or</li> <li>• to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the normal notice period,</li> </ul> <p>and include works that cannot reasonably be severed from such works: and</p> <p>(b) works for road purposes (not being emergency works) whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required) to prevent or put an end to an unplanned obstruction of any part of the road and includes works that cannot reasonably be severed from such works.</p>
<b>Minor Works</b>	<p>To qualify as minor works the works must:</p> <p>(a) not be emergency or urgent works, and</p> <p>(b) not be of a planned duration of more than 3 days, and</p> <p>(c) not form part of a rolling programme, and</p> <p>(d) not involve at any one time more than 30 metres of works or 20 square metres of reinstatement, or leave less than the minimum width of carriageway necessary for one-way traffic in accordance with the Code of Practice for Safety at Street Works and Road Works.</p>
<b>Minor Works (Without Excavation)</b>	<p>Where a works promoter proposes to execute minor works (as defined above) in a road which is not traffic sensitive, no notice is required in the case of:</p> <p>(a) minor works not involving breaking up the road. This could include works at manholes and chambers, operating valves or works of a similar nature: or</p> <p>(b) the replacement of poles, lamps, columns and signs, pole testing and similar works involving minimal breaking up of the road.</p>
<b>Minor Works (Mobile &amp; Short Duration)</b>	<p>Mobile and Short Duration Works are continuous mobile operations, as well as those which involve movement with periodic stops and short duration static works. It also includes minor works (as defined above) which do not include excavation, and pothole repairs of less than one square metre, involving the use of a single vehicle or a small number of vehicles.</p> <p>Mobile and short duration working shall cover all works at any specific location where the work involved takes no longer than 30 minutes in total, including setting up and clearing away all signing, lighting, guarding and spoil.</p>
<b>Remedial Works (Non-Dangerous)</b>	<p>Remedial works are works in a road required to repair a defect which has developed on a road reinstatement.</p>
<b>Standard Works</b>	<p>These are road works which are not emergency works, urgent works, minor works or major works.</p>
<b>Major Works</b>	<p>Major Works means road works by a works promoter (other than minor works):</p> <ul style="list-style-type: none"> <li>• which have been identified specifically in the Works Promoter's annual operating programme or which, if not specifically identified in that programme, are normally planned at least six months in advance of work commencing;</li> <li>• where an order is required under section 14 of the Road Traffic Regulation Act 1984 for any works other than emergency works;</li> <li>• other than emergency works and urgent works, in a multi lane road (more than one lane in each direction) that is traffic sensitive where one or more lanes are closed to enable the works to take place; or</li> <li>• other than emergency works, which have a duration in excess of 10 days and for which traffic control is required for three or more of those days, in accordance with the Code of Practice "Safety at Street Works and Road Works".</li> </ul>
<b>Substantial Works For Road Purposes</b>	<p>Substantial works means works for road purposes which comprise a reconstruction, widening, alteration in the level, resurfacing or specialist non skid surface dressing of the part of the road concerned and—</p> <p>(a) if executed in a footpath, footway, bridleway or cycle track, extend for more than 30 metres of continuous length and result in the width of the footpath, footway, bridleway or cycle track available for pedestrians, cyclists, or others having right to use the way as the case may be, being reduced by more than two thirds; or</p> <p>(b) if carried out in the carriageway, extend for more than 30 metres of continuous length and result in the use by vehicles of the carriageway being prohibited or the width of the carriageway available for vehicular traffic being reduced by more than one third.</p>

**Table 5.1: Definitions For Each Works Category**

## 5.3 Minimum Notice Periods for each Works Category Noticing

5.3.1 Tables 5.2 and 5.3 show the minimum notice requirements in relation to the various work categories.

	Advance Notice	Notice of Expected Starting Date	Actual Start Notice	Works Closed/Clear Notice	Site Reinstatement Details Notice (Undertakers only)
<b>Emergency</b> (including remedial dangerous)			Within 2 hours of work starting	By 16.30 the next day	Within 5 days of reinstatement of Site
<b>Urgent</b>			Within 2 hours of work starting	By 16.30 the next day	Within 5 days of reinstatement of Site
<b>Minor Works</b> (without excavation)					
<b>Minor Works</b> (mobile & short duration)					
<b>Minor Works</b> (with excavation)		24 hour notice - by noon on the day before	By noon the following day after works commence	By 16.30 the next day	Within 5 days of reinstatement of Site
<b>Remedial Works</b> (non-dangerous)		24 hour notice - by noon on the day before	By noon the following day after works commence	By 16.30 the next day	Within 5 days of reinstatement of Site
<b>Standard Works</b>		7 days notice	By noon the following day after works commence	By 16.30 the next day	Within 5 days of reinstatement of Site
<b>Major Works</b>	Three months notice	7 days notice	By noon the following day after works commence	By 16.30 the next day	Within 5 days of reinstatement of Site
<b>Substantial Works for Road Purposes</b>	Three months notice	7 days notice	By noon the following day after works commence	By 16.30 the next day	

**Table 5.2: Minimum Notice Periods - Non Traffic Sensitive Situations**

### Notes

1. Greyed out boxes indicate that no notice is required.
2. 'Works Closed' indicates a permanent reinstatement and 'Works Clear' indicates a temporary reinstatement.
3. In this Code of Practice 'day' means 'working day'. A full definition can be found in Appendix A.

4. An early start procedure is available. The details can be found at paragraph 5.9.
5. 'Site Reinstatement Details Notice' is a 'Registration Notice' within SRWR.

	<b>Advance Notice</b>	<b>Notice of Expected Starting Date</b>	<b>Actual Start Notice</b>	<b>Works Closed/Clear Notice</b>	<b>Site Reinstatement Details Notice</b> (undertakers only)
<b>Emergency</b> (including remedial dangerous)			Within 2 hours of work starting	By 16.30 the next day	Within 5 days of reinstatement of Site
<b>Urgent</b>			At least 2 hours in advance of work starting	By 16.30 the next day	Within 5 days of reinstatement of Site
<b>Minor Works</b> (without excavation)		3 days notice	By noon the following day after works commence	By 16.30 the next day	Within 5 days of reinstatement of Site
<b>Minor Works</b> (mobile & short duration)		3 days notice	By noon the following day after works commence	By 16.30 the next day	Within 5 days of reinstatement of Site
<b>Minor Works</b> (with excavation)	One month notice	7 days notice	By noon the following day after works commence	By 16.30 the next day	Within 5 days of reinstatement of Site
<b>Remedial Works</b> (non-dangerous)		3 days notice	By noon the following day after works commence	By 16.30 the next day	Within 5 days of reinstatement of Site
<b>Standard Works</b>	One month notice	7 days notice	By noon the following day after works commence	By 16.30 the next day	Within 5 days of reinstatement of Site
<b>Major Works</b>	Three months notice	7 days notice	By noon the following day after works commence	By 16.30 the next day	Within 5 days of reinstatement of Site
<b>Substantial Works for Road Purposes</b>	Three months notice	7 days notice	By noon the following day after works commence	By 16.30 the next day	

**Table 5.3: Minimum Notice Periods - Traffic Sensitive Situations**

**Notes**

1. Greyed out boxes indicate that no notice is required.
2. 'Works Closed' indicates a permanent reinstatement and 'Works Clear' indicates a temporary reinstatement.
3. In this Code of Practice 'day' means 'working day'. A full definition can be found in Appendix A.
4. An early start procedure is available. The details can be found at paragraph 5.9.
5. 'Site Reinstatement Details Notice' is a 'Registration Notice' within SRWR.

5.3.2 Although Tables 5.2 and 5.3 set out the minimum notice periods, there are other factors such as the need for traffic regulation orders which will affect the lead-in time for works. The notice for any work is determined by a combination of the nature of the work involved, its duration, the traffic management requirements and whether or not it is to take place on a traffic sensitive road.

5.3.3 The noticing procedure performs the following four functions:

- **Co-ordination.** Noticing is a vital component of the co-ordination process. This is particularly important in the case of notices for works on traffic sensitive roads and for major works. It allows works promoters to plan their works knowing what other works are planned by other promoters. It provides an opportunity for the road works authority to consider the possible impact of works and discuss with the works promoter. The road works authority can then influence the hours of work, if necessary, by a direction under section 115 of NRSWA.
- **Emergency and Urgent Works.** These can prompt the emergency procedures of other organisations. e.g. in an emergency to make the road works authority aware of actual or potential disruption to traffic so that they can take appropriate action such as giving traffic information to the police and other interested parties;
- **Inspection Regime.** The inspection regime is triggered by notices; and
- **Records of Reinstatements.** Notices set the dates for the guarantee periods as described in the Specification for the Reinstatement of Openings in Roads.

## 5.4 Notice Types and Timing Issues

The following notices are required for co-ordination purposes and shall be submitted by both undertakers and road works authorities (except where stated):

### 5.4.1 Potential Works

Potential Works Notices are non statutory notices which can be entered on to the Scottish Road Works Register (SRWR) which has been set up to allow such Potential Works Notices to be entered, both with and without dates. This allows the Potential Works functionality to be used in two separate and distinct ways as described as follows:

#### (i) Provisional Potential Works Notices

In this case, Potential Works Notices can be entered with **no dates** and will allow the SRWR to be used as a works scheduling tool. This will allow notices to be entered which can be called up at an appropriate point when required and converted into actual notices with dates included. Such notices will not appear on the task summary lists of other organisations and cannot be used for co-ordination purposes.

#### (ii) **Co-ordination Potential Works Notices**

In this case, Potential Works Notices for major works can be entered, but **they must show expected start and end dates**. The use of a Co-ordination Potential Works Notice implies that the dates entered will be a “best estimate” and will almost certainly require to be revised later. At this stage the accuracy of the dates is not important, the objective is to ensure that the wider road works community is aware that works are proposed and has a reasonable indication as to when the works might be undertaken.

When a works promoter becomes reasonably confident as to the dates when the works will be undertaken, then the Potential Works Notice should be converted into a statutory Advance Works Notice.

The use of dates allows the Potential Works Notices to become visible to all users and available on the reports used at Local RAUC Co-ordination meetings, enabling more effective forward planning.

### 5.4.2 **Advance Notice of Certain Works**

(i) **3 Month and 1 Month Advance Notice of Works** - this only applies to certain prescribed cases, i.e. major works and, in traffic sensitive situations, both standard works and minor works involving excavations. These must be issued for all works which meet the criteria.

Timing - These notices are based on *calendar months*, not working days. Although the notice period is measured in calendar months, the rule that a notice issued after 16:30 on a working day is counted as being issued on the next working day applies to all notices, not just those that had a notice period in working days (see Section 157 of NRSWA).

So, the earliest start date for a one month notice issued **before** 16:30 on 4 November would be 4 December. However, a one month notice issued **after** 16:30 on Tuesday 4 November counts as if it were issued on Wednesday 5 November and the earliest start date would be 5 December.

Best practice is that the expected starting date should be the best possible estimate and that it should be updated within SRWR as soon as any change is known so that the road works authority is informed.



To ensure effective co-ordination, where an expected start date on a notice in SRWR is 3 months past that date, then the notice will automatically acquire expired status. This should not be confused with the validity periods described at paragraph 5.4.9.

5.4.3 **Substantial Works for Road Purposes** - Notices for works where a section 117 restriction is proposed should follow the same noticing rules as for Major Works and should thereafter follow the same rules as for expected start date, actual start date and work closed notices.

5.4.4 **Notice of Expected Starting Date** - this must specify the expected start and completion dates and work must commence within a specified period.

(i) **7 Day Notice of Expected Starting Date of Works** – is a notice which must be issued a minimum of 7 working days prior to the expected starting date of the works.

Timing - The definition of a day as a working day is given at Appendix A. A notice that is issued on a non-working day counts the same as a notice issued after 16:30 on the preceding working day e.g. any notices issued after 16:30 on a Friday or on the Saturday or Sunday count as if they were issued on the following Monday (before 16:30 that day is counted as the first working day for the purposes of the calculation).

Similarly, works submitted with an expected start date on a non-working day must have been submitted **at least 7 working days** in advance. For example, works planned for Sunday the 21<sup>st</sup> (or for Saturday the 20<sup>th</sup>) would have to have a notice issued no later than 16:30 on Thursday the 11<sup>th</sup>, i.e. valid to commence on Monday the 22<sup>nd</sup>.

Mo	Tu	We	Th	Fr	Sa	Su
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

The dates 11<sup>th</sup>, 12<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup> represent the seven working days.

(ii) **3 Day Notice of Expected Starting Date of Works** – is a notice which must be issued a minimum of 3 working days prior to the expected start date of the works.

Timing - The same general rules set out above for 7 day notices apply to 3 day notices.

(iii) **24 Hour Notice of Expected Starting Date of Works** - is a notice which must be issued by 12:00 (Noon) on the **working day** before the **expected start date**.

Timing - Any work planned to commence on a Saturday, Sunday or Monday must be lodged by 12:00 (Noon) on the preceding Friday.

Note - When entering a notice of expected starting date of works the works promoter should be aware of the type of traffic management proposed to be used and this should be included within the notice. "Not Yet Known" should not be used. Such use will be monitored by the Commissioner.

- 5.4.5 **Actual Start Notice** – should be issued as soon as possible but no later than 12:00 (Noon) the following day after works commence in all situations requiring a Notice of Expected Starting Date.

This notice is required as the existing notice only provides an expected start date. Although the works cannot commence before the expected start date without the road works authority approval, they may begin at any time during the validity period. Details of validity periods can be found at paragraph 5.4.9.

- 5.4.6 **Urgent and Emergency Notices** - for urgent and emergency works, the following actual start notices must be issued:

- (i) **2 Hour Notice of Starting Date of Works** – this refers to urgent works in traffic sensitive locations and must be issued at least 2 hours prior to the works commencing.

Timing - For works being undertaken on non-working days and where the road authority and undertakers have not established out-of-hours arrangement for notices, the undertaker shall give formal notice within 2 hours of the start of the following working day i.e. by no later than 10:00. Given that a working day is deemed to be finished at 16:30 and given the 2 hour advance notice period, any urgent works commenced after 18:30 must be lodged by 10:00 the following day. Any urgent works commenced after 18:30 on a Friday must be lodged at the latest by 10:00 on the following Monday.

- (ii) **2 Hour Notice after Start of Works** - this refers to emergency and urgent works in non-traffic sensitive locations and must be issued within 2 hours of the works being commenced.

Timing - For works being undertaken on non working days and where the road works authority and undertakers have not established out-of-hours arrangement for notices, the undertaker will give formal notice within 2 hours of the start of the following working day i.e. by no later than 10:00. Given that a working day is deemed to be finished at 16:30 and given the 2 hour period, any emergency or urgent works commenced after 14:30 must be lodged at the latest by 10:00 the following day. Any emergency or urgent

works commenced after 14:30 on a Friday must be lodged at the latest by 10:00 on the following Monday.

Note – the 2 Hour Notice of Starting Date of Works and the 2 Hour Notice after Start of Works are deemed to be the Actual Start Notice. In other words, only one notice is required to commence the works.

#### 5.4.7 **Works Completion and Reinstatement where there is only One Site**

The process is as follows:

- (i) **Works Clear Notice** (for interim reinstatement) and **Works Closed Notice** (for permanent reinstatement) – shall be issued by 16:30 the next working day after reinstatement is completed.
- (ii) **Final Site Reinstatement Details Notice** (undertakers only) – should be issued as soon as possible but no later than 5 days after the reinstatement of the 'Site' is completed. This provides the date for the guarantee period and the inspection process. The site reinstatement details notice may be issued at the same time as the works clear/closed notice if the requisite details are available. This completes the process.

#### 5.4.8 **Works Completion and Reinstatement where there is more than One Site (Undertakers Only).**

The process is as follows:

- (i) **Site Reinstatement Details Notice** – the completion date and whether interim or permanent and accurate location details may be entered by the end of the next working day after reinstatement is completed for each Site. This provides the date for the guarantee period and the inspection process. If reinstatement dimensions are available at this stage they may be included; if not they should be entered no later than 5 days after the reinstatement of the Site by adding them to the notice.
- (ii) **Works Clear Notice** (for interim reinstatements) and **Works Closed Notice** (for permanent reinstatement) – shall be issued by 16:30 the next working day after the reinstatement is completed for the last Site in the notice.
- (iii) **Final Site Reinstatement Details Notice** (undertakers only) – this Site Reinstatement details Notice (as above) should be issued when the reinstatement details for the last Site are entered which should be no later than 5 days after the reinstatement of the Site.

#### 5.4.9 **Validity Periods - Following the Issue of Notice of Expected Starting Date**

5.4.9.1 Where a notice of expected starting date of works is issued under Section 114 of NRSWA there is a period from the expected start date inserted in the notice within which the works must be commenced. This is known as the validity period. The validity period for each work category is shown in Table 5.4.

5.4.9.2 There are separate rules relating to the validity period for substantial works for roads purposes which mean that such a notice ceases to be effective if the works to which it relates are not substantially begun

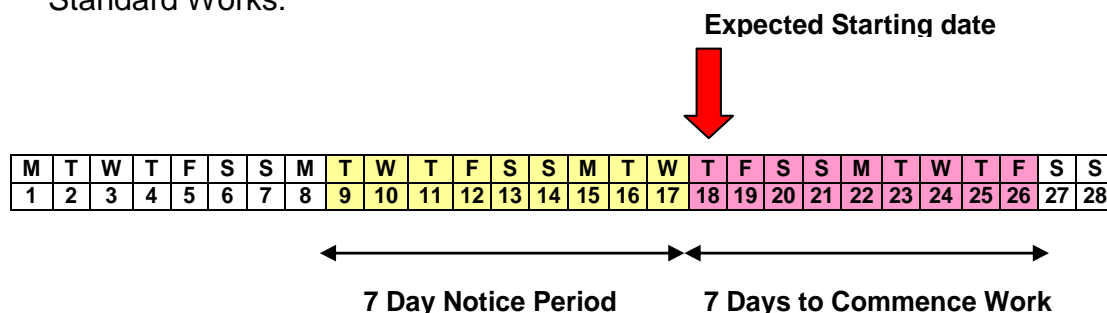
- (i) on or within one month from the date specified in the notice, or
- (ii) where road works are in progress in the part of the road to which the restriction relates on that date, within one month from the completion of those works.

5.4.9.3 Notwithstanding the validity periods shown in Table 5.4, best practice is that the expected starting date should be the best possible estimate and that it should be updated within SRWR as soon as any change is known so that the road works authority is informed.

	<b>TRAFFIC SENSITIVE</b>	<b>NON TRAFFIC SENSITIVE</b>
<b>EMERGENCY</b> (including remedial dangerous)		
<b>URGENT</b>	By noon the following day	By noon the following day
<b>MINOR WORKS</b> (without excavation)	3 Days	
<b>MINOR WORKS</b> (mobile & short duration)	3 Days	
<b>MINOR WORKS</b> (with excavation)	7 Days	By noon the following day
<b>REMEDIAL WORKS</b> (non-dangerous)	3 Days	By noon the following day
<b>STANDARD WORKS</b>	7 Days	7 Days
<b>MAJOR WORKS</b>	7 Days	7 Days
<b>SUBSTANTIAL WORKS FOR ROADS PURPOSES</b>	See 5.4.9.1	See 5.4.9.1

**Table 5.4: Validity Periods from the Expected Starting Date**

5.4.9.4 The following diagram shows how the validity period operates for Standard Works:



If the expected starting date for the works is the 18<sup>th</sup> then the notice of expected starting date of the works must be entered no later than the 8<sup>th</sup> to allow the 7 day notice period. This allows the works promoter the period from the 18<sup>th</sup> to 26<sup>th</sup> to commence the works. Notwithstanding this, if the works programme is revised and the works require to commence later, then the expected starting date should be revised. These validity periods do not prevent the use of the late and early start procedures described at paragraph 5.9.

## 5.5 Reinstatement Definition

- 5.5.1 In relation only to section 129(3) of NRSWA, interim and permanent reinstatements of Sites have not been made good and are not complete until all spoil, unused imported materials, unused stores, plant and all signing, lighting and guarding has been removed as well as the pavement construction replaced.
- 5.5.2 Where the requirements of paragraph 5.5.1 have been met, but further work requires to be undertaken such as the replacement of road markings and the application of high skid resistant surfaces, the reinstatement should be marked in the SRWR as interim until such time as these works have been completed to the appropriate timescales set out in the Code of Practice – Specification for the Reinstatement of Openings in Roads.
- 5.5.3 Where there is a gap between the completion of the reinstatement at paragraph 5.5.1 and the application of a high skid resistance surface, there may be a requirement to place and retain skid risk signs at the location until the works are undertaken. The placing of such signs should not be seen as non compliance with paragraph 5.5.1. When such signs are deployed, the undertaker should insert an appropriate comment within the notice.

## 5.6 Remedial Works

## **Notice To Undertake Remedial Work**

5.6.1 Remedial notices are required for remedial work undertaken outwith the duration of the initial notice submitted for the works. Remedial notices are not required for Signing, Lighting and Guarding defects.

## **Remedial Repairs of Dangerous Reinstatement**

5.6.2 Remedial work required to repair a dangerous reinstatement comes under the definition of emergency.

## **Remedial Repairs to Non Dangerous Reinstatements**

5.6.3 Remedial work required to repair a non dangerous reinstatement should be noticed as for any other works.

5.6.4 Where a previously non dangerous reinstatement deteriorates to a dangerous level, the requirements of paragraph 5.6.2 should be followed, regardless of the inspection history of the reinstatement.

## **Notice Limitations**

5.6.5 As remedial notices can only be used to make good works already undertaken, this type of notice cannot be used to undertake new works.

## **Remedial Works to Works Still in Progress**

5.6.6 If the works are ongoing under a current notice with valid dates, no new notice is required provided that all of the proposed remedial works are within the scope of the initial proposed works. The remedial work can be recorded via a comment on the notice.

## **5.7 Other Notice Types and General Noticing Issues**

5.7.1 Other types of notice include:

- (i) Damage Notice – to be issued by the end of the next working day when damage to plant is either discovered or sustained during excavations.
- (ii) Resurfacing Notice – further details can be found in Chapter 6.
- (iii) Restrictions Following Substantial Works - further details can be found in Chapter 6.
- (iv) Qualification Notice – to be issued when the road works authority is unable to view a qualification card on site (not yet enacted).
- (v) Notice to Mitigate or Discontinue an Obstruction – further details can be found in Chapter 8.

- 5.7.2 For the avoidance of doubt, a notice may only refer to one road or section of road.
- 5.7.3 It is important that the information contained in notices is accurate and provides as much information as is available at the time at which the notice is entered on to SRWR, subject to the minimum requirements contained in paragraph 5.9. The notice periods referred to in this Code are to be treated as **minimum periods**. To aid co-ordination, longer notice periods should be given wherever reasonably practicable.
- 5.7.4 In giving notice, works promoters should bear in mind the time required, in some cases, for:
- (i) formal road closure action;
  - (ii) application for portable traffic signals (see RAUC(S) Advice Note 8);
  - (iii) scaffold permission; and
  - (iv) consultation with relevant authorities, etc.

## **5.8 Information Required Enabling a Notice to be Recorded Correctly on SRWR**

- 5.8.1 The following is considered the minimum information required to be contained in a valid notice:
- (i) **Reference Number** - SRWR provides a unique reference number for each notice. The works promoter may also enter their own discrete reference number.
  - (ii) **Dates of Works** - these are the expected start date and the expected completion date.
  - (iii) **Category of Works** - e.g. Standard, Major, etc
  - (iv) **Whether the Road is Traffic Sensitive** – this is automatically generated
  - (v) **Whether the Road has Special Engineering Difficulty** – this is automatically generated
  - (vi) **Location of Works** – described by the address of the nearest premises, but only where those premises are within 200 metres of the works
  - (vii) **Co-ordinates of Works** - co-ordinates must be provided for every notification as a point, line or polygon area for the works.
  - (viii) **General Description of the Works** - sufficient information is required to clearly identify the type of works being carried out.
  - (ix) **Traffic Management Proposals** - sufficient information is required to clearly identify the proposed traffic management for the works.
- When a notice of expected starting date is entered it will not be**

**acceptable to insert 'not known' other than for emergency and urgent works.**

- (x) **Contact Details** - accurate contact details must be provided to allow the opportunity for contact should this be required. This should be reviewed and updated as required during the lifecycle of the notice.
- (xi) **Inspection Units** – this is automatically generated.
- (xii) **Reinstatement** – an accurate record of details of reinstatement, identifying specifications, dimensions, materials used and date completed.

5.8.2 The information required is to ensure that road works authorities have the ability to carry out their co-ordination and inspection functions and to ensure that the works are correctly recorded.

5.8.3 Failure to provide any part of this information correctly may prevent the co-ordination function from being carried out effectively and may result in the road works authority reasonably asking for clarification and/or further information before the works start.

5.8.4 Works of an Emergency or Urgent nature shall be submitted in good faith as being the best information available at the time of noticing. Any incorrect details should be amended as soon as possible.

## **5.9 Early and Late Start Consent and Works Extension Procedure**

5.9.1 A procedure for Early and Late Starts and Works Extensions can be found in Appendix E. By following this procedure, additional flexibility to the noticing process is added through the introduction of procedures for early/late start consents and works extensions. This added flexibility will facilitate the improved co-ordination of works undertaken by road works authorities and undertakers.

5.9.2 The requirements to provide advance notice of works a minimum of 3 months and 1 month prior clearly highlights the policy intent of having, within the SRWR, forward programmes of all significant proposed works to aid the co-ordination of such works. Therefore, where a minimum of 3 months' and 1 month advance notice is required, it is strongly recommended as best practice that such advance notices are entered on to the SRWR at the earliest possible date. However, it is accepted that where there are unforeseen changes in circumstances and unless specific co-ordination problems are identified, there is no useful purpose in delaying works just to comply with the 3 month or 1 month notice period.

5.9.3 The following are the key issues that should be considered in the use of early/late start requests:



- (i) Early/late start requests may be used to assist when revisions are required to works programmes due to unforeseen changes in circumstances.
- (ii) It should be noted however that the use of the early/late start request procedure should not be the general rule.
- (iii) The use of early/late start requests shall be monitored by the Scottish Road Works Commissioner to ensure that the additional flexibility to aid coordination is being used appropriately by works promoters.

5.9.4 The procedure in Appendix E is designed to allow works promoters to request that works be commenced without providing the full notice period or that the proposed start can be put back.

5.9.5 Works extensions are occasionally required due to unexpected delays whilst works are in progress. Where over-running works are proposed to extend past the notified expected completion date, a works extension notice should be submitted using the procedure set out in Appendix E.

## **5.10 Other Requirements**

5.10.1 It is also required that licences, consents and permits allowing skips, scaffolding, materials and any other temporary obstructions on the road under the Roads (Scotland) Act 1984 as well as permissions under section 109 of NRSWA are recorded in the SRWR. All these will be recorded as Permissions and Consents.

5.10.2 Where road closures, diversions or other obstructions in accordance with the Road Traffic Regulations Act 1984 occur, these should be recorded on the SRWR. It is anticipated that this will include events such as carnivals, marathons, etc.

5.10.3 Table 5.5 sets out the timescales to be used when recording the above items on the SRWR. These timescales are not to be confused with the notice period applicable to applications for these items in the Roads (Scotland) Act 1984.

5.10.4 Road works authorities must ensure that they have satisfied their co-ordination function before the issuing of any permission.

<b>Categories Of Works</b>	<b>Non Traffic Sensitive Situations</b>	<b>Traffic Sensitive Situations</b>
Section 56(1) consent for road works or excavation notice of affected statutory undertakers.	3 days notice	1 month notice
Section 56(8) notification of unlawful works removed or unlawful excavations filled in.	Within the next day	Within the next day
Section 58(1) permission for the occupation of part of a road for the deposit of materials or for the erection of staging or scaffolding projecting over part of a road.	3 days notice	1 month notice
Section 61(1) permission for the placing, leaving, retention, maintenance, repair or reinstatement of apparatus in or under a road or the breaking open of or having access to the road.	3 days notice	1 month notice
Section 85 permission for the deposit of a skip on a road for which a road works authority are responsible.	3 days notice	3 days notice
Section 86(1) become aware that a constable has, required or caused the removal or repositioning of such a skip.	Within 3 days of becoming aware	Within 3 days of becoming aware
Section 86(2) requiring the removal or repositioning of a skip deposited on a road	Within 3 days	Within 3 days
Section 87 requiring the removal of a structure from a road which a road works authority are responsible and (where considered requisite under that section) the reinstatement of the road; or Section 88 requiring the removal or alteration of a projection affecting such a road.	Within 3 days	Within 3 days
Section 90 consent for the fixing or placing of an overhead bridge, beam, rail or other apparatus along or across such a road.	3 days notice	3 days notice
Section 91 notice requiring work to be done or carried out in relation to such a road.	3 days notice	3 days notice
Section 92 consent to the planting of a tree or shrub near a carriageway or requiring its removal, where the carriageway is, or is part of, such a road.	3 days notice	3 days notice

**Table 5.5: Recommended Minimum Notice Periods of Roads (Scotland) Act 1984 Functions**

## Section 109 Permission Requirements

5.10.5 Prior to starting work, the permission holder must provide the roads authority with the exact date on which they intend to start work, This information will then be entered on to the SRWR by the road works authority.

<b>Categories Of Works</b>	<b>Non Traffic Sensitive Situations</b>	<b>Traffic Sensitive Situations</b>
Section 109 permission to execute road works*	7 days notice	As in Tables 5.2 & 5.3

\*10 days notice is required in certain situations described in section 109(6) of NRSWA.

**Table 5.6: Minimum Notice Periods for Section 109 NRSWA Permission**

5.10.6 If the permission is surrendered, cancelled or withdrawn the road works authority shall close the notice on the SRWR.

5.10.7 The road works authority should ensure that all permission holders and/or their agents where applicable, are made aware of the obligations imposed by NRSWA, in relation to:

- (i) safety, signing, lighting and guarding;
- (ii) qualifications of operatives and supervisors;
- (iii) delays and obstructions;
- (iv) other undertakers' apparatus that might be affected;
- (v) reinstatement requirements;
- (vi) supplying the road works authority with records of installed apparatus; and
- (vii) consideration for the needs of disabled people.

The road works authority should also notify the permission holder of the restrictions that apply in relation to roads subject to special controls, that the road works authority may direct times of working, restrictions that may apply under Section 117 of NRSWA, and that all inspection costs may be recovered as appropriate.

Reinstatement specifications and guarantee periods will be exactly the same as those that apply to any other undertaker of road works. All apparatus should be laid wherever possible in conformity with the latest guidance document which is available to download from the National Joint Utility Group (NJUG) website.

5.10.8 Site specific conditions should be included in the consent in order to satisfy the requirements as detailed in paragraph 5.10.7 above.

### **Record Keeping**

5.10.9 Road works authorities are obliged to maintain a record of all road works and apparatus installed under Section 109 road works permissions that they grant. In responding to plant enquiries by undertakers, they should include plans or details of such apparatus as appropriate and this information should be recorded in the SRWR.

## **5.11 Noticing Procedure - Trench Sharing**

5.11.1 Because trench sharing can minimise road disruption, both road works authorities and undertakers wish to encourage such working practices. However, it must be stressed that there can be no imposition of such methods of working.

5.11.2 The emphasis in such circumstances must therefore be on mutual co-operation between all interested parties in order to derive the obvious benefits for the travelling public and utility customers.

- 5.11.3 In the event of trench sharing, one undertaker (the primary undertaker) should take overall responsibility as the agreed point of contact with the road works authority. The other one (or more) secondary undertaker(s) will retain the same responsibility for submitting notices in accordance with NRSWA indicating the work carried out by them, or on their behalf.
- 5.11.4 The primary undertaker must, in the initial notice, detail the other undertakers involved and the scope of the trench sharing in the Works Description Text. All other undertakers should submit the correct notices, which must be clearly marked that “trench sharing is involved” within the Works Description Text. The secondary undertakers’ notice will also indicate that their works are without excavation and therefore will not contain inspection units. The primary undertaker must also ensure that estimates of the duration of works are agreed and/or confirmed with the secondary undertaker(s) when submitting notices.
- 5.11.5 By local agreement it should be possible to contractually arrange that the excavating primary undertaker serves notice and carries out work on behalf of itself and others. However, it must be emphasised that such arrangements cannot remove legal liability imposed by NRSWA on individual undertakers.

## **5.12 Failure of the Scottish Road Works Register**

Appendix F details the procedures to be followed if electronic transmission to the SRWR has failed and the road works community has been advised by the Commissioner to use this procedure.

## **5.13 Legal Provision for Notices**

The legal provisions for notices can be found in Appendix G.

# CHAPTER 6

## Restrictions Following Substantial Works for Road Purposes

### 6.1 Background

6.1.1 The general public's perception of poorly co-ordinated road works is typified by a road being dug up within months of being newly resurfaced by an undertaker or roads authority. A primary objective of the co-ordination of works is to minimise the chance of this occurring. The provisions contained within Section 117 of NRSWA are useful in preventing the occurrence of such works.

6.1.2 Under Section 117 of NRSWA, the execution of road works may be restricted for a period of 12 months after the completion of 'substantial works for road purposes'. The Scottish Road Works Commissioner and the RAUC(S) have recommended that, as best practice, this period is extended for certain works as shown in paragraph 6.6.4. This provision has a two-fold purpose:

- to prevent undertakers breaking up roads within a short period of having been resurfaced or reconstructed; and
- to avoid repetitive disruption of traffic by works being carried out in the road.

### 6.2 Substantial Works for Road Purposes – Definition

6.2.1 'Substantial works for road purposes' are roads authority works either affecting a carriageway only, or a footway, footpath, bridleway or cycle track only. They can consist of:

- resurfacing or specialist non-skid surface dressing;
- reconstruction;
- widening; or
- alteration in the level of the part of the road concerned.

Substantial works for road purposes must meet the following criteria:

- (i) if carried out in a carriageway, the resurfaced length is greater than 30 metres continuous length and at least one third of the width of the carriageway.
- (ii) if executed in a footpath, footway, or cycle track, the resurfaced length is greater than 30 metres continuous length and at least two-thirds of the width.

6.2.2 Specialist non-skid surface dressings fall within the meaning of

'substantial works for road purposes', but the road works authority may decide not to exercise powers under Section 117 in all cases. Where this treatment is carried out without notice being given under Section 117, the prescribed restriction will not apply. Where the provision of the specialist surface is the only works being undertaken, it is recommended that the road works authority does not exercise powers under Section 117 to place a restriction.

## **6.3 Restriction Notices**

6.3.1 The following provisions apply.

- (i) The notice must be raised by entering it in the SRWR.
- (ii) The notice must specify the works, their nature and location, the date on which it is proposed to start them (not less than 3 months ahead), and clearly identify the extent of the restriction. The extent of the restriction should be shown on the SRWR by means of a polygon plotted on the map. The restriction applies to the length of road where substantial works for road purposes are proposed, not the entire length of the road as defined in the SRWR.
- (iii) A copy of the notice must be given to:
  - transport authorities and bridge authorities if they have structures or land in, or crossing or crossed by the restriction,
  - all section 109 undertakers (which do not have access to the SRWR) who may have apparatus in the part of the road affected; and
  - services within the authority e.g. Planning, which may have proposals that could require the installation of apparatus.

6.3.2 Undertakers, and other owners of underground apparatus, who have any plans for road works in the road in question (immediate, mid, or long term) should adjust their programmes in order to undertake their works in advance of the substantial works for roads purposes.

## **6.4 Exemptions**

6.4.1 Where restrictions are in place, regulations allow the following works to be executed:

- (i) emergency or urgent works;
- (ii) works not involving breaking up the road;
- (iii) repairing, resetting and replacing manhole or chamber covers and frames, pole, lamp, column or sign replacement, pole testing, and works of a similar nature;
- (iv) resurfacing up to 20 square metres;

- (v) works required to respond to a request for a new service or supply to a customer, which was not received at a time when it was practicable for the works to be done before the period of restriction began. (Exemption claimed because of a new service or supply should be demonstrable if challenged); or
- (vi) other works to which the road works authority has given its consent.

6.4.2 Where restrictions are in place, it is recommended that the following works may be executed although they are not covered by regulations:

- (i) works to comply with either an improvement notice or prohibition notice issued by the Health and Safety Executive;
- (ii) disconnection of unused gas services within 12 months of meter removal as required by Gas Safety regulations; and
- (iii) works to comply with a programme of mains replacement approved under the Pipeline Safety Regulations that could not have been identified before the restriction began.

## **6.5 Severable Works**

6.5.1 Works which “cannot be reasonably severed” from emergency works are regarded as part of the emergency works. The same test applies to urgent works. Works which can be “reasonably severed” from such works must therefore be regarded as separate works and classified appropriately. They will then require their own notice and will not fall within the exemptions listed above.

6.5.2 Follow-on or subsequent works such as may be required to effect a permanent solution should be regarded as ‘severed’ from such works and not within the exemptions. The same logic will apply to the other exempt activities. Where the undertaker is claiming the works are exempt because they can not be reasonably severed from the exempt works, the onus of proof rests with the undertaker.

## **6.6 Policy Guidance**

6.6.1 This power of restricting road works for a period of time can have serious consequences and road works authorities are encouraged to use it only in appropriate circumstances.

6.6.2 Undertakers and others should:

- do their utmost to give details of their proposals for works in affected roads as early as possible within the 3 month notice period; and
- complete their works before the expected start date of the resurfacing works.

Nevertheless, if works within one of the exemptions (see paragraph

6.5), or any other works re-scheduled as a result of the proposed restriction, overrun, or have to be carried out after the expected start date, it would be sensible for these road works to be accommodated before completion, or, indeed, the commencement of the substantial works for road purposes concerned.

6.6.3 In considering applications for consent from undertakers, road works authorities should take account of the needs of undertaker customers. But equally, undertakers should recognise the needs of road users and the need to ensure best value for money in road expenditure. The key test is whether the undertaker could reasonably have foreseen the eventuality during the notice period and/or could reasonably be required to postpone the work until the end of the restriction period.

6.6.4 Table of Duration of Restriction following Substantial Works for Road purposes

Type of Works*	Carriageways	Footways
Reconstruction and/ or Resurfacing	3 years	1 year
Other Substantial Works for Road Purposes	1 year	1 year

**Table 6.1: Duration of Restriction following Substantial Works for Road Purposes**

\*Definitions:

**Reconstruction** is the removal and replacement of some or all of the various layers that make up a road pavement. It is used to strengthen the road pavement.

**Carriageway resurfacing** is a new surface material laid by machine, which requires compaction and has the ability to re-profile the surface. It is considered that neither surface dressing nor slurry sealing has the ability to re-profile the surface and so cannot be subject to restriction.

**Footway resurfacing** can be laid by hand or machine.

## 6.7 Early Starts

6.7.1 Paragraph E13 of Appendix E sets out how early start requests for substantial works should be dealt with.

Undertakers and relevant authorities shall have 10 days from the date on which an early start request is entered on to the SRWR, in which to raise an objection (using the drop down menu in the comments table). Where an objection is raised, then work should not commence until such time as the objection has been removed and recorded in the SRWR.

6.7.2 Where an objection is received, the road works authority may:

- (i) withdraw the requirement for a Section 117 restriction and thus obtain agreement to the early start; or



- (ii) co-ordinate a later start date for its works with the undertaker to allow the undertaker to carry out its works. Once agreement is reached on the undertaker's works proceeding and the dates for the substantial works for road purposes being executed, the Section 117 notice can be agreed to be valid and the objection that the undertaker has made in response to the early start request withdrawn.

6.7.3 When no objection is received within the 10 day period the Section 117 notice shall be deemed to be valid.

## **6.8 Road Works Authority Consent to Works on Roads with Restrictions**

6.8.1 As mentioned in paragraph 6.4 above, the road works authority may give consent for works to be executed in the restriction period that are not defined as being exempt. Disputes regarding withholding consent should be settled as described in the Code of Practice for Dispute Resolution and Appeals.

6.8.2 The process for dealing with such consents is still under review and it is hoped that it will be included in a later revision to this Code.

# CHAPTER 7

## Directions

### 7.1 Directions under Section 115 of NRSWA

#### Background

7.1.1 Under Sections 115 and 115(1A) of NRSWA a road works authority can serve a direction on an undertaker, setting out times or days during which proposed or ongoing road works may or may not be carried out. This power is subject to two important constraints:

- (i) it can be used only where the proposed works are likely to cause serious traffic disruption that would be avoided or reduced if the works were to be carried out at specific times; and
- (ii) a road works authority using this power must have regard to the advice set out in this Code of Practice.

7.1.2 In considering whether or not road works could cause serious disruption, and whether or not the timing of the works could have an impact, the road works authority must have regard to:

- (i) the nature, size and duration of the proposed road works;
- (ii) the normal level and speed of traffic on the road concerned;
- (iii) the nature of the traffic likely to be disrupted (whether, for example, the road is an important public transport corridor); and
- (iv) the existence of works on a likely alternative route(s).

#### Instances Where Directions may be Given

7.1.3 Directions may be given in the following circumstances:

- (i) in a road which has been designated as traffic sensitive in order to restrict road works during traffic sensitive periods, and where an undertaker has not agreed to voluntarily curtail his works during the traffic sensitive period; or
- (ii) in a road which is not designated traffic sensitive under normal circumstances but is required to carry traffic diverted from another road affected by either works in the road or a road closure; or
- (iii) where there is no traffic sensitive designation but, by reason of a short-term local event or occurrence (e.g. a Royal visit, road race, major sports event) it is necessary to curtail road works to avoid traffic disruption; or
- (iv) where serious traffic disruption can be avoided or minimised by virtue of one work site serving two or more undertakers; or

(v) where no traffic sensitive designation exists, but the scale of works is such that more than one traffic lane is affected and accordingly the works are likely to cause serious traffic disruption which may be avoided or reduced if the works could be carried out only at specific times.

7.1.4 Directions cannot be given in the case of emergency works and urgent works in non traffic sensitive situations, where the undertaker may proceed without advance notice.

7.1.5 A direction that requires road works to be executed out-with normal working hours should not be issued if the effect would be to involve the undertaker in committing a breach of any noise abatement or other relevant regulations. Road works authorities should therefore co-ordinate requirements with the appropriate environmental authority before issuing a direction.

### General Considerations

7.1.6 It is important that Section 115 and 115A directions are not used as an unsubstantiated veto on planned works.

7.1.7 It is also important that, if a direction is given, the undertaker must be given sufficient time to enable them to adjust their working arrangements accordingly. Table 7.1 sets out the maximum periods within which a direction should be issued.

<b>Undertaker's Notice Type</b>	<b>Maximum Time Periods for Road Works Authorities to Issue a Direction on Receipt of Undertaker's Notice</b>
2 hours	Within 1 hour of receipt
24 hours	By 16:30 hours on the day before the day on which the work is proposed to start
3 days	Within 1 day of receipt
7 days	Within 3 days of receipt
1 month	Within 10 days of receipt
3 month	Within 10 days of receipt

**Table 7.1: Maximum Time Periods for Directions Under Section 115/115(1A)**

7.1.8 A direction under Sections 115 or 115A must be given using the SRWR.

### Policy Guidance

7.1.9 Even in circumstances where the use of a Section 115 direction may be appropriate, a road works authority should always first endeavour to reach agreement with the undertakers concerned as to the timing of their works. The power of direction should be used only where:

- (i) a voluntary agreement has not been reached; or
- (ii) the scale of works or the potential for disruption is such that the road works authority has reasonable grounds for seeking statutory backing for arrangements agreed in discussions with the undertakers; or
- (iii) there is insufficient time for agreement to be reached.

## **7.2 Section 115A: Power to give Direction as to the Placing of Apparatus**

### **Background**

7.2.1 Under Section 115A of NRSWA, a road works authority can serve a direction on an undertaker that would prevent the placing of apparatus in a road that has been identified by the placing of a notice on the SRWR, but will not identify an alternative route. This power is subject to three important constraints:

- (i) it may be used only where the proposed road is likely to cause serious traffic disruption that would be avoided if the apparatus were placed in another road;
- (ii) placing the apparatus in the alternative road would be a reasonable way of achieving the purpose for which the apparatus is to be placed; and
- (iii) it is reasonable to require the undertaker not to place the apparatus in the proposed road.

7.2.2 In considering whether or not road works could cause serious disruption, and whether or not the placing of the apparatus could have an impact, the road works authority must have regard to:

- (i) the nature, size and duration of the proposed road works;
- (ii) the normal level and speed of traffic on the road concerned; and
- (iii) the nature of the traffic likely to be disrupted (whether, for example, the road is an important public transport corridor).

### **Instances where Directions may be Given**

7.2.3 Directions may be given in the following circumstances:

- (i) in a road which has been designated as traffic sensitive in order to curtail road works during traffic sensitive periods, where the undertaker has not agreed to do so voluntarily; or
- (ii) in a road not designated as traffic sensitive under normal circumstances but is required to carry traffic diverted from another road affected by either roads works or a road closure; or

- (iii) where serious traffic disruption can be avoided or minimised by virtue of one work site serving two or more undertakers; or
- (iv) where no traffic sensitive designation exists but the scale of works is such that more than one traffic lane is affected and accordingly the works are likely to cause serious traffic disruption which may be avoided or reduced if the works could be carried out at an alternative location.

7.2.4 Directions cannot be given in the case of emergency works and urgent works in non traffic sensitive situations, where the undertaker may proceed without advance notice.

7.2.5 A direction that requires road works to be executed outwith normal working hours should not be issued if the effect would be to involve the undertaker in committing a breach of any noise abatement or other relevant regulations. Road works authorities should therefore co-ordinate requirements with the appropriate environmental authority before issuing a direction.

7.2.6 A direction under section 115A must be given using the SRWR.

### **Policy Guidance**

7.2.7 Even in circumstances where the use of a Section 115A direction may be appropriate, a road works authority should always first endeavour to reach agreement with the undertaker concerned as to the placing of its apparatus. The power of direction should be used only where:

- (i) a voluntary agreement has not been reached; or
- (ii) the scale of works or the potential for disruption is such that the road works authority has reasonable grounds for seeking statutory backing for arrangements agreed in discussions with the undertakers; or
- (iii) there is insufficient time for agreement to be reached.

7.2.8 It is also important that, if a direction is given, appropriate notice is given to the undertaker to enable him to adjust his working arrangements accordingly. The arrangements in paragraph 7.1.7 shall be used.

## CHAPTER 8

### The Completion of Works within Reasonable Periods

8.1 One of the issues which gives the greatest cause for complaint from the public is when an excavation is made in a road and work then ceases for a significant period of time.

8.2 Section 125 of NRSWA states:

***“125. Avoidance of unnecessary delay or obstruction.***

*(1) An undertaker executing road works which involve:*  
*(a) breaking up or opening the road, or any sewer, drain or tunnel under it; or*  
*(b) tunnelling or boring under the road,*  
*shall carry on and complete the works with all such dispatch as is reasonably practicable.*

*(2) An undertaker who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.*

*(3) Where an undertaker executing any road works creates an obstruction in a road to a greater extent or for a longer period than is reasonably necessary, the road works authority may by notice require him to take such reasonable steps as are specified in the notice to mitigate or discontinue the obstruction.*

*(4) If the undertaker fails to comply with such a notice within 24 hours of receiving it, or such longer period as the authority may specify, the authority may take the necessary steps and recover from him the costs reasonably incurred by them in doing so.”*

8.3 The key aims of this chapter are to ensure that:

- road works authorities are aware that there is a facility within the SRWR to issue Section 125(3) notices in appropriate circumstances; and
- works promoters executing works in roads are aware of the need to complete their works within reasonable periods.

8.4 Given that an undertaker which fails to complete road works with such dispatch as is reasonably practicable commits an offence, undertakers are expected to ensure that before commencing road works, they have the necessary resources in place to allow them to carry on and complete the works with all such dispatch as is reasonably practicable.

8.5 Where an undertaker has commenced road works and then discovers that it cannot carry on and complete the works with all such dispatch as is reasonably practicable, it should either:

- backfill and reinstate the excavation; or
- plate the excavation if that is a safe option in the circumstances, and return when it is in a position to carry on and complete the works.

This is particularly important on traffic sensitive roads where the impacts on road users could be significant.

- 8.6 It should be noted that the advice at paragraphs 8.4 and 8.5 above is equally applicable to road works authorities.
- 8.7 It is recognised that there will be occasions when unforeseen difficulties mean that works cannot progress as quickly as originally planned. On such occasions, an undertaker complying with its general duty to co-operate should alert the road works authority at the earliest possible opportunity to allow discussion to take place as to how the works can be completed as quickly as possible with a view to minimising unnecessary delay or disruption. Notices under section 125(3) of NRSWA should therefore only be issued in circumstances where such co-operation is not forthcoming and excessive obstructions or delays occur without adequate explanation by the undertaker.

# CHAPTER 9

## Procedure for Embargoes on Road Works

### 9.1 Introduction

9.1.1 Some roads authorities consider that at particular times of the year, it is beneficial that specific roads are kept clear of road works. Historically some roads authorities have placed embargoes on roads covering the Christmas and New Year period, during Easter and summer holidays or for specific events such as the Edinburgh Festival.

9.1.2 Whilst roads authorities are free to decide when and where to place embargoes on their own 'works for road purposes', they are limited in their powers to prevent undertakers from carrying out 'road works'.

### 9.2 The Statutory Position

9.2.1 Section 118 of NRSWA requires roads authorities "*... to co-ordinate the execution of works of all kinds .... in the roads for which they are responsible in the interests of safety and to minimise the inconvenience to persons using the road ....*"

Section 115 of NRSWA also provides roads authorities with "*the power to give directions as to the timing of works*" but only where such "*...proposed road works are likely to cause serious disruption to traffic and that the disruption would be avoided or reduced if the works were carried out only at certain times or on certain days*".

9.2.2 Given the nature of the powers set out in NRSWA, there are two possible forms of embargo on road works, statutory embargoes and voluntary embargoes.

### 9.3 Statutory Embargoes

The main aspects of statutory embargoes are as follows:

- (i) A road works authority would use the power to give directions as to the timing of works under section 115 of NRSWA.
- (ii) In such cases a road works authority would be stating that any works on a specified road during the specified period would be likely to cause disruption to traffic which would not be caused were the works to be carried out at another time or date.
- (iii) Any such embargo should clearly state the start and end dates. The period specified should be no longer than is absolutely necessary.



- (iv) There would need to be clear evidence that the roads on which the embargo would be placed would be subject to additional traffic pressures during the period of the embargo. For example, during the festive period this could include specific roads around shopping areas. During the summer there may be higher traffic flows on roads in the vicinity of airports or railway stations. This additional traffic could be pedestrian traffic.
- (v) In such cases the road works authority would be expected to be able to produce historical traffic data as evidence to support its case.
- (vi) The list of embargoed roads with associated start and end dates should be entered on to the SRWR at the earliest possible date. It is suggested that this be provided a minimum of 3 months before the date of commencement of the embargo to bring it into line with the statutory periods for advance notice that are prescribed to enable co-ordination to take place.
- (vii) The list of embargoed roads should also be taken to the local co-ordination meeting for discussion.
- (viii) The earlier proposals are brought forward, the greater the opportunity for undertakers to plan their works accordingly.

## **9.4 Voluntary Embargoes**

The main aspects of voluntary embargoes are:

- (i) Historically road works authorities have developed lists of embargoed roads because of commercial pressures from businesses served by such roads.
- (ii) Although there is no statutory backing for such embargoes, road works authorities may seek voluntary embargoes from undertakers.
- (iii) Road works authorities need to ensure that their proposals are balanced and proportionate. As well as taking into account the commercial interests of local businesses, they need to bear in mind the statutory rights which they are asking undertakers to forego and the commercial interests of those undertakers.
- (iv) The roads proposed for a voluntary embargo should be prepared and entered on to the SRWR at the earliest possible date. It is suggested that this be provided a minimum of 3 months before the proposed date of commencement of the embargo to bring it into line with statutory periods for advance notice to enable co-ordination to take place.
- (v) The embargo proposal should also be taken to the local co-ordination meeting for discussion and agreement.
- (vi) In developing their proposals, road works authorities should limit the period covered by the proposed embargo to the minimum time

required and should limit the number of listed roads to those where there is genuine potential for economic impact.

- (vii) Where proposed embargoes cover reasonable periods and geographic areas, it is expected that undertakers would treat such requests sympathetically.
- (viii) Again, the early production of such lists would allow undertakers to plan their works around any embargoed period.

## **9.5 Use of The Scottish Road Works Register**

The SRWR contains a Permissions/Consents module which allows multi road events to be entered showing the roads covered by and the periods of such embargoes.

An undertaker entering a notice will be alerted of any potential co-ordination conflict.

## **9.6 Emergency and Urgent Works**

Emergency and urgent works shall be exempt from any embargo.

# CHAPTER 10

## Composite Works by More than One Organisation

### 10.1 Background

10.1.1 A holder of a Section 109 permission under NRSWA is defined as an undertaker for the purposes of the legislation and therefore is under a duty to co-operate with other undertakers and the road works authority that granted permission.

10.1.2 Road works carried out by undertakers exercising powers under Section 109 of NRSWA are required to be completed with due dispatch, even when a second undertaker or other organisation is involved in the works. This will often be the situation where new apparatus is laid by the Section 109 undertaker, but requires to be connected to the existing apparatus network by a second undertaker with a statutory right or other organisation. In such situations there is a need for both the Section 109 undertaker and the second undertaker or organisation to carefully co-ordinate their works to minimise the inconvenience caused to road users through limiting the duration of the road opening.

### 10.2 Process

10.2.1 Road works authorities issuing permission under section 109 of NRSWA should make the applicant aware of the duty to co-operate as part of the process of granting permission.

10.2.2 The timing of the works will be agreed between the section 109 undertaker and the second undertaker or organisation in advance of the works having begun to enable proper programming and for inspection and connection work to follow without delay. In the event of there being a delay between the work of the section 109 undertaker being completed and the second undertaker or organisation commencing, this period should be no longer than 2 working days.

10.2.3 Where the delay period before the second undertaker or organisation commences work is anticipated to be more than 2 working days and the road is designated as traffic sensitive, the works should either:

- be plated if that is appropriate; or
- reinstated and re-excavated when the second undertaker is in a position to carry out the works.

10.2.4 Where road works are considered by the road works authority not to have been completed within a reasonable period the authority may issue a notice, under Section 125 of NRSWA, requiring the undertaker to take such reasonable steps as are specified in the notice to mitigate

or discontinue the obstruction. Further details are available in Chapter 8.

# CHAPTER 11

## Related Matters

### 11.1 Location of Works and Apparatus - Exchange of Information

11.1.1 It is important that adequate information is provided to all concerned about the location and nature of all relevant apparatus. The detailed requirements are set out in Sections 138 & 139 of NRSWA and are supported by advice in NJUG publications.

11.1.2 Until there is the facility for all interested parties to exchange information electronically, existing arrangements should continue to ensure that information about apparatus is made available to works promoters. Road works authorities in responding to a plant enquiry regarding their apparatus must also include details of any apparatus they have granted a third party permission to install under Section 109 of NRSWA. This is important in order to avoid damage to underground apparatus and to comply with current Health and Safety Executive requirements, in particular HSG47 Avoiding Danger from Underground Services.

The current arrangements for requesting and providing apparatus information are described in more detail in RAUC(S) Advice Note 1.

### 11.2 Prospectively Maintainable Roads

11.2.1 Section 146 of NRSWA provides that where road works authorities are satisfied that a road in their area is likely to become a public road, they may make a declaration to that effect. Such a road must also be included in the local street gazetteer, which amongst other things (see paragraph 3.2) will be expected to identify the following:

- (i) public roads;
- (ii) prospective public roads; and
- (iii) private roads that have public rights of way or passage of which the roads authority has knowledge, together with details of the road manager where that is known.

11.2.2 This Code applies to prospective public roads just as it does to public roads.

11.2.3 In the case of private roads, notices should be served on the road manager in the form of letters or emails as well as being entered in the SRWR if the road exists in the gazetteer.

11.2.4 Private roads and prospective public roads are to be identified in the Associated Street Data sets of the SRWR.

## **11.3 Road Closures and Traffic Restrictions**

### **Background**

11.3.1 Sections 14 – 16 of the Road Traffic Regulation Act 1984 as amended by the Road Traffic (Temporary Restrictions) Act 1991 and Regulations which have been made under that Act prescribe the procedures governing temporary road closures and traffic restrictions for the execution of works. There are three separate procedures:

- (i) temporary emergency notice;
- (ii) temporary short duration notice; and
- (iii) temporary long duration order.

### **Temporary Emergency Notice**

11.3.2 Where the road works authority is satisfied that there is a likelihood of danger to the public or serious damage to the road (e.g. a leaking gas main), they may issue a "temporary emergency notice" imposing a closure or restriction. No prior notice need be given but the undertaker must inform the road works authority as soon as practicable if a closure or restriction is considered necessary.

The promoter of works must also consult the police and any other relevant parties. Full supporting information must also be supplied. The road works authority will then confirm whether a notice will be made. This notice is limited to 21 consecutive days' duration; however, it may be extended by one further notice (giving a further 21 consecutive days) but may be followed only by processing a long duration order.

The road works authority is required to state in the notice:

- the reason for the closure or restriction;
- its effect;
- alternative routes where applicable; and
- the start date and maximum duration.

The road works authority is then required to inform the police, fire and ambulance service and any adjacent road works authority that may be affected.

### **Temporary Short Duration Notice**

11.3.3 The works promoter must give a notice in advance as required by road works authorities to make a "notice" for works that may not last longer than 5 working days. This "notice" cannot be extended.

The road works authority is required to state in the "notice":

- the reason for the closure or restriction;
- its effect;
- alternative routes where applicable; and
- the start date and maximum duration.

The road works authority is then required to inform the police, fire and ambulance services and any adjacent road works authority that may be affected.

### **Temporary Long Duration Order**

11.3.4 The works under such an Order may last for up to 18 months. Due to the time required to process the order, 6 weeks notice is normally required. Full supporting information must also be supplied. Such an order is commonly known as a Temporary Traffic Regulation Order (TTRO).

The Order must be advertised and published in a local newspaper at least 7 days in advance of the start date. The road works authority is required to state:

- the reason for the Order;
- its effect;
- alternative routes where applicable; and
- the start date and duration.

The road works authority is then required to inform the police, fire and ambulance service and any other adjacent road work authority that may be affected. Such notices can now also be entered on to [www.tellmesotland.gov.uk](http://www.tellmesotland.gov.uk) by the road works authority.

For works over 18 months, the advertising and publication must be done at least 21 days in advance of the start date and the aforementioned parties must be consulted along with the Scottish Government. For works on footpaths and cycle tracks the duration of the Order is restricted to 6 months.

### **Overrun of Temporary Emergency Notices and Temporary Long Duration Order**

11.3.5 When it becomes apparent that the advertised duration or extent of works will need to be extended, the works promoter must immediately inform the road works authority that an extension is required.

#### **Early Re-opening of Roads**

11.3.6 It should be borne in mind that the road works authority must be informed of early re-opening of the road following a temporary notice or Order.

#### **Traffic Signs**

11.3.7 Closures or restrictions provided by the above are only in force when the appropriate signs are maintained in place.

#### **Designated Parking places**

11.3.8 In extraordinary circumstances the Road Traffic Act 1991 allows for the temporary suspension of designated on street parking places where this may assist the works.

#### **Procedure**

11.3.9 When a notice or order has been made, the works promoter will be responsible for complying with the relevant requirements of the traffic authority and police for the closure of the road.

11.3.10 Undertakers are required by section 125 of NRSWA to carry on and complete their works "with all such despatch as is reasonably practicable" and road works authorities may require unreasonably lengthy obstructions to be mitigated or discontinued. There is therefore a presumption that closures or prohibitions will remain in force only for as long as necessary for the purposes for which they are imposed. Road works authorities are, for their part, under a statutory obligation to maintain a public right of passage and they also are expected to carry out their works with due despatch.

#### **Charges**

11.3.11 Section 135 of NRSWA allows for roads authorities to recover their reasonable costs in issuing temporary notices or making a TTRO. Upon application for a TTRO, road works authorities should provide the works promoter with the estimated cost of the order. Invoices should be itemised as follows:



- (i) Cost of Order;
- (ii) Cost of Advertising in Local Paper; and
- (iii) Cost of Administration.

### **Portable Light Signals**

11.3.12 General Direction 53 of the Traffic Signs Regulations and General Directions 2002 states that portable light signals may be placed for the control of vehicular traffic only if permission is given in writing by the roads authority, or orally in an urgent situation if followed by written confirmation. The written permission must give specific approval to the placing of signals at a particular site except:

- (i) where the signals are being operated and maintained by and under the regular supervision of a uniformed constable during the progress of a temporary scheme of traffic control; or
- (ii) on a length of road along which there is no junction carrying vehicular traffic to and from it; and the width of the carriageway is temporarily restricted so as to carry one line of traffic; or
- (iii) at a level crossing when work in relation to that crossing is being carried out; or
- (iv) on a road adjacent to the temporary site of road, building or engineering works used for the movement of vehicles, materials, plant or equipment within the site of the works (for example where the signals control access and egress to the works).

“Safety at Street Works and Road Works, A Code of Practice” also states that the roads authority must be notified about the use of portable light signals.

The procedure to be used by undertakers when applying to use portable light signals is detailed in RAUC(S) Advice Note 8 – Portable Light Signals. This requires at least 7 days notice to be given for all works other than emergency and urgent works.

## **11.4 Maintenance of Undertakers' Apparatus**

### **Background**

11.4.1 Undertakers are under an obligation under section 140 of NRSWA to maintain their apparatus in the road to the reasonable satisfaction of the road works authority, having regard to the safety and convenience of traffic and the structure of the road and the integrity of apparatus in it. Bridge, sewer and transport authorities also have an interest so far as any land, structure or apparatus of theirs is concerned.

11.4.2 Most undertakers, under their own legislation, have statutory obligations to maintain their networks - quite apart from which they must all maintain their systems in efficient working order so as to properly discharge safety and service obligations to customers. Where possible, the placing and recording of underground apparatus should be in accordance with the RAUC(S) Advice Note 12.

### **Practical Considerations**

11.4.4 Although NRSWA gives road works authorities certain powers to inspect and carry out emergency works, neither roads authorities or undertakers expect the need to arise. However, should emergency works be required, then (without impeding any immediate emergency action which the circumstances may require) the matter will be resolved in accordance with the Disputes and Arbitration Code of Practice.

11.4.5 Where surface apparatus is found to be defective or the cause of significant surface irregularity, or where an unexplained subsidence or other disturbance of the road surface occurs, the procedures described in the Code of Practice for Inspections should be followed. The road works authority may arrange a joint inspection by agreement with the undertaker. Defective apparatus should be recorded in the SRWR.

11.4.6 It is important that only the responsible undertaker, or a specialist contractor working on their behalf, investigates suspected damaged or defective Undertaker's apparatus. Road works authorities may carry out investigations or remedial works using appropriately trained and experienced persons in the case of an emergency, or where the undertaker is unable or unwilling to use its own operatives or such specialist contractor.

11.4.7 Where the road works authority has opened the road or exposed an undertaker's apparatus in an emergency or in the circumstances described in paragraph 11.4.6, the undertaker will assist the road works authority by either jointly inspecting the problem to determine necessary remedial works or confirming approval for the road works authority to proceed.

11.4.8 The road works authority should specify the time within which it is reasonable for the undertaker to assist before the road works authority commences any remedial works.

## **11.5 Major Works for Road Purposes – Sharing of Costs**

11.5.1 Regulations made under section 144(2) of NRSWA allow a roads authority to give notice to undertakers of major road, bridge or transport works where an undertaker's apparatus is affected by the works concerned. Details of the procedure can be found in the Code of Practice: Measures Necessary Where Apparatus is Affected by Major

Works (Diversionary Works) and HAUC(UK) Advice Note No 2010/1 Diversionary Works.

11.5.2 Once a roads authority has placed a notice on the SRWR of its intention to carry out major works, this means that when calculating an undertaker's allowable costs there shall be disallowed costs for diversionary works incurred in respect of apparatus placed in the road after the date of the notice.

11.5.3 Roads that have been subject to such a notice will be recorded in the SRWR.

## **11.6 Other Publications**

11.6.1 There are other publications which provide useful advice regarding the management of works in roads and which should also be taken into consideration when planning, co-ordinating and executing works. These include but are not limited to:

- Code of Practice for Inspections
- Safety at Street Works and Road Works A Code of Practice
- Measures Necessary where Apparatus is affected by Major Works (Diversionary Works)
- Reduction of Delays at Road Work – Code of Practice
- HAUC(UK) Advice Note 2010/1 Diversionary Works

11.6.2 All of these documents together with all current legislation, Codes of Practice, RAUC(S) Advice Notes, HAUC(UK) Advices Notes applicable in Scotland and Commissioner Advice Papers are available on the Commissioner's website at [www.roadworksscotland.gov.uk](http://www.roadworksscotland.gov.uk).

## **11.7 Working near Rail Tracks and Tramways**

11.7.1 Works promoters planning works near to, adjacent or across the lines of road-running tramways must contact the transport authority responsible for that tramway as early in their planning cycle as possible. The transport authority's requirements can be incorporated into the works promoter's contract documents.

11.7.2 In relation to works near rail tracks, please see Appendix C.

## **11.8 Vehicle Parking at Road Works**

The *Code of Practice on Safety at Street Works and Road Works* should always be consulted for advice on safety issues. For roads with a speed limit of more than 40 mph, Chapter 8 of the Traffic Signs Manual should be consulted.

### **Vehicle within Works Site**

11.8.1 A works vehicle may be parked in a works site provided that it is necessary for carrying out those works. Basic site layouts are shown in the *Code of Practice on Safety at Street Works and Road Works*. A vehicle entirely within the coned-off area of the site may require a larger coned-off area than would otherwise be the case.

### **Vehicle outside Works Site**

11.8.2 A vehicle may be parked outside a works site provided that it obeys the parking rules that apply to any other vehicle in that road. Outside the works site, the vehicle has no special status and no exemption from parking enforcement.

### **Implications**

11.8.3 When assessing the impact of works, the parking of works vehicles must be taken into account. This is a particular problem for works which, but for the presence of a works vehicle, would take place entirely within the footway. If a vehicle is parked adjacent to the works, in a place which vehicles could not normally use, then it must be part of the works site. It must be signed and guarded appropriately. The works are then not wholly confined to the footway but encroach on to the carriageway. Noticing must reflect this.

### **Parking Restrictions**

11.8.4 The Traffic Regulation Order imposing parking restrictions on a particular road should already contain an exemption allowing works to take place in a parking bay. Undertakers should check whether any further dispensation is required well before the works are due to start.

## **11.9 Storing Materials**

11.9.1 Works promoters and roads authorities should take care to place materials so that they do not cause an obstruction to road users. This is especially important if the materials are stored away from the works site but still within the road boundaries. Storage must be notified separately through the SRWR if it is not completely contained within the works site.

## **11.10 Apparatus Belonging to Others**

11.10.1 Under section 128, those carrying out works must ensure that the owners of apparatus belonging to others are able to monitor the works

and that requirements to take reasonable steps to protect the apparatus are followed. Failure to do so is an offence.

## **11.11 Environmental Issues**

11.11.1 Works promoters are strongly advised to liaise with the road works authority's arboriculture consultants and other environmental officials when drawing up proposals. This should ensure that wherever possible, and at reasonable cost, their requirements can be met.

11.11.2 An undertaker considering burying plant and apparatus that is currently above ground should contact any other undertaker with similar apparatus in that road to see whether it wishes to share the underground facility.

## **11.12 Fixed Penalty Notices**

11.12.1 A Fixed Penalty Notice (FPN) offers the opportunity of discharging any liability to conviction for certain offences under NRSWA by payment of a fixed penalty charge.

11.12.2 The Code of Practice for Penalties sets out the procedures to be used when road works authorities issue FPNs under NRSWA. Although the primary legislation and the subsequent regulations set out the general framework for the use of FPNs, it is the Code of Practice which sets in place the practical details which will allow the process to work.

# CHAPTER 12

## Training

### 12.1 Duty to Ensure Competence of Employees

12.1.1 An undertaker has a statutory duty conferred under the 1991 and 1984 Acts as amended by the 2005 Act to ensure that trained operatives and supervisors working on/in the road have a registered certificate of competency for the works they are undertaking.

12.1.2 It is incumbent under NRSWA as amended by the 2005 Act, on road works authorities, the roads authorities and undertakers to use best endeavours to ensure that employees are competent to carry out certain functions.

### 12.2 The Qualification Notice (not yet operative and remains in draft format)

#### Introduction

12.2.1 When the road works authority is unable to view the Street Works Qualification card of a supervisor or trained operative whilst on site i.e. for ongoing works, a road works authority may issue a 'qualification notice' to the relevant undertaker.

#### Procedure

12.2.2 The notice provides a mechanism for the road works authority to request the name and the relevant qualification of the trained operative on site and the supervisor whether on site or not, to enable a check to be carried out to ensure that operative and/or supervisor are qualified to carry out the works being undertaken.

The road works authority will issue the notice to the undertaker through the SRWR. The undertaker will respond, through the SRWR, in two stages:

(i) The name and the Street Works Qualification number of the qualified operative(s) on site and/or supervisor having the prescribed qualification will be provided to the road works authority within a period of 4 hours in any working day, from issue of that notice or by 10am the following day if the time of issue is later than 12 noon; and

(ii) Proof of qualification i.e. a copy of both sides of the Street Works Qualification Register card [photographic], will be provided to the road works authority within a period of 24 hours, in any working day, from issue of the original request.

12.2.3 The Scottish Road Works Register Qualification Notice will enable the attachment of files to the original notice to provide the required evidence of qualification timeously.

### **Policy**

12.2.4 It is recommended that all undertakers use their best endeavours to ensure that staff carry a Street Works Qualification cards at all times when on site. This will ensure the requisite evidence of qualification is available in the first instance when challenged by a road works authority.

# APPENDIX A

## Glossary

(Note: References in this Glossary to numbered sections are to Sections of the New Roads and Street Works Act 1991, unless otherwise indicated)

Term	Explanation
Apparatus	Includes any structure for the lodging therein of apparatus or for gaining access to apparatus (section 164).
Associated Street Data (ASD)	Additional data held in the National Street Gazetteer (NSG) relating to maintaining authority, special designations and reinstatement categories.
Base Gazetteer	The NSG data at it's most basic level. Made up of a list of streets and co-ordinates plotting the route of the street.
Bridge	Includes so much of any road as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the road (Section 147).
Bridge Authority	The authority, body or person in whom a bridge is vested (Section 147).
Carriageway	Public right of passage by vehicle, other than a right by pedal cycle.
Commissioner	The Scottish Road Works Commissioner.
Costs (for resurfacing)	Costs, direct costs and overhead costs should be based on The Road Works (Recovery of Costs) (Scotland) Regulations 2003.
Culvert	A structure in the form of a large pipe or pipes, box or enclosed channel generally used for conveying water under a road.
Cycle Track	Public right of passage by pedal cycle only, or by pedal cycle and foot only.
Day	Working day ( <u>regulation 2(1) of SI 2008 No88</u> ), which is a day other than a Saturday, Sunday or the public holidays for Christmas Day, Boxing Day, New Year's Day and the day following New Year's Day. (This differs from Section 157(2) of NRSWA but has been agreed by the Scottish road works community and the Commissioner as better reflecting working practice in Scotland). A notice given after 16:30 on a working day is to be treated as given on the next working day. In reckoning any period which is expressed to be a period from or before a given date, that date must be excluded (based upon Section



	157(i) of NRSWA).
Emergency Works	As defined in Table 6.1 of this Code of Practice.
End of Working Day for notice purposes	16:30 ( <u>Section 157(2) of NRSWA</u> ).
Footpath	Public right of passage by foot only where it is not associated with a carriageway.
Footway	Public right of passage by foot only where it is associated with a carriageway.
Interface	Where the carriageway surface meets: <ul style="list-style-type: none"> <li>• the kerb or the edge of the carriageway for unkerbed roads.</li> <li>• the carriageway of an adjoining street at a junction.</li> <li>• another section of machine laid surface and a joint exists where the two machine laid surfaces meet.</li> </ul>
Interim Reinstatement	The orderly placement and proper compaction of reinstatement layers to finished surface level, including any temporary materials.
Maintainable Road	A road which a roads authority has a duty to maintain.
Major Works	As defined in Table 5.1 of this Code of Practice.
Minor Works	As defined in Table 5.1 of this Code of Practice.
Month	A calendar month ( <u>regulation 2(1) of SI 2008 No88</u> ).
National Street Gazetteer (NSG)	The list maintained by each respective roads authority of the roads within its area.
Notice	A set of specified information which should be entered in the SRWR by a specified point in time.
Permanent Reinstatement	The orderly placement and proper compaction of reinstatement layers up to and including the finished surface level.
RAUC(S)	Road Authorities and Utilities Committee (Scotland).
Relevant Authority	In relation to any road works', is the roads authority and also where the works include breaking up or opening in the road of a sewer vested in the local authority, that local authority; Where the road is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, that authority; and Where in any other case the road not being a public road is carried or crossed by a bridge, the bridge authority (Section 108).

Resurfacing	A new surface material laid by machine which requires compaction and has the ability to reprofile the surface. It is considered that neither surface dressing nor slurry sealing has the ability to reprofile the surface.
Road	Any way (other than a waterway) over which there is a public right of passage (by whatever means) and includes the road's verge, and any bridge (whether permanent or temporary) over which, or tunnel through which, the road passes; and any reference to a road includes a part thereof.
Roads Authority	In relation to a road or proposed road, the regional or islands council within whose area the road is (such council being in this Act referred to as a "local roads authority"); and In relation to a trunk road (whether existing or in course of construction) or, without prejudice to a special road provided (or to be provided) or to any other road constructed (or to be constructed) by the Scottish Ministers.
Road Manager	In relation to a road which is not a public road, the authority, body or person liable to the public to maintain or repair the road, or if there is none, any authority, body or person having the management or control of the road (Section 108).
Road Works Authority	If the road is a public road, it is the roads authority and if it is not a public road, the road manager.
Road Works	Works for any purposes other than roads purposes, being works of any of the following kinds executed in a road pursuance of a statutory right or with permission granted under Section 109 (NRSWA): <ul style="list-style-type: none"> <li>• placing apparatus or</li> <li>• inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it or works required for or incidental to any such works (including in particular, breaking up or opening the road, or any sewer, drain or tunnel under it, or tunnelling or boring under the road).</li> </ul>
Road Works Permission	Permission granted by a roads authority to a person to carry out road works.
Scottish Road Works Register (SRWR)	The register of all road works and related events in Scotland.
Site	In relation to notices, this means individual elements of works which can be completed at different times and which

	<p>require the submission of individual reinstatement details notices.</p> <p>This could be long trenches with sectional completion or a series of individual excavations within a single road works.</p>
SROR	Specification for Reinstatement of Roads.
Standard Work	As defined in Table 6.1 of this Code of Practice.
Start of Working Day	08:00 hours.
Traffic Authority	The roads authority for the road concerned (based upon paragraph 70 of Schedule 8 to NRSWA).
Traffic Sensitive Situation	A traffic sensitive road or that part of it which is designated traffic sensitive and in the case of a limited designation the dates or times to which the designation applies (based upon Section 123 of NRSWA).
Undertaker	The person in whom the relevant statutory right is exercisable or a person having permission under Section 109 of NRSWA (see Section 107(4) of NRSWA).
Unique Street Reference Number (USRN)	A unique reference number given to each street in the NSG.
Urgent Works	As defined in Table 5.1 of this Code of Practice
Utility or Utility Company	An undertaker by whom a statutory right to execute road works is exercised.
Works Clear	The status of “works clear” provides a point where the promoter can declare that all information about the works has been supplied and the works are now complete. This indicates that all interim reinstatement where necessary has been done and all sites have been cleared.
Works Closed	The status of “works closed” provides a point where the promoter can declare that all information about the works has been supplied and the works are now complete. This indicates that all permanent reinstatement where necessary has been done and all sites have been cleared. The works can only be reopened if remedial works are required.
Works For Road Purposes	<p>(a) works for the maintenance of a road:</p> <p>(b) works for any purpose falling within the definition of "improvement" in Section 151 of the Roads (Scotland) Act 1984,</p> <p>(c) the erection, maintenance, alteration or removal of traffic signs, or</p> <p>(d) the construction of a crossing for vehicles across a footway or the strengthening or adaptation of a footway for</p>

	use as a crossing for vehicles.
Works Promoter	The organisation promoting the work in the roads, i.e. a road works authority or undertaker.
Year	A calendar year.

## **APPENDIX B**

### **Terms of Reference for Area RAUCs and Local Co-ordination Meetings**

#### **B1 Model Terms of Reference for Area RAUCs**

##### **B1.1 Terms of Reference**

- (1) To report to RAUC(S);
- (2) To act as the area focus for RAUC(S);
- (3) To provide a forum for discussion on issues relevant on an area basis;
- (4) To review straightforward local disputes brought to it and reach decisions. Where decisions are not accepted by the parties the dispute shall be referred to the RAUC(S);
- (5) To monitor the performance regionally of both the undertakers and the road works authorities under NRSWA;
- (6) To refer local initiatives to RAUC(S) for recommended adoption nationally;
- (7) To promote mutually beneficial good working practices in the light of RAUC(S) policy and current legislation; and
- (8) To deal with specific remits from RAUC(S) within required timescales and to report back to RAUC(S) on these.

##### **B1.2 Constitution**

- (1) Representatives will be appointed by the undertaker and road works authorities. An employee of the road works authority or undertaker should attend meetings rather than the contractor/agent. Representatives from other organisations such as contractors may be invited to meetings with observer status at the discretion of the Area RAUC. The Scottish Road Works Commissioner has a standing invitation to be represented;
- (2) The Chairmanship and secretariat shall rotate between the undertaker and/or road works authorities or by arrangement locally. A line of succession is established with the next Chair being designated as Vice Chair;

- (3) All organisations will be able to submit matters for inclusion on the agenda for meetings;
- (4) Meetings will be held normally on a quarterly basis, or at the request of the Joint Chairmen (or Secretaries if local arrangements allow);
- (5) Members may send substitutes to meetings and additional members may be co-opted when necessary;
- (6) The Area RAUCs may set up working parties and sub-groups to work on particular subjects; and
- (7) The Area RAUCs will elect their 3 local road works authority representatives to attend RAUC(S).

### **B1.3 Frequency of Meetings**

Quarterly

## **B2 Model Terms of Reference for Local Liaison/Co-ordination Meetings**

### **B2.1 Terms of Reference**

To co-ordinate works on roads to minimise inconvenience to road users, involving:

- (a) consideration of both road works authorities' and undertakers' specific major projects;
- (b) medium term and annual programmes (both capital and maintenance) for works for road purposes and road works;
- (c) local policies affecting road works, including traffic management proposals;
- (d) reviewing performance at local level, including damage prevention; and
- (e) road works permissions.

Wider issues will be referred up to the Area RAUC.

### **B2. Membership**

Representatives may come from any undertaker or road works authority. As the occasion requires, the representatives from adjacent road works authorities, the local planning authority, the Police, Emergency Services, disabled groups or others may attend.

### **B3. Frequency of Meetings**

Quarterly

# APPENDIX C

## Works at or near Level Crossings

### C1. Purpose

Safety precautions for road works carried out in the vicinity of Network Rail level crossings are described in legislation specific to road works and health and safety. These guidelines have been developed in the light of experience gained following incidents where collisions occurred from traffic tailing back across level crossings, even though the work sites were a considerable distance away. The available advice has been brought together in this Appendix to provide comprehensive guidance for all those carrying out road works at, or near to, level crossings.

### C2. Scope

#### C2.1 General

This Appendix specifies requirements for the execution of all works in the road at or near Network Rail level crossings. These should be identified in the Scottish Road Works Register.

This Appendix applies equally to undertakers, road works authorities and others who execute works at or near level crossings. Access to, or work within, any Network Rail property is subject to separate safety requirements, details of which can be obtained from the respective Network Rail contact.

This Appendix applies to works that take place within the boundary of the level crossing, in the road immediately in the vicinity, or some distance away where traffic may tail back across the level crossing as a result of the traffic management system employed during the works.

It does **NOT** apply to non-public road level crossings e.g. farm access where all relevant legislation should be taken into account when processing these works. For example:

- Undertakers may have particular powers under their enabling legislation and wayleave or easement agreements may apply in a particular case.
- Undertakers must ascertain what requirements apply before discussing their proposed works with Network Rail.

## **C2.2 Road Running Tramways**

Network Rail is responsible for the maintenance of all infrastructure assets and for the day-to-day management of operations on the mainline railway. The provision of train services and associated activities are the responsibility of individual train operating companies.

Area RAUCs in Scotland should be the first point of contact for any queries relating to policy matters or interpretation of this Appendix.

## **C3. Legislation**

For works at a level crossing, those undertaking the works must comply with the reasonable requirements of Network Rail made under Section 152 of the New Roads & Street Works Act 1991. All parties concerned must comply with the reasonable requirements of the Network Rail made under the Health and Safety at Work Act 1974 (HASWA) and its associated Regulations (in particular the Construction (Design and Management) Regulations 2007 (CDM) and Management of Health and Safety at Work Regulations 1999).

## **C4. Special Features of Level Crossing Work**

### **C4.1 Work at or Near Level Crossings**

Works at or near level crossings may impact upon one or more of the following:

- Safety of road users, pedestrians, railway passengers and personnel;
- Train operation;
- Structural integrity of the permanent way and other railway infrastructure assets;
- Railway overhead traction cables, electrified third-rails and feeder or continuity cables; and
- Railway underground apparatus serving the railway.

Undertakers, the road works authorities, Network Rail and others carrying out works on roads have a duty to co-ordinate their activities and to follow the special safety precautions which apply at level crossings. Risk Assessments, with continuous monitoring, are essential to safe operation of works on roads at or near to level crossings.

### **C4.2 Safety of Road Users, Railway Passengers and Employees**

Risk assessments must be carried out both before and during works at or near level crossings in order to minimise the risk. Safe Systems of



work must be in place and maintained during the works. Risk Assessments are further described in Section C7.

Traffic stopping or moving slowly over a level crossing causes potential danger to road and rail users alike.

Attention must be paid to situations where works may be a considerable distance away from the crossing, as they may cause traffic tail backs over the crossing.

### **C4.3 Other Safety Issues**

When work is being carried out in the vicinity of overhead traction cables, electrified third rails and feeder or continuity cables, great care must be taken to avoid danger from electrocution. This is considered further in Section C8.

Electronic pipe and cable location equipment can potentially interfere with railway signalling apparatus and must not therefore be used within railway land without express permission from Network Rail, who will advise on the circumstances and type of equipment that can be used at a particular location.

### **C4.4 Network Rail's Responsibility**

Network Rail will decide, on the basis of the information received from those proposing to execute works, whether the works are likely to affect train operations and advise of the arrangements made. Network Rail's Special Requirements are further described in Section C8.

For works at a level crossing, those undertaking the works must comply with the reasonable requirements of Network Rail made under sections 152 of NRSWA. In view of the requirements of the Rail Regulator, timing directions given under Section 152 may entail considerable delays to the project, and therefore it is recommended that consultation with Network Rail takes place at the earliest possible opportunity. All parties concerned must comply with the reasonable requirements of Network Rail made under the Health and Safety at Work etc, Act 1974 (HASWA) and its associated Regulations (in particular the Construction (Design and Management) Regulations 2007 (CDM)).

The whole of Network Rail's infrastructure is a continuous site for the purposes of CDM. When work is being planned to take place on or in the immediate vicinity of a level crossing, and in order for permission to be given for any works to commence, Network Rail will require details of the works and the competence of those employed to carry out the works, and will advise contact details.

Network Rail must assess the possible effects of works on the permanent way (the railway track, sleeper, ballast or other foundation

material) or adjacent Network Rail land, the level crossing surface, overhead catenary supports, signalling equipment and underground railway apparatus etc., and advise on the adoption of any additional measures required.

## **C5. Designation**

In order to assist works promoters in fulfilling the obligations set out herein, it is recommended that the location of level crossings, and where applicable an associated Precautionary Area, where special controls will apply, should be identified and publicised using the Scottish Road Works Register, as appropriate.

This information is to be provided in the form of a Special Designation File added to the Scottish Road Works Register in accordance with the procedures laid down by RAUC(S).

Road Authorities should co-operate with Network Rail in following the designation procedure set out below, in order to identify each level crossing and to establish an initial footprint of roads that will comprise the Precautionary Area.

Undertakers and other works promoters should recognise that both NRSWA and HASWA require them to consider the implications of their works and identify the effects on traffic in the vicinity of level crossings. They should therefore co-operate in the initial establishment of the Precautionary Area and its development over time.

### **C5.1 Identification of the Precautionary Area**

Network Rail must identify individual level crossings, together with the Precautionary Area, and input this information into the Scottish Road Works Register, including an indication of the position of the crossing, its type and whether any barriers are manually or automatically controlled.

Network Rail will examine each crossing to identify those roads associated with it that are likely to cause traffic tailbacks to the level crossing arising from works carried out in the road.

The exercise should include each road falling wholly or partly within 200 metres of each crossing when following a route leading from the crossing.

The whole, or part of, each road identified above, will become part of the Precautionary Area and subject to special controls as described below. Minor modifications may be made at this stage, for example, the exclusion of one-way roads with traffic flowing **towards** a level crossing.

## **C5.2 Monitoring the Precautionary Area**

The initial footprint of the Precautionary Area is to be kept under review by Network Rail, utilising the Road Authority's local knowledge. Therefore promoters of any works shall check the Scottish Road Works Register to ensure that they are aware of the extent of the current Precautionary Area.

## **C6. Consultation**

Road works authorities have a duty under NRSWA to co-ordinate all kinds of works in the road. Where this duty extends to works that are likely to affect a level crossing, Network Rail must be included in the co-ordination exercise.

### **C6.1 Co-ordination Meetings**

Network Rail may be expected to attend Co-ordination meetings when they are promoting road works. Network Rail may also be expected to attend when advised of proposed road works and other works for road purposes that may affect level crossings.

### **C6.2 Advance Consultation with Network Rail**

Any planned works which will take place at or near to a level crossing, or works which are likely to affect the crossing because of traffic tailbacks (usually referred to by Network Rail as "blocking back"), must be advised to Network Rail's Outside Party Engineer for that location as early in the planning process as possible.

The form shown in Annex A must be used for this purpose. The contact details for the appropriate Outside Party Engineer in Scotland are:

Network Rail  
Buchanan House  
Port Dundas Road Glasgow  
G4 0LG

Tel 0141 555 4271

Email: [openscotland@networkrail.co.uk](mailto:openscotland@networkrail.co.uk)

Out of hours and emergencies – 0141 335 2020

Upon receipt of advance advice of proposed works Network Rail will endeavour to respond, within 10 working days, to acknowledge receipt of the advice and arrange a meeting with the promoter to agree the special requirements to be included in the Health and Safety Plan for the works. This meeting may take place at a Co-ordination Meeting or

separately, depending on the nature and complexity of the proposed works.

Confirmation of the agreed arrangements are to be given to Network Rail in writing one month before the works are intended to start. Network Rail should then give its approval of the arrangements to the works promoter, within 10 days of receipt of the confirmation.

Promoters of works should also note that where the level crossing has been designated by Network Rail under NRSWA as a road with Special Engineering Difficulty, a plan and section drawing showing details of their proposed works may be required to accompany the advance advice described above.

### **C6.3 Undertakers' Statutory Notices under NRSWA**

Section 152(2) of NRSWA requires undertakers to give notice to Network Rail of the starting date of proposed works which are to take place at a level crossing, notwithstanding that such notice is not required under Section 114 (notice of starting date).

### **C6.4 Minimum Notice Periods**

It is strongly recommended that notice periods are treated as the minimum periods and, wherever possible, longer notice should be given. This is particularly important in the case of level crossings, where Network Rail may have to make special arrangements ranging from the provision of railway safety cover to complete closure of the rail route and rearrangement of rail services while the works take place.

### **C6.5 Emergency/Urgent Works**

Where it is necessary to carry out emergency/urgent works at or near to a level crossing, it is vital that the road works authority and local Network Rail office is contacted immediately and work is not commenced until the promoter has been assured that all necessary safety precautions are in place.

### **C6.6 Road Works Permissions**

Those without a statutory right to carry out road works must be authorised by the Road Works Authority (i.e. Roads Authority or Road Managers) by means of a permission before works may commence. In addition, the holder of the permit may have to comply with the requirements of other relevant authorities or owners of apparatus affected by the work. In some cases it may be necessary to settle a plan and section. It is recommended that specific reference to this guidance should be made within permit for works in the vicinity of railway level crossings. Network Rail, as the road manager at the level

crossing, will similarly ensure that the requirements of this guidance are followed when permissions are issued.

## **C6.7 Unqualified Staff within the Railway Boundary**

If it is necessary to use promoter's personnel to execute works within the track area they must not be allowed to enter until Network Rail nominated personnel have arranged appropriate protection and confirmed that it is safe to do so (see Section C8).

## **C7. Risk Assessments and Traffic Control**

### **C7.1 Codes of Practice and Other Advice**

The Code of Practice: *Safety at Street Works and Road Works* issued under section 124 of NRSWA is based on the Traffic Signs Manual (Chapter 8) and is a statutory requirement for undertakers' road works. It specifies the basic requirements for signing, lighting and guarding and traffic control at road works.

Chapter 8 of the Traffic Signs Manual also gives specific advice on traffic control at railway level crossings.

### **C7.2 Risk Assessments**

Risk Assessments are a requirement of the Construction, Design and Management Regulations 2007 and The Management of Health and Safety at Work Regulations 1999 and it is particularly important that they are carried out at Network Rail's level crossings. Arrangements made as a result of Risk Assessments should be continuously monitored so that appropriate remedial measures can be taken quickly if required.

Risk assessments should take into account the distance of the crossing from the proposed works and the volume of traffic using the road. Particular attention must be given to the possibility of traffic congestion tailing back over a level crossing at any time during the duration of the works, for example during an all-red traffic light period imposed to allow difficult operations to take place at the work site. There have been instances where this situation has also arisen from works that have been a considerable distance from the level crossing and this possibility should always be borne in mind during works.

### **C7.3 Traffic Control Measures at or near Network Rail Railway Level Crossings**

Traffic control measures at or near level crossings are to be in accordance with the guidance set out in the version of Chapter 8 of the

Traffic Signs Manual which is current when the works are being undertaken.

## **C8. Network Rail's Special Requirements for all Works Affecting the Permanent Way**

Network Rail's Special Requirements must be followed in all cases where works are to take place at a level crossing and should be included in any contract let in connection with the works. The current version of this document may be obtained from Network Rail, who will also be able to give advice during the planning of works.

There is no provision in NRSWA for the recovery of costs for special arrangements such as those described below and costs incurred by each party will therefore lie where they fall.

### **C8.1 Level Crossing Attendant**

A Level Crossing Attendant will ensure the crossing is cleared before lowering barriers and authorising a train to movement.

### **C8.2 Temporary Speed Restrictions**

In some instances it may be necessary to impose a temporary speed restriction on trains. Temporary speed restrictions take time to arrange, so discussions with Network Rail should take place as early as possible, before any formal notice is given for the works. Where a temporary speed restriction may already have been arranged for other purposes, the roads authority, undertaker or other person should consider rearranging the timing of its road works so as to be able to make use of it, thereby minimising disruption to rail traffic.

### **C8.3 Trenchless Construction**

Where trenchless construction is to be employed beneath the railway track, Network Rail must approve the method. A temporary speed restriction may be imposed on trains and Network Rail may require to oversee works in progress. Pipe bursting techniques will require special consideration by Network Rail, due to possible effects on the permanent way.

### **C8.4 Road works on Railway Land which do not Affect the Structure of the Permanent Way**

These are works that do not affect the track or its surrounding land, such as works at a manhole, erection of poles and wires, pressure testing pipes which do not pass under the track or excavations several metres away from the track.

### **C8.5 Works Outside the Confines of a Level Crossing, Using Existing Ducts which Pass Beneath the Railway.**

These works may proceed without special early notification to Network Rail. However, Risk Assessments and Traffic Control as described in Section C7 must be followed.

### **C8.6 Use of Mechanical Excavators and Cranes near the Railway**

Network Rail will advise of any necessary precautionary measures whenever cranes, mechanical excavators, vehicles or other construction plant is to be operated close to railway traffic. The purpose is both to protect trains from accidental contact with the plant and to protect operators from the likelihood of death or serious injury arising from contact with live traction equipment and trains on the railway.

Network Rail may require the submission of plant operating diagrams and/or method statements, prepared by the plant operator and approved by the undertaker, roads authority or other person carrying out the work, to enable it to decide the magnitude of any potential problems. These diagrams and method statements should take into account the possible results of machine failure, structural failure or uncontrolled operation of the plant.

### **C8.7 Electrification Continuity Cables**

In areas where the railway is electrified using the third rail system particular care must be taken to ensure that continuity cables, which connect the ends of the live rail to maintain electrical continuity, are not damaged whilst excavations are being undertaken. In most cases these will be laid parallel to the rails at, or just below, the adjacent ground level.

## **C9. Reinstatement of the Road at Level Crossings**

Where the roads authority resurfaces a road or carries out alterations on the approach to a level crossing, alterations should not be made to any signs or road markings which are a requirement of the Level Crossing Order, including carriageway and footway width and centre of carriageway markings on the approach to the crossing. If alterations are required sufficient notice is required to permit Network Rail to request and obtain a revised Level Crossing Order.

## **C10. New Works near Level Crossings**

When undertakers are proposing to install new supplies, routes should, wherever possible, avoid traversing level crossings. Where avoidance is not possible, trenchless methods of installation should be considered.

## **C11. HSE and HM Railway Inspectorate Requirements**

Specific attention is drawn to HM Railway Inspectorate Guidance Note 'Railway Level Crossings' dated 1st May 2003 and the necessity to comply with the advice contained therein.



## Annex A to Appendix C

<b>ADVICE OF INTENDED WORKS AT OR NEAR A RAILWAY LEVEL CROSSING</b>	
<p>To:        (Name)               (Company)               (Address)</p> <p>Tel No:</p> <p>Fax No:</p> <p>Date: .....</p>	<p>From:    (Name)            (Company)            (Address)</p> <p>Tel No:</p> <p>Fax No:</p> <p>Sender's Ref No: .....</p>
<p><b>PRELIMINARY ADVICE</b></p> <p>Works are proposed at/near the level crossing at:</p> <p>..... (road name, railway line)</p> <p>Details of the works are given in the attached description/ plan and section*.</p> <p>Intended start date of works .....</p> <p>Likely duration of works .....</p> <p><i>*delete as appropriate</i></p>	
<p><b>ACKNOWLEDGEMENT OF RECEIPT OF ADVICE (by Network Rail)</b></p> <p>Details of your proposed works, Ref No: ....., has been received.</p> <p>The person dealing with the proposal is:</p> <p style="padding-left: 40px;">(Postal Address)</p> <p style="padding-left: 40px;">Tel No:</p> <p style="padding-left: 40px;">Fax No:</p> <p style="padding-left: 40px;">E-Mail:</p> <p>The proposal has been given the Network Rail Ref No: .....</p> <p>*The works are not yet approved. We will be in contact again by (date) to arrange a meeting.</p> <p>*Please re-submit your proposal, it must incorporate Network Rail's Special Requirements, a copy of which is attached.</p> <p>*The works may proceed in accordance with the Arrangements set out in your proposal. This Form and a copy of the Arrangements have been forwarded to the Road Authority for their information.</p> <p>Signed for Network Rail ..... Date .....</p> <p><i>*delete as appropriate</i></p>	

# APPENDIX D

## D1 Identification of Category of Works



## D2 Noticing Lifecycle



\* - Only where Advance Notice Required. See **Section 5.3** for details.

\*\* - Only where Notice of Expected Start Date Required. See **Section 5.3** for details.

\*\*\* - Not required for Urgent/Emergency Works in advance as these are deemed to start In Progress. See **Section 5.3** for details.

† - Only where a site is reinstated to interim. Works completely reinstated to Permanent do not require an Interim Phase.

†† - Only where remedial works are required.

## Appendix E

### Early and Late Start Consent and Works Extension Procedures

#### Process for Early/Late Start Requests

- E1.** A works promoter (the promoter of the work, i.e. a road works authority or undertaker) proposing to request an early/late start consent **should interrogate the Scottish Road Works Register (SRWR)** to ensure that the works period being considered will not have an adverse impact on any other works already lodged on the SRWR.
- E2.** The following table details the minimum notice periods in which to make an early/late start request:

Notice Period	Minimum Notice Period for an Early Start Request	Minimum Notice Period for works using Portable Traffic Signals
3 month (S117 restriction)	14 days	14 days
3 months	14 days	14 days
1 month	14 days	14 days
7 days	14 days	14 days

The periods above are calendar months and working days.

To avoid cancelling notices unnecessarily it is good practice to submit a late start request whenever the specified starting date cannot be met.

- E3.** Where an early/late start request is to be made, the works promoter should, **at the earliest possible opportunity**, make contact (by telephone, fax or email) with an authorised person within the road works authority and make the request.
- E4.** Following the initial request as described at E 3. above, the road works authority may consent or object to the request. Where consent is given, then the works promoter shall enter an early/late start agreement on to the SRWR and shall also enter the name of the person who gave the consent and the date when given. This will automatically register consent on the SRWR. The road works authority may also issue a unique reference when giving consent and this should also be entered by the works promoter.

- E5.** Should the works promoter be unable, within 24 hours, to make contact or obtain a response from the road works authority, by following the process at paragraph E3 above, it may enter the proposed works into the SRWR without initial consent. This will be identified to the road works authority as an early start that has been recorded without an agreement having been given. The promoter shall also insert within the description box the words “EARLY START REQUEST” or “LATE START REQUEST” as appropriate together with any information to support the request.
- E6.** Where paragraph E5 above is used, the road works authority should review the request and respond. Where the early/late start is agreed, the road works authority shall provide the name of the person who gave the consent and the date when given. The road works authority may also insert a unique reference. This shall be done by means of a comment on the SRWR, and may be further confirmed by fax or email. The works promoter shall then enter the early/late start agreement details on to the SRWR. Where there is an objection to the early/late start, the road works authority shall issue an Early/Late Start Objection and may also issue a Section 115 notice giving a direction as to the timing of the works. Should a road works authority fail to respond within 3 working days to an early/late start request entered on to the SRWR, then a works promoter may enter an early/late start agreement on to SRWR and commence work on the expected start date entered on the notice.
- E7.** Section 115 of NRSWA gives a road works authority the power to issue directions as to timing of works. Paragraph 7.1 of this Code of Practice for Co-ordination provides timescales for the issue of such notices. Where Early/Late start requests are made, the timescales in this Appendix shall take precedence.
- E8.** The above processes are shown in as Diagrams 1 and 2 at the end of this Appendix.

## **Objections**

- E9.** All undertakers and relevant authorities shall have 3 working days from the date on which the early/late start request is entered on to the SRWR in which to raise an objection (using the drop down menu in the comments table) if they think that the proposed early or late start consent could have an adverse impact on any planned works that they have previously lodged on the SRWR. Where an objection is raised, then work should not commence until such time as the objection has been removed.
- E10.** Valid objections to early/late start consent requests include:
- the proposed early/late start consent would overlap with pre-existing planned works on the road;

- the proposed early/late start consent would overlap with pre-existing planned works on a parallel road or known diversion route with the potential to cause traffic disruption;
- the end date of the proposed early/late start consent is so close to the start date of pre-existing planned works on the road that any delay would require these works to be re-scheduled;
- where consultation with a relevant authority is required because the proposed works impact on a bridge, level crossing or designation of Special Engineering Difficulty and that consultation has not taken place; or
- where a road works authority proposes both an early start and a restriction under Section 117 of NRSWA, an undertaker with works which it could have brought forward with 3 months notice may object to the proposed restriction.

**E11.** Any objection to an early/late start consent based solely upon commercial interests shall be deemed invalid.

**E12.** Where a responder raises an objection to a proposed early/late start consent, the works promoter, if intending to proceed with the request, must enter into a dialogue with the objector to remove the objection (using the drop down menu in the comments table).

### **Restriction Following Substantial Works (Section 117)**

**E13.** Where a road works authority proposes to carry out substantial works to a road, Section 117 of NRSWA enables the placing of a restriction on future undertaker works on the basis of providing 3 months advance notification. The 3 month notice period is to allow a 'window of opportunity' for undertakers to bring forward any planned works to be completed in advance of those substantial works. In relation to early start consents this has the following consequences:

- a) An undertaker proposing to bring forward major works, to complete them prior to the substantial works, would be unable to provide the full 3 months advance notice period and would therefore be required to apply for an early start consent. It would therefore be reasonable to expect an early/late start request for such work to be granted.
- b) Where a road works authority proposing to utilise an early start consent for substantial works is unable to provide the required 3 months notice period, a Section 117 restriction to the road would not be competent under NRSWA, as the window of opportunity for an undertaker to complete works prior to a restriction being place could not be provided. Should the road works authority still wish to place a restriction, it would require to make this clear within the text of the early start request allowing undertakers the opportunity to object.

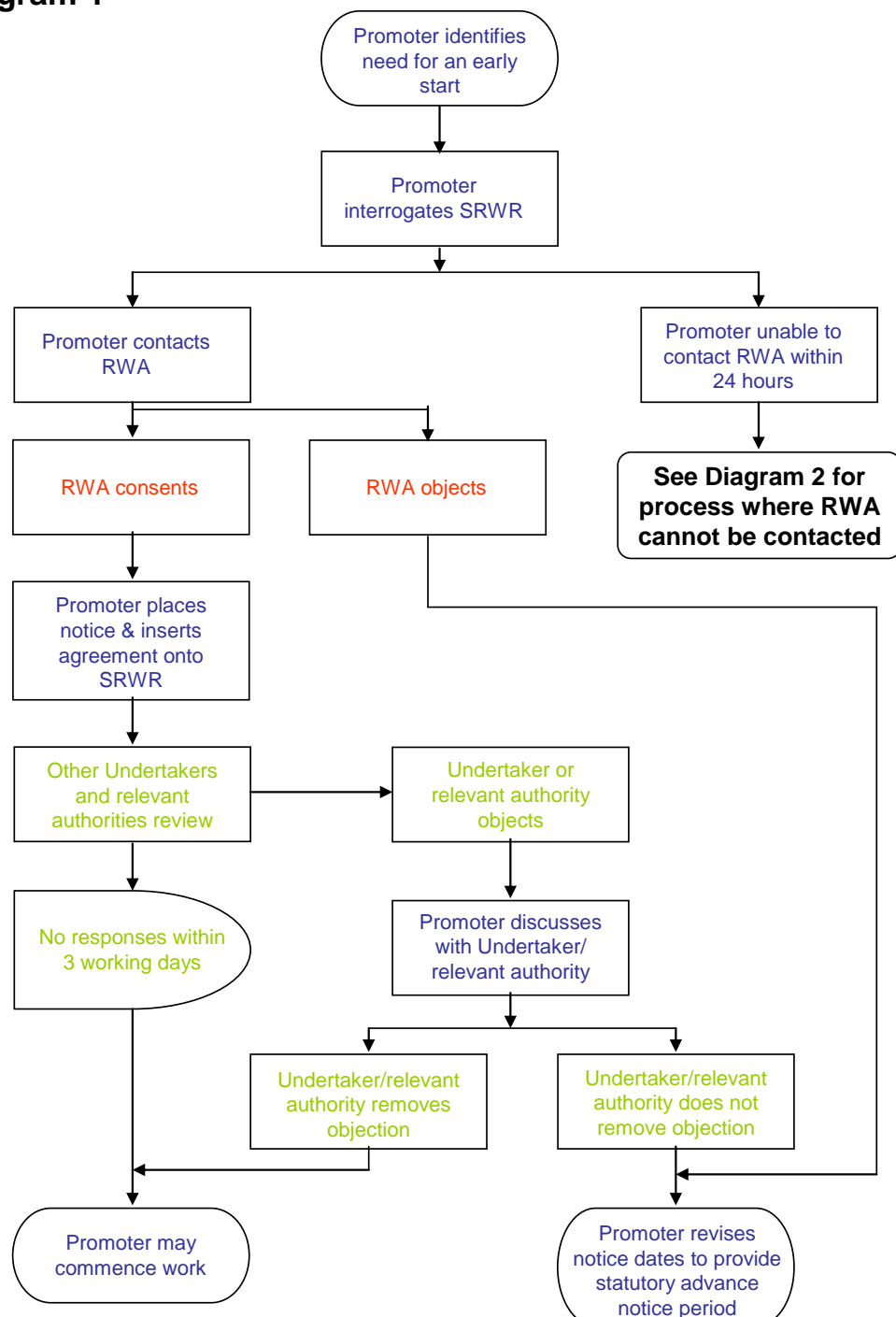
## Works Extensions

- E14.** A works promoter proposing to request a works extension (i.e. to change the expected completion date to a later date than currently shown), **shall interrogate the SRWR** to ensure that the extended works period being considered shall not have an adverse impact on any other works already lodged on the SRWR.
- E15.** For works requiring 7 days or more notice, a request for a works extension should be submitted at least 3 working days before the expected completion date currently shown on the SRWR. For works with shorter notice periods the request should be made as soon as the need for an extension is identified.
- E16.** Where a work extension request is to be made, the works promoter should, **at the earliest possible opportunity**, make contact (by telephone, fax or email) with an authorised person within the road works authority and make the request.
- E17.** Following the initial request as described at paragraph E16 above, the road works authority may consent or object to the request. Where consent is given, then the works promoter shall enter a revised expected completion date on to the SRWR and shall also enter, as a comment, the name of the person who gave the consent and the date when given. The road works authority may also issue a unique reference when giving consent and this should also be entered by the works promoter.
- E18.** Should the works promoter be unable, within 24 hours, to make contact or obtain a response from the road works authority, by following the process at paragraph E16 above, it may enter the new estimated completion date into the SRWR without initial consent. The promoter shall also insert within the notice text field any information to support the request.
- E19.** Where paragraph E18 above is used, the road works authority shall review the request and respond. Where the works extension is agreed, the road works authority shall provide the name of the person who gave the consent and the date when given. The road works authority may also insert a unique reference. This shall be done by means of a comment on the SRWR, and may be further confirmed by fax or e-mail. Should a road works authority fail to respond within 2 working days to a works extension request entered on to the SRWR, then a works promoter may consider the request to be accepted.
- E20.** Where there is an objection to the works extension request, the road works authority shall issue a comment to that effect and may also consider exercising powers under Section 125 of NRSWA (avoidance of unnecessary delay).

## Further Issues for Consideration

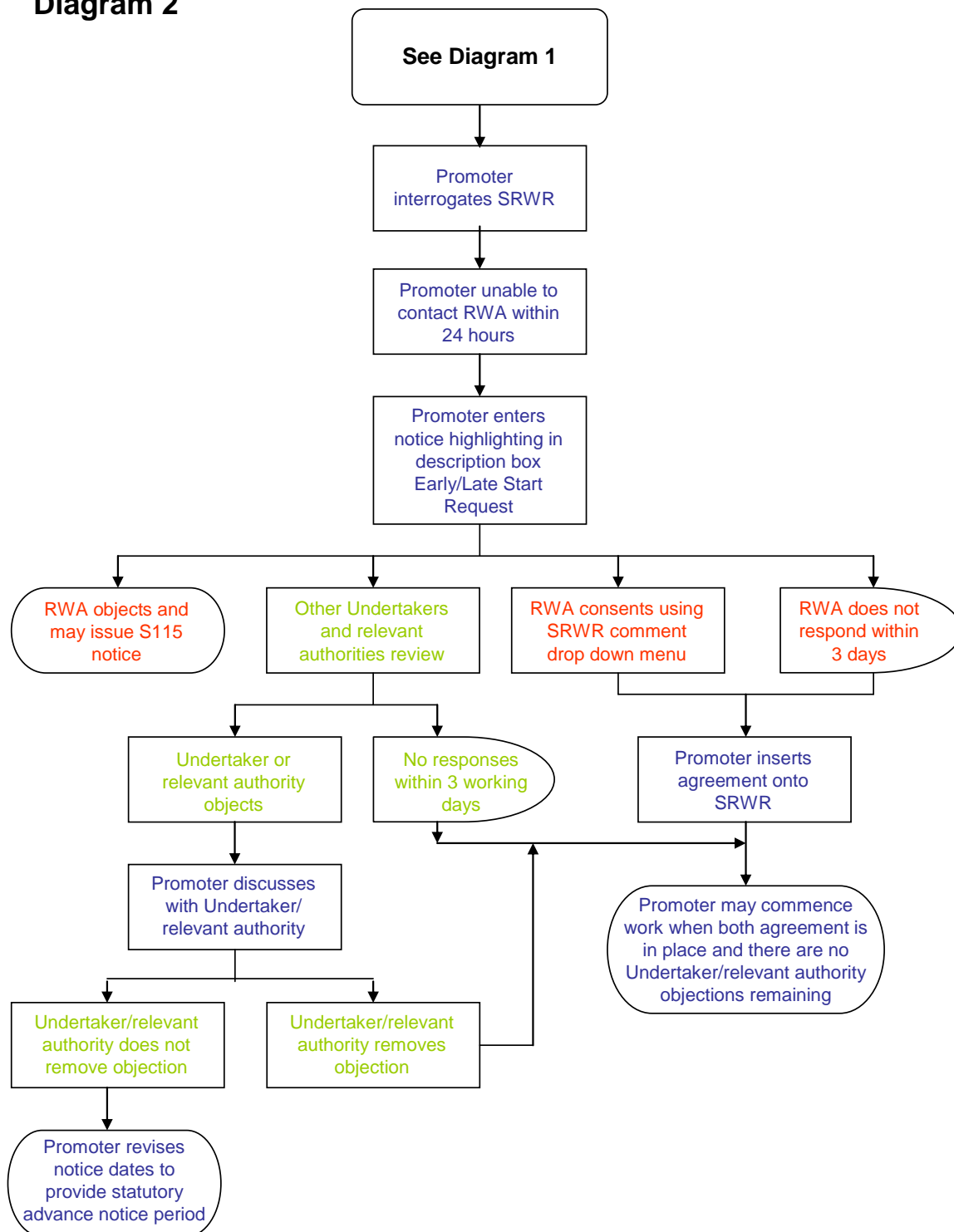
- E21.** Where Temporary Traffic Regulation Orders are required, the periods needed for the promotion of such orders are such that there is unlikely to be much scope for early start requests. See Chapter 11 of this Code of Practice.
- E22.** Those undertakers requiring an early start consent for works that involve the use of portable traffic signals for traffic management purposes are still required to provide a period of 7 days notice (RAUC(S) Advice Note 8). It is recommended that the early start and portable traffic signals requests are made concurrently.

**Diagram 1**





**Diagram 2**



# APPENDIX F

## Paper Transfer of Notices

### F1. Introduction

F1.1 In the event of the SRWR electronic notification system in Scotland being unavailable for use for a period of time, then the notification system will revert to a paper based system. It will be the responsibility of the Commissioner to determine when this will come into effect. It is likely to be implemented if the electronic system is unavailable for greater than 48 hours.

### F2 Paper Standard Forms

F2.1 Four standard forms have been created which will be used as the only method of co-ordinating works. The forms are available in electronic format on the SRWR. The four forms are:

- Notice Creation Form
- Reinstatement Form
- Damage Form
- Inspection Notice Form

These standard forms are also available on the Commissioners website at [www.roadworksscotland.gov.uk](http://www.roadworksscotland.gov.uk) as downloads.

These forms shall be completed where required and in accordance with the requirements of this code. The forms can be sent electronically by email or by fax. It is the responsibility of the sender to ensure that the works have been received by the road works authority and that once the SRWR has been restored these are entered retrospectively on the SRWR.

# **APPENDIX G**

## **Legal Provision for Notices**

### **G1. 3 Month and 1 Month Advance Notice of Works**

By the issue of these notices:

- A road works authority meets its obligations under Section 112B(2) of NRSWA and Regulation 3(4)(i), (ii) and (iv) of SI 2008 No88.
- An undertaker meets its obligations under section 113 of NRSWA and Regulation 6 of SI 2008 No88.

### **G2. Notice of Expected Starting Date**

#### **(i) 7 Day Notice of Expected Starting Date of Works**

By the issue of this notice:

- A road works authority meets its obligations under Section 112B(2) of NRSWA and Regulation 3(4)(ii) of SI 2008 No88.
- An undertaker meets its obligations under Section 114 of NRSWA.

#### **(ii) 3 Day Notice of Expected Starting Date of Works**

By the issue of this notice:

- A road works authority meets its obligations under Section 112B(2) of NRSWA and Regulation 3(4)(vi) of SI 2008 No88.
- An undertaker meets its obligations under Section 114 of NRSWA and Regulation 7(1) of SI 2008 No88.

#### **(iii) 24 Hour Notice of Expected Starting Date of Works**

By the issue of this notice:

- A road works authority meets its obligations under Section 112B(2) of NRSWA and Regulation 3(4)(v) of SI 2008 No88.
- An undertaker meets its obligations under section 114 of NRSWA and Regulation 7(2) of SI 2008 No88.

### **G3. Urgent and Emergency Notices**

#### **(i) 2 Hour Notice of Starting Date of Works**

By the issue of this notice an undertaker meets its obligations under Section 114 of NRSWA and Regulation 7(1) of SI 2008 No88.

**(ii) 2 Hour Follow Up Notice**

By the issue of this notice an undertaker meets its obligations under:

- Section 114 of NRSWA and Regulation 7(2) of SI 2008 No88, or
- Section 116(2) of NRSWA.

**G4. Works Completion and Reinstatement where there is only one Site.**

**(i) Works Clear Notice** (for interim reinstatement) and **Works Closed Notice** (for permanent reinstatement).

By the issue of a Works Clear or Works Closed Notice:

- A road works authority meets its obligations under Section 112B(6) of NRSWA and Regulation 3(6) of SI 2008 No88.
- An undertaker shall be deemed to meet its obligations under Section 129(3) of NRSWA and Regulation 13 of SI 2008 No88. (The Commissioner is content that regulation 13(b) is not met at this stage and will be completed as part of the Registration Notice.)

**G5. Works Completion and Reinstatement where there is more than one Site (Undertakers Only).**

**(i) Site Reinstatement Details Notice**

By the issue of this notice an undertaker is deemed to have lodged a part of his overall reinstatement. Where interim, the date entered shall be the start of the 6 month period within which it must be made permanent. Where permanent, the date entered shall commence the guarantee period.

**(ii) Works Clear Notice** (for interim reinstatements) and **Works Closed Notice** (for permanent reinstatement).

By the issue of a Works Clear or Works Closed Notice an undertaker shall be deemed to meet its obligations under Section 129(3) of NRSWA and Regulation 13 of SI 2008 No88. (The Commissioner is content that Regulation 13(b) is not met at this stage and will be completed as part of the Registration Notice.)

Further copies of this document are available, on request, in audio and large print formats and in community languages (Urdu; Bengali; Gaelic; Hindi; Punjabi; Cantonese; Arabic; Polish).

اس دستاویز کی مزید کاپیاں آڈیو کیسیٹ پر اور بڑے حروف کی چھپائی میں اور کیوئی کی زبانوں میں طلب کیے جانے پر دستیاب ہیں، برائے مہربانی اس پتے پر رابطہ کریں:

এই ডকুমেন্ট-এর (দলিল) অতিরিক্ত কপি, অডিও এবং বড়ো ছাপার অক্ষর আকারে এবং সম্প্রদায়ের ভাষায় অনুরোধের মাধ্যমে পাওয়া যাবে, অনুগ্রহ করে যোগাযোগ করুন:

Gheibhear lethbhreacan a bharrachd ann an cruth ris an èistear, ann an clò mòr agus ann an cànan coimhearsnachd. Cuir fios gu:

इस दस्तावेज़/कागज़ात की और प्रतियाँ, माँगे जाने पर, ऑडियो टैप पर और बड़े अक्षरों में तथा कम्प्यूनिटी भाषाओं में मिल सकती हैं, कृपया संपर्क करें:

ਇਸ ਦਸਤਾਵੇਜ਼/ਕਾਗਜ਼ਾਤ ਦੀਆਂ ਹੋਰ ਕਾਪੀਆਂ, ਮੰਗੇ ਜਾਣ 'ਤੇ, ਆੱਡਿਓ ਟੇਪ ਉੱਪਰ ਅਤੇ ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਕੰਮਿਊਨਿਟੀ ਭਾਸ਼ਾਵਾਂ ਦੇ ਵਿਚ ਮਿਲ ਸਕਦੀਆਂ ਹਨ, ਕ੍ਰਿਪਾ ਕਰਕੇ ਸੰਪਰਕ ਕਰੋ:

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