

New Roads and Street Works Act 1991

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

Version 2.0

22 July 2026



Version History

Version	Date	Notes
1.0	April 2013	Published by Scottish Government following approval by the RAUC(S) Co-ordination Working Group
2.0	June 2026	The following changes were approved at RAUC(S) and by the SRWC in February 2026; Chapter 2 to encourage better communication with Bus Operators when planning and undertaking road works. Chapter 3 to include requirements in relation to VAULT and unidentified buried apparatus, and the position regarding Prospective Public Roads has been clarified. Chapter 5 to incorporate RAUC(S) Advice Note 23 (Potential Works), RAUC(S) Advice Note 27 (Interrupted Works) and RAUC(S) Advice Note 31 (2 hours start / stop for Notices). Section on Test Holes has been revised (renamed from Bar Holes). Also Section 5.9 Information Required for Notices has been updated to include the information required for each Notice type. Chapter 6, Section 6.4.2 – (Exemptions) to include a new exemption relating to lead renewals. Chapter 7 to incorporate RAUC(S) Advice Note 20 (Embargoes Procedure). Chapter 8 to clarify timing directions. Chapter 11 to include a new section on Location of Works and Apparatus. To incorporate substantial changes made to Road Closures & Traffic Restrictions to reflect the requirements of Road Traffic Regulation Act 1984 and to provide clarity on actions required. To incorporate Measures Necessary where Apparatus is affected by Major Works (Diversionary Works) and HAUC(UK) Advice Note Diversionary Works. To add guidance on use of Section 96 of the Roads (Scotland) Act 1984 (Extraordinary expenses in repairing roads damaged by heavy vehicles). Also to add guidance on Section 147 of the NRSWA Works affecting the Structure of a Bridge. Chapter 12 to include the Qualification Notice. Appendix B to incorporate RAUC(S) Advice Note 30 (RAUCS/ Area RAUC constitutions). Appendix C to incorporate new guidance from Network Rail. Appendix E to clarify the same process to all agreement types (early start, late start and works extensions) and to simplify the process including identifying the circumstances where a late start should be used in place of an early start. Minor grammatical & formatting changes and inclusions to the glossary.

Contents

CHAPTER 1 INTRODUCTION.....	2
CHAPTER 2 CO-ORDINATION AND CO-OPERATION IN ACTION	5
2.1 Introduction.....	5
2.2 The Process	5
2.3 Planning.....	6
2.4 Information – the Key to Co-ordination	6
2.5 Co-ordination Considerations	7
2.6 Discussion and Co-operation.....	9
2.7 Co-ordination Mechanisms	9
2.8 Forward Planning	11
2.9 Collaborative Working	13
2.10 Other Statutory Obligations	13
CHAPTER 3 THE SCOTTISH ROAD WORKS REGISTER	16
3.1 Background	16
3.2 General Arrangements for the Keeping of the SRWR	16
3.3 Form of SRWR	17
3.4 Contents of SRWR	17
3.5 Giving Notice	18
3.6 National Street Gazetteer and Associated Data	18
3.7 Prospectively Maintainable Roads.....	19
3.8 Community Apparatus Data Vault	19
CHAPTER 4 ROADS SUBJECT TO SPECIAL CONTROLS	21
4.1 General.....	21
4.2 Protected Roads.....	21
4.3 Roads with Special Engineering Difficulties.....	23
4.4 Traffic Sensitive Roads.....	31
4.5 Other Features of the Road	33
4.6 Procedure for Making Designations.....	35
4.7 Procedure for Withdrawing Designations.....	37
CHAPTER 5 WORKS CATEGORIES AND NOTICE REQUIREMENTS.....	38

5.1	Works Notices and Notice Periods	38
5.2	Definition for each Works Category	38
5.3	Minimum Notice Periods for each Works Category Noticing	42
5.4	Notice Types and Timing Issues.....	46
5.5	Reinstatement Definition.....	56
5.6	Remedial Works	57
5.7	Permanent Phase/Interrupted Works Resumed	57
5.8	Other Notice Types and General Noticing Issues.....	58
5.9	Information Required Enabling a Notice to be Recorded Correctly on SRWR.....	59
5.10	Early and Late Start Consent and Works Extension Procedure	65
5.11	Other Requirements	66
5.12	Noticing Procedure – Trench Sharing.....	70
5.13	Failure of the Scottish Road Works Register	71
CHAPTER 6 RESTRICTIONS FOLLOWING SUBSTANTIAL WORKS FOR ROAD PURPOSES.....		72
6.1	Background	72
6.2	Substantial Works for Road Purposes – Definition	72
6.3	Restriction Notices.....	73
6.4	Exemptions.....	74
6.5	Severable Works	75
6.6	Policy Guidance.....	76
6.7	Early Starts	77
6.8	Road Works Authority Consent to Works on Roads with Restrictions	78
CHAPTER 7 PROCEDURE FOR EMBARGOES ON ROAD WORKS.....		79
7.1	Introduction.....	79
7.2	The Statutory Position	79
7.3	Statutory Embargoes	80
7.4	Voluntary Embargoes	81
7.5	Use of The Scottish Road Works Register	82
7.6	Emergency and Urgent Works.....	82
CHAPTER 8 TIMING AND LOCATION DIRECTIONS		83
8.1	Section 115: Power to give Direction as to the Timing of Work	83

8.2	Section 115A: Power to give Direction as to the Placing of Apparatus	86
-----	--	----

CHAPTER 9 THE COMPLETION OF WORKS WITHIN REASONABLE

PERIODS	89
----------------------	-----------

CHAPTER 10 SECTION 109 ROAD WORKS INVOLVING OTHER

UNDERTAKERS	92
--------------------------	-----------

10.1	Background	92
------	------------------	----

10.2	Process.....	92
------	--------------	----

CHAPTER 11 RELATED MATTERS..... 93

11.1	Location of Works and Apparatus – Exchange of Information Vault.....	93
------	--	----

11.2	Road Closures and Traffic Restrictions	94
------	--	----

11.3	Maintenance of Undertakers' Apparatus	102
------	---	-----

11.4	Major Works for Road Purposes – Sharing of Costs	103
------	--	-----

11.5	Other Publications	104
------	--------------------------	-----

11.6	Working near Tramways and Rail Tracks	104
------	---	-----

11.7	Vehicle Parking at Road Works	104
------	-------------------------------------	-----

11.8	Storing Materials.....	105
------	------------------------	-----

11.9	Apparatus Belonging to Others.....	106
------	------------------------------------	-----

11.10	Environmental Issues	106
-------	----------------------------	-----

11.11	Fixed Penalty Notices	106
-------	-----------------------------	-----

11.12	Extraordinary expenses in repairing roads damaged by heavy vehicles ...	106
-------	---	-----

11.13	Works affecting the structure of a bridge	107
-------	---	-----

CHAPTER 12 TRAINING..... 108

12.1	Duty to Ensure Competence of Employees	108
------	--	-----

12.2	The Qualification Notice.....	109
------	-------------------------------	-----

APPENDIX A. GLOSSARY 110

APPENDIX B. TERMS OF REFERENCE FOR RAUC(S), AREA RAUCS AND

LOCAL CO-ORDINATION MEETINGS.....	115
--	------------

B.1	Model Terms of Reference For RAUC(S)	115
-----	--	-----

B.2	Model Terms of Reference for Area RAUCs.....	122
-----	--	-----

B.3	Model Terms of Reference for Local Co-ordination Meetings.....	127
-----	--	-----

B.4	Area RAUC and Local RAUC Meeting Areas	133
-----	--	-----

APPENDIX C. WORKS AT OR NEAR LEVEL CROSSINGS 136

C.1	Purpose	136
C.2	Scope	136
C.3	Legislation	137
C.4	Special Features of Level Crossing Work.....	137
C.5	Designation.....	140
C.6	Consultation.....	141
C.7	Risk Assessments and Traffic Control	144
C.8	Network Rail's Special Requirements for all Works Affecting the Permanent Way	145
C.9	Reinstatement of the Road at Level Crossings.....	147
C.10	New Works near Level Crossings.....	147
C.11	HSE and ORR (Office of Rail and Road) Requirements.....	147
APPENDIX D. FLOWCHARTS		148
D.1	Identification of Category of Works.....	148
D.2	Noticing Lifecycle.....	149
APPENDIX E. EARLY AND LATE START CONSENT AND WORKS EXTENSION PROCEDURES.....		150
E.1	Process for Early/Late Start Requests.....	150
E.2	Restriction Following Substantial Works (Section 117)	150
E.3	Works Extensions	151
E.4	Notice Periods	151
E.5	Process.....	152
E.6	Flowchart.....	155
APPENDIX F. ALTERNATIVE TRANSFER OF NOTICES.....		156
F.1	Introduction	156
F.2	Alternative Standard Forms	156
APPENDIX G. LEGAL PROVISION FOR NOTICES.....		157
G.1	3 Month and 1 Month Advance Notice of Works.....	157
G.2	Notice of Expected Starting Date.....	157
G.3	Urgent and Emergency Notices.....	158
G.4	Works Start Notice.....	158
G.5	Works Completion and Reinstatement where there is only one Site.	158

G.6	Works Completion and Reinstatement where there is more than one Site (Undertakers Only).	159
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Foreword

Road works are required in order to ensure that the road network is well maintained and the essential utility services that we all use daily such as water, drainage, electricity, gas and telecommunications continue to operate.

The number of registered road works in Scotland has risen in recent years from around 130,000 in 2019 to around 170,000 in 2025. It is therefore even more important that works are as well planned, well managed and well co-ordinated as they can reasonably be.

Road works authorities have the primary duty to co-ordinate all works on the roads they are responsible for and utilities have duties to co-operate with the authorities and each other. The aims of these duties are to ensure safety, minimise inconvenience to road users and protect the integrity of the road and apparatus within it.

Whilst 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.

This Code of Practice is also relevant for the Scottish Road Works Commissioner in deciding whether a road works authority or a utility has fulfilled its duties to co-ordinate or co-operate respectively.

The Code has been revised and updated by a working group of subject matter experts representing both road works authorities and utilities and I am delighted to endorse it as current best practice.

Stephen Flynn MSP

Cabinet Secretary for Economy, Tourism and Transport

23 June 2026

Chapter 1 Introduction

- 1.1 The *New Roads and Street Works Act 1991 (NRSWA)* as amended by the *Transport (Scotland) Act 2005* and the *Transport (Scotland) Act 2019*, 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.
- 1.2 Road Works Authorities and Undertakers have duties under Section 118 and 119 of NRSWA respectively to minimise inconvenience and disruption to persons using the road, having a regard in particular to the needs of people having a disability. 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.
- 1.3 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.
- 1.4 Practical guidance is given on undertakers’ and road works authorities’ responsibilities with regard to road works.

- 1.5 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.
- 1.6 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.
- 1.7 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.

- 1.8 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 RAUC Co-ordination 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 co-ordinated works.
- 1.9 This code was prepared by a RAUC(S) Working Group comprising representatives from local roads authorities, undertakers and the office of the Scottish Road Works Commissioner. It was the subject of extensive consultation with relevant organisations.
- 1.10 This Code of Practice has been approved by Scottish Ministers and comes into operation on 1 September 2026.
- 1.11 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 all 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, how busy the road is and the requirements of the Safety at Street Works and Road Works Code of Practice.
- 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

- 2.2.1 The co-ordination process has four phases:
- **Planning** – The works promoter shall interrogate the Scottish Road Works Register (SRWR) to consider if its proposed works will interfere with other works already noticed.
 - **Information** – 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.

- **Consideration** – The road works authority must consider if changes to the proposals could reduce disruption.
- **Discussion & Co-operation** – Works promoters must co-operate with the road works authority and other undertakers 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 any other activities already noticed.
- 2.3.2 Works should be planned to minimise disruption to the travelling public and minimise the environmental impact of the works.

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 (for example those described in Section 2.7.5) 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 Section 5.10 for details on the use of early/late starts.

- 2.4.3 Work promoters should be prepared to discuss their proposals with other interested and affected parties 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/opportunities (e.g. 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.
- 2.4.5 It is important the details recorded in the notice on the SRWR should always be accurate as possible. Any changes to works while in progress should be reflected on the notice in the SRWR.

2.5 Co-ordination Considerations

- 2.5.1 Local co-ordination meetings are required for sharing information and enabling all parties to understand each other's 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.

Attendance at these local co-ordination meetings is required by all parties. The constitution describing the purpose of these meetings is detailed in Appendix B.3.

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 the works will have 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 existing embargos and temporary traffic restrictions or prohibitions for other events on roads affected by the works;
- (viii) the effect of skip/scaffold licences, road occupation or other licences or consents issued in respect of affected roads under the *Roads (Scotland) Act 1984*; and
- (ix) 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 to direct the timing of works or the location of apparatus. These are covered in Chapter 6 for Restrictions Following Substantial Works for Road Purposes and Chapter 8 for Timing and Location Directions.

2.7 Co-ordination Mechanisms

2.7.1 General

- 2.7.1.1 Co-ordination means resolving any differences between those competing for space or time in the road, including pedestrians, cyclists, and horse riders, in a positive and constructive way.
- 2.7.1.2 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.
- 2.7.1.3 Undertakers must co-operate with both road works authorities and other undertakers in this co-ordination process.

2.7.2 Local Co-ordination

- 2.7.2.1 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.

2.7.2.2 The frequency and agenda for local co-ordination meetings is set out in Appendix B.3.

2.7.2.3 Representatives attending the meeting should ensure that they are well enough informed to be able to discuss major projects and medium term plans 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.

2.7.3 Area RAUCs

2.7.3.1 Area RAUCs are 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, monitoring the performance of the undertakers and road works authorities, and providing policy guidance on a local basis.

2.7.3.2 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.

2.7.3.3 The frequency and agenda for Area RAUC meetings is set out in Appendix B.2.

2.7.4 RAUC(S)

2.7.4.1 The constitution, agenda and terms of reference for RAUC(S) can be found in Appendix B.1.

2.7.5 Liaison with Other Bodies

2.7.5.1 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/authorities;
- (iv) any other appropriate bodies e.g. organisations representing disabled people, pedestrians, motorcyclists and cyclists; and
- (v) the appropriate planning and environmental health officers.

2.7.5.2 Where it is possible that the works could affect a bus route, then the undertaker or road works authority promoting the works should take this into consideration at as early a stage in the planning process as possible, with the aim of minimising disruption. This may require liaison between the works promoter, the bus operators and road works authority.

2.7.5.3 Road work authorities should maintain effective liaison with bus operators. This could include actions such as:

- (i) Inviting bus operators to attend Local RAUC(S) co-ordination meetings.
- (ii) Giving access to relevant information about works to the bus operators directly from the Scottish Road Works Register.
- (iii) Ensuring bus operators are made aware of TTROs and TTRNs in good time.

2.8 Forward Planning

2.8.1 Forward Planning Information

2.8.1.1 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.

2.8.1.2 The advance notice for works under 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.

2.8.1.3 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

2.8.2.1 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 the production of reports for works co-ordination and allow works promoters to:

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

2.8.2.2 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

- 2.8.3.1 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 recorded on the SRWR.

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, benefit the travelling public and reduce the environmental impact of works. Section 2.8 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.
- 2.9.3 Further detail can be found in Section 5.12 Noticing Procedure – Trench Sharing.

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 undertakers may have statutory obligations to provide a supply or service, and these are closely monitored by the utility regulators. Examples are:

- OfGem (gas and electricity industries) to ensure that the required level of service is maintained. This will include restoring supply, maintaining a supply which is fit for purpose as laid out in regulations, as well as ensuring new customers are connected within certain time frames.
- OfCom (regulator of telecommunications) places a universal service obligation and auto-compensation schemes on telecom providers across the UK to meet reasonable requests for service.
- The Water Industry Commission for Scotland is Scottish Water's economic regulator. It is their role to ensure investment provides best value for customers and communities; provide independent scrutiny of performance and service levels; and to manage the non household retail market.
- The Drinking Water Quality Regulator for Scotland (DWQR) exists to ensure that drinking water in Scotland is safe to drink. The DWQR is responsible for protecting public health by ensuring compliance with drinking water quality regulations.
- SEPA is responsible for environmental protection and improvement. They regulate activities that could lead to pollution or environmental damage.
- The Office of Rail and Road (ORR) are the health and safety regulator for the UK's mainline railway network. Network Rail operates under a licence enforced by ORR and must comply with Railway Group Standards and its Network Management Duty.

- 2.10.4 Under legislation, customers of the electricity, gas, telecom or water companies, subject to certain exemptions, may be entitled to compensation if a company fails to meet these guaranteed standards of performance.
- 2.10.5 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. From 2001, the gas industry has been undertaking a 30 year programme to replace all iron mains less than 8 inches in diameter that are within 30 metres of a property, 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.
- 2.10.6 In accordance with the *UK General Data Protection Regulation (GDPR)*, information that can be used to identify an individual should not be recorded on the Scottish Road Works Register in any of the text fields, unless that field is specifically identified as a contact details field.
- 2.10.7 Note this is not an exhaustive list.

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).
- 3.1.2 The Commissioner uses the information held within the SRWR for reporting and measuring both undertakers' and road works authorities' performance.
- 3.1.3 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. Network Rail. 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) **Prospective Public Roads** – Information relating to prospective public roads, 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 for the road works authority to register the road manager for these roads.
- (iv) **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 for the road works authority 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);

- (iii) details of all roads subject to special conditions;
- (iv) details of road reinstatement category for the purposes of undertakers' reinstatement obligations;
- (v) details of all apparatus placed in or found since 1 April 2024; and
- (vi) details of any unexpected buried objects that are found during the works.

3.5 Giving Notice

- 3.5.1 When giving notice of works in roads the information required shall be entered within the SRWR.
- 3.5.2 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.

3.6 National Street Gazetteer and Associated Data

- 3.6.1 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 (USRN).
- 3.6.2 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.
- 3.6.3 The road works authority, who is acting as the organisation with responsibility for naming or numbering a road, is responsible for recording information on the register of all roads within their area. This is achieved by a minimum of quarterly updates provided by road works authorities.
- 3.6.4 The NSG contains details of road designations within the Associated Data (AsD). The procedures for making and withdrawing designations are contained within Chapter 4 of this Code of Practice.

- 3.6.5 Designations must be recorded within the AsD and any new, withdrawn or amended designations shall be recorded on the SRWR.
- 3.6.6 The conventions describing the content and make up for the National Street Gazetteer are currently maintained by the Improvement Service. These conventions can be found on their website [OSG | One Scotland Gazetteer](#).

3.7 Prospectively Maintainable Roads

- 3.7.1 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 (see Section 3.6), which amongst other things, will be expected to identify the following:
- (i) public roads;
 - (ii) prospective public roads; and
 - (iii) private roads of which the roads authority has knowledge, together with details of the road manager where that is known.
- 3.7.2 This Code applies to prospective public roads just as it does to public roads.
- 3.7.3 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.
- 3.7.4 Private roads and prospective public roads are to be identified as such in the Associated Data sets of the SRWR.

3.8 Community Apparatus Data Vault

- 3.8.1 The Scottish Road Works Register has information relating to the location of apparatus. Section 138A and 139 of NRSWA require organisations to provide details of the apparatus they install, maintain or discover

unexpectedly to the Community Apparatus Data Vault on the Scottish Road Works Register.

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

4.2.1 Background

4.2.1.1 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.

4.2.1.2 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.

4.2.2 The Implications of Designation

- 4.2.2.1 Road works authorities and undertakers should give the same notice for protected roads as those applicable to traffic sensitive roads.
- 4.2.2.2 Once a road has been designated as protected, the activities of undertakers and road works authorities will be severely restricted.
- 4.2.2.3 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.
- 4.2.2.4 Road works authorities may charge a reasonable fee to cover expenses incurred by them in relation to consents.
- 4.2.2.5 Undertakers' works in verges and central reservations not encroaching on the carriageway should normally be allowed.
- 4.2.2.6 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.

4.2.3 Existing Roads – Designation as a Protected Road

- 4.2.3.1 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.

4.2.3.2 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.

4.2.4 New Roads – The Implication of Designation

4.2.4.1 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 (as described in 4.6 Procedure for Making Designations). 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

4.3.1 Background

4.3.1.1 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.

4.3.1.2 Plans and sections of any works proposed must therefore be approved by any authority with an interest in the structure, for example the road works authority, sewer authority, transport authority 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.

4.3.2 Scope of Designations

4.3.2.1 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), 152 (level crossings and tramways), or where a structure is being managed under *Design Manual for Roads and Bridges (DMRB)* CS 470 as sub-standard. This is in the interests of all concerned (e.g. road works authorities, undertakers and, where appropriate, the owner of the structure involved).

4.3.3 Circumstances where Special Engineering Difficulty Designation may be Appropriate

- (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.
- (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.

- (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 (ii) 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.
- (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 Section 11.6.
- (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. It is also expected the location of all apparatus be shown in the SRWR Community Apparatus Data Vault.

- (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. Another example would be where Hazardous materials may be in place, such as coal tar or asbestos materials, which may cause problems during works.

4.3.4 Practical Considerations

- 4.3.4.1 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.

4.3.5 Cellars

- 4.3.5.1 It is not practical for the road works authority to identify all cellars under footways and carriageways to decide whether they justify designation.

- 4.3.5.2 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.
- 4.3.5.3 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.

4.3.6 Policy Guidance

- 4.3.6.1 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.
- 4.3.6.2 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.

4.3.7 Works not Requiring Plans and Sections

4.3.7.1 Road works that can be undertaken either without breaking up or opening the road, or by making use of existing chambers, 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 chambers 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 chambers 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.

4.3.8 Works Requiring Plans and Sections

4.3.8.1 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 of less than 100 metres;
 - a service line of less than 100 metres;
 - overhead electric lines; or
 - overhead telecommunications lines

the submission need allow only 7 working days for approval or rejection by the relevant authority.

Where it is clear that more than minimal alteration to the structure will be needed, as indicated above, plans and sections should be submitted at least one month in advance for approval or rejection by

the relevant authority. This is to allow for adequate consideration of the proposed road works and any measures, or alterations, that would be required to protect the structure concerned.

- 4.3.8.2 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*.
- 4.3.8.3 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.
- 4.3.8.4 Extensive road works, or any underground road works immediately adjacent to the structure concerned, should involve monitoring of the excavation by the authority, installation and maintenance of supporting works or structures and the backfilling of excavations.
- 4.3.8.5 In the case of less extensive works monitoring may not be required and an assessment to ensure that the structure remains undamaged may be sufficient.
- 4.3.8.6 The undertaker promoting the road works will be responsible for the reasonable costs of taking measures to protect the relevant structure.
- 4.3.8.7 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

4.4.1 Background

4.4.1.1 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*.

4.4.1.2 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. It should be noted that short term events may be better recorded on the register as Non-works Disruptions.

4.4.1.3 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.

4.4.1.4 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 Data sets in the SRWR.

- 4.4.1.5 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.
- 4.4.1.6 Where road works are planned to take place in a traffic sensitive road, outside traffic sensitive times, it is essential that if the road works are not completed on time and now affect the traffic sensitive period that the road works authority is consulted on whether or not the works should continue. It may be that the works need to be suspended and full unimpeded traffic flow provided during the traffic sensitive period, by temporarily backfilling excavations or using road plates, unless otherwise agreed with the road works authority.

4.4.2 Vehicular Routes

- 4.4.2.1 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.

4.4.3 Pedestrian Areas

4.4.3.1 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 Other Features of the Road

4.5.1 Background

4.5.1.1 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 road works authority or body responsible for the designation (see also the Scottish Gazetteer Conventions published by Improvement Service). The following types of feature should be captured:

- (i) Level crossing (not Network Rail) – These are non-Network Rail Level Crossings to be entered by the Roads Authority, they will normally be on private railway lines or heritage railways.
- (ii) Bridge – Bridges refer to both over-bridges and under-bridges. Road-over-road bridges are a special case and a record should be created on both roads. Roads Authorities will generally only enter details of

their own bridges but may, by agreement with other bridge managers, enter others' data.

- (iii) Road trees – These are Trees that the Roads Authority are responsible for, which grow near or within the road boundary (including the verge, footway etc.). Undertakers are reminded to follow guidance published in *Volume 4: Street Works UK Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity of Trees*, and that consultation may be required with the Local Authority Tree Officer prior to excavation
- (iv) Other structure (not Designated as Being of Special Engineering Difficulty) – 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. This can include retaining walls, gantries, pipelines and cellars. The Special Designation Description will indicate the type of structure. Note: the structures do not need to be the responsibility of the road works authority.
- (v) Environmental designation – These will include Environmentally Sensitive Areas such as Sites of Special Scientific Interest, Ancient Monuments and Low Emission Zones. These are designations not made by road works authorities which place restrictions on activities, for which permission subject to conditions may or may not be granted, which can be carried out within or adjacent to the designated area or may result in certain vehicles being prohibited to enter. The Special Designation Description will indicate the type of sensitive area.
- (vi) Loops in road surface – Loops include traffic signal detectors, vehicle counting and ice detection cables that are generally close to the surface of the road.
- (vii) Pedestrian crossings – The Special Designation Description indicates roads which have signal-controlled pedestrian crossings.

- (viii) Service strips – These are areas, usually found in housing developments, abutting shared use surfaces and should be of 2m width, where the services to the housing are located.
- (ix) Traffic calming features – Traffic Calming Features include islands, build-outs, cushions, raised tables etc. Traffic calming features must be individually recorded and must be identified by the start and end co-ordinate of each feature.
- (x) Traffic signals – The Special Designation Description indicates roads which have permanent traffic signals.
- (xi) Network Rail level crossing or precautionary area – 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.
- (xii) Hazardous materials – This describes an area where it is known there is a material that could be hazardous if disturbed. An example would be coal tar.
- (xiii) Apparatus at shallow depth – Details of apparatus places at a shallower than recommended depth. Such apparatus poses an increased danger to anyone requiring to undertake excavations.
- (xiv) There may be other types of designation added after the production of this document. Please refer to the *Scottish Gazetteer Conventions* published by the Improvement Service for a full list of designations.

4.6 Procedure for Making Designations

- 4.6.1 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*.

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.

4.6.2 For protected roads the notice must also be published within one or more newspapers circulating in the locality.

4.6.3 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.

4.6.4 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.

4.7 Procedure for Withdrawing Designations

- 4.7.1 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.
- 4.7.2 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.
- 4.7.3 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.
- 4.7.4 The road works authority must record the detail of all designations and withdrawals by using the Associated Data in the SRWR (see Section 3.6).

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

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

Category	Definition
Emergency (Including Remedial – Dangerous)	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. 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.
Urgent	These are works which fall short of emergency works 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. “urgent works” means: 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): - to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker; - to avoid substantial loss to the undertaker in relation to an existing service; or - 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, and include works that cannot reasonably be severed from such works: and 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.
Minor Works	To qualify as minor works the works must: a) not be emergency or urgent works, and b) not be of a planned duration of more than 3 days, and c) not form part of a rolling programme, and 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 Safety at Street Works and Road Works – A Code of Practice (the Safety Code).
Minor Works (Without Excavation)	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: 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 b) the replacement of poles, lamps, columns and signs, pole testing and similar works involving minimal breaking up of the road.
Minor Works (Mobile & Short Duration)	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, pothole repairs of less than one square metre, or those involving the use of a single vehicle or a small number of vehicles. 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 (or whatever time period is described in the <i>Safety at Street Works and Road Works – a Code of Practice</i>), including setting up and clearing away all signing, lighting, guarding and spoil.
Remedial Works (Non-Dangerous)	Remedial works are works in a road required to repair a defect which has developed on a road reinstatement.
Standard Works	These are road works which are not emergency works, urgent works, minor works or major works.
Major Works	Major Works means road works by a works promoter (other than minor works): - 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; - where an order is required under Section 14 of the Road Traffic Regulation Act 1984 for any works other than emergency works; - 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 - 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 Safety Code.
Substantial Works for Road Purposes	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: 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 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.

Table 5.1: Definitions for Each Works Category

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

5.2.1 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 Section 5.6.2).
- (ii) The onus of proving the existence of an emergency always lies with the works promoter.
- (iii) 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.
- (iv) In the case of large-scale emergency works, road works authorities should provide undertakers with details of how officers can be contacted by telephone, including out-of-hours contact.

5.2.2 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.

5.2.3 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 local co-ordination group meetings described in Section 2.7. 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*. Section 2.8.1 above 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.

5.2.4 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.

5.3 Minimum Notice Periods for each Works Category Noticing

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

Work Type	Advance Notice	Notice of Expected Starting Date	Actual Start Notice	Works Closed/Clear Notice	Site Reinstatement Details Notice (Undertakers only)
Emergency (including remedial dangerous)	No notice required	No notice required	Within 2 hours of work starting	Within 2 hours of works completion	Within 5 days of reinstatement of Site
Urgent	No notice required	No notice required	Within 2 hours of work starting	Within 2 hours of works completion	Within 5 days of reinstatement of Site
Minor Works (without excavation)	No notice required	No notice required	No notice required	No notice required	No notice required
Minor Works (mobile & short duration)	No notice required	No notice required	No notice required	No notice required	No notice required
Minor Works (with excavation)	No notice required	24 hour notice – by noon on the day before	Within 2 hours of work starting	Within 2 hours of works completion	Within 5 days of reinstatement of Site
Remedial Works (non-dangerous)	No notice required	24 hour notice – by noon on the day before	Within 2 hours of work starting	Within 2 hours of works completion	Within 5 days of reinstatement of Site
Standard Works	No notice required	7 days notice	Within 2 hours of work starting	Within 2 hours of works completion	Within 5 days of reinstatement of Site
Major Works	Three months notice	7 days notice	Within 2 hours of work starting	Within 2 hours of works completion	Within 5 days of reinstatement of Site
Substantial Works for Road Purposes	Three months notice	7 days notice	Within 2 hours of work starting	Within 2 hours of works completion	No notice required

Table 5.2: Minimum Notice Periods – Non Traffic Sensitive Situations

Notes

“Works Closed” indicates a permanent reinstatement and “Works Clear” indicates a temporary reinstatement.

In this Code of Practice “day” means “working day”. A full definition can be found in Appendix A.

An early start procedure is available. The details can be found at Section 5.10.

“Site Reinstatement Details Notice” is a “Registration Notice” within SRWR.

Work Type	Advance Notice	Notice of Expected Starting Date	Actual Start Notice	Works Closed/Clear Notice	Site Reinstatement Details Notice (undertakers only)
Emergency (including remedial dangerous)	No notice required	No notice required	Within 2 hours of work starting	Within 2 hours of works completion	Within 5 days of reinstatement of Site
Urgent	No notice required	No notice required	At least 2 hours in advance of work starting	Within 2 hours of works completion	Within 5 days of reinstatement of Site
Minor Works (without excavation)	No notice required	3 days notice	Within 2 hours of work starting	Within 2 hours of works completion	Within 5 days of reinstatement of Site
Minor Works (mobile & short duration)	No notice required	3 days notice	Within 2 hours of work starting	Within 2 hours of works completion	Within 5 days of reinstatement of Site
Minor Works (with excavation)	One month notice	7 days notice	Within 2 hours of work starting	Within 2 hours of works completion	Within 5 days of reinstatement of Site
Remedial Works (non-dangerous)	No notice required	3 days notice	Within 2 hours of work starting	Within 2 hours of works completion	Within 5 days of reinstatement of Site
Standard Works	One month notice	7 days notice	Within 2 hours of work starting	Within 2 hours of works completion	Within 5 days of reinstatement of Site
Major Works	Three months notice	7 days notice	Within 2 hours of work starting	Within 2 hours of works completion	Within 5 days of reinstatement of Site
Substantial Works for Road Purposes	Three months notice	7 days notice	Within 2 hours of work starting	Within 2 hours of works completion	No notice required

Table 5.3: Minimum Notice Periods – Traffic Sensitive Situations

Notes:

“Works Closed” indicates a permanent reinstatement and “Works Clear” indicates a temporary reinstatement.

In this Code of Practice “day” means “working day”. A full definition can be found in Appendix A.

An early start procedure is available. The details can be found at Section 5.10.

“Site Reinstatement Details Notice” is a “Registration Notice” within SRWR.

- 5.3.2 Although Table 5.2 and Table 5.3 set out the minimum notice periods, there are other factors, such as the need for traffic regulation orders/notices and portable light signal applications, 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 Test holes of nominal 150 mm diameter or less are not excavations for the purposes of noticing. Normally no notice would be required for these works, unless significant traffic management is required. Test holes greater than 150 mm in diameter are considered as excavations and should be noticed as such. It should be noted that all test holes require to be reinstated in compliance with the *Specification for Reinstatement of Opening in Roads*.
- 5.3.4 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

5.4.1.1 Potential Works Notices are non-statutory notices which can be entered on to the Scottish Road Works Register (SRWR), 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 (without dates)** – 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, will not be highlighted as conflicts with other works and will not be used for co-ordination purposes by the register. They can still be found using a generic search (without dates).

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

- (ii) **Co-ordination Potential Works Notices (with dates)** – 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.

Once the works promoter becomes more certain of the works, or the due date based on the relevant notice period is reached the user is expected to either:

- Convert the Co-ordination Potential Works to a statutory Advance Works Notice using the expected dates and following all aspects of statutory noticing legislation described below;
- Amend the Co-ordination Potential Works Expected Start Date & Expected End Date to reflect when they may take place- effectively pushing back the dates; or
- Abandon the Co-ordination Potential Works Notice. Please note that works which are abandoned can easily be resurrected if it turns out the works will still go ahead.

The use of dates allows the Co-ordination 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.

If the Co-ordination Potential Works Notices are recorded as major works they will also appear as conflicts to other users of the SRWR creating notices for the same location. Conflicts will also be flagged to other users of the SRWR creating notices in the same timeframe as the works

When works are expected to require a road or lane closure it would be beneficial to indicate this using the Potential Works at as early a stage

as possible. This will again allow co-ordination/co-operation with other roads authority/undertakers working in the same location.

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 Section 5.4.8.

- (ii) **Substantial Works for Road Purposes** – Notices for works where a NRSWA 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.

5.4.3 Notice of Expected Starting Date

5.4.3.1 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).

December

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				

Figure 1: Example Notice Period for 7 Day Notice

Notes:

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

The weekends and the 25th and 26th December are non-working days.

Works planned for Sunday the 21st (or for Saturday the 20th) would have to have a notice issued no later than 16:30 on Thursday the 11th, i.e. valid to commence on Monday the 22nd.

Similarly, works submitted with an expected start date on a non-working day must have been submitted at least 7 working days in advance. See Figure 1 for an example.

- (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.

5.4.4 Actual Start Notice

- 5.4.4.1 This must be issued as soon as possible but no later than 2 hours after works commence in all situations requiring a Notice of Expected Starting Date.

- 5.4.4.2 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 in Section 5.4.8.

5.4.4.3 Timing – For notices required in non-working hours the works promoter shall give formal notice within 2 hours of the start of the following working day. If works commence outwith working hours or near the end of the working day, the 2 hour notice period required for the Actual Start Notice stops at 16:30, recommencing at 08:00 on the start of the next working day. See Table 5.4 for examples.

Works Start	Actual Start Notice due by (Latest)	Day
08:00	10:00	Same day as start
10:00	12:00	Same day as start
14:00	16:00	Same day as start
15:00	08:30	Next working day
16:29	09:59	Next working day
16:31	10:00	Next working day
18:00	10:00	Next working day

Table 5.4: Actual Start Notice Timing Examples

5.4.5 Urgent and Emergency Notices

5.4.5.1 These are 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.

5.4.6 Works Completion and Reinstatement where there is only One Site

5.4.6.1 The process is as follows:

- (i) **Works Clear Notice** (for interim reinstatement) and **Works Closed Notice** (for permanent reinstatement) – shall be issued within 2 hours after works are completed.

Timing – For notices required in non-working hours the works promoter shall give formal notice within 2 hours of the start of the following working day. If works are completed outwith working hours or near the end of the working day, the 2 hour notice period required for the Works Clear/Works Closed Notice stops at 16:30,

recommencing at 08:00 on the start of the next working day. See Table 5.5 for examples;

Works Completion	Works Clear/Works Closed Notice due by (Latest)	Day
08:00	10:00	Same day as completion
10:00	12:00	Same day as completion
14:00	16:00	Same day as completion
15:00	08:30	Next working day
16:29	09:59	Next working day
16:31	10:00	Next working day
18:00	10:00	Next working day

Table 5.5: Works Clear/Close Notice Timing Examples

- (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 (see Section 5.5). 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.

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

5.4.7.1 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 (see Section 5.5). 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 within 2 hours after works are completed.

Timing – For notices required in non-working hours the works promoter shall give formal notice within 2 hours of the start of the following working day. If works are completed outwith working hours or near the end of the working day, the 2 hour notice period required for the Works Clear/Works Closed Notice stops at 16:30, recommencing at 08:00 on the start of the next working day. See Table 5.5 for examples;

- (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.

5.4.8 Validity Periods – Following the Issue of Notice of Expected Starting Date

- 5.4.8.1 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 5.6.

5.4.8.2 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.

5.4.8.3 Notwithstanding the validity periods shown in Table 5.6, 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.

Work Type	Traffic Sensitive	Non Traffic Sensitive
Emergency (including remedial dangerous)	N/A	N/A
Urgent	By noon the following day	By noon the following day
Minor Works (without excavation)	3 Days	N/A
Minor Works (mobile & short duration)	3 Days	N/A
Minor Works (with excavation)	7 Days	By noon the following day
Remedial Works (non-dangerous)	3 Days	By noon the following day
Standard Works	7 Days	7 Days
Major Works	7 Days	7 Days
Substantial Works for Roads Purposes	See 0	See 0

Table 5.6: Validity Periods from the Expected Starting Date

5.4.8.4 Figure 2 shows an example of how the validity period operates for Standard Works:

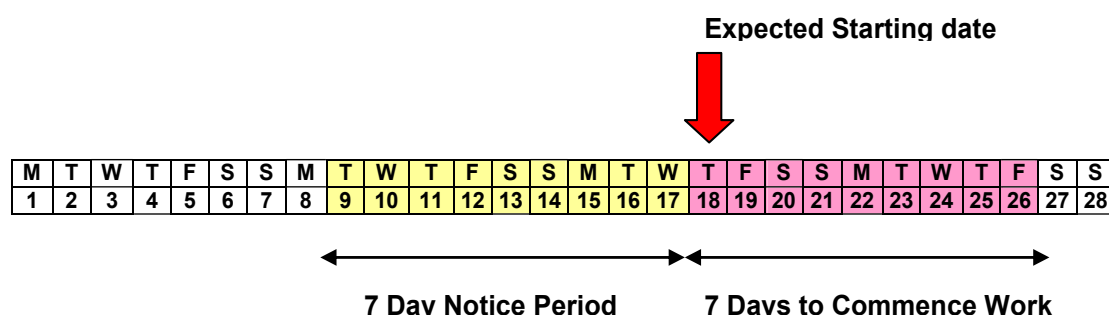


Figure 2: Example of Validity Periods

Notes

If the expected starting date for the works is the 18th then the notice of expected starting date of the works must be entered no later than the 8th to allow the 7 day notice period. This allows the works promoter the period from the 18th to 26th 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 Section 5.10.

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 Section 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 Section 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 Section 5.5.1. When such signs are deployed, the undertaker should insert an appropriate comment within the notice.

5.6 Remedial Works

5.6.1 Notice To Undertake Remedial Work

5.6.1.1 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.

5.6.1.2 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.

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

5.6.2 Remedial Repairs of Dangerous Reinstatement

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

5.6.3 Remedial Repairs to Non Dangerous Reinstatements

5.6.3.1 Remedial work required to repair a non dangerous reinstatement should be noticed as described in Sections 5.1, 5.2 and 5.3 above.

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

5.7 Permanent Phase/Interrupted Works Resumed

5.7.1 A works phase can be completed using a Works Clear where at least one site is reinstated with an interim reinstatement or works have been interrupted.

- 5.7.2 Interrupted works are only appropriate where the site will be completely cleared, with no signing, lighting, guarding, spoil or open excavations remaining. Where the site is still occupied, Interrupted works cannot be used. This process is not appropriate for Road Restriction Notices (S117) as use of the interrupted works function would affect the proper application of the subsequent restriction period. Where works cannot be interrupted the notice for the works should be extended instead, using the Works Extension process described in Section 5.10.
- 5.7.3 When returning to complete works with an interim reinstatement, or which have been interrupted, a new phase of works should be used. This new phase can be created as a type of “Permanent” for interim reinstatement or “Resume works” for interrupted works.
- 5.7.4 The notice used when returning to complete the works should be determined using the same Notice Types as described in Section 5.4.

5.8 Other Notice Types and General Noticing Issues

- 5.8.1 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.
 - (v) **Notice to Mitigate or Discontinue an Obstruction (S125)** – further details can be found in Chapter 9.

- 5.8.2 For the avoidance of doubt, a notice may only refer to one road or section of road (identified in the gazetteer as separate USRNs).
- 5.8.3 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 Section 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.
- 5.8.4 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 light signals (see *RAUC(S) Advice Note 8 - Portable Light Signals*);
 - (iii) scaffold permission; and
 - (iv) consultation with relevant authorities, etc.

5.9 Information Required Enabling a Notice to be Recorded Correctly on SRWR

5.9.1 General

- 5.9.1.1 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.
- 5.9.1.2 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.
- 5.9.1.3 The following is considered the minimum information required to be contained in a valid notice:

5.9.2 Provisional Potential Works Notices

No information is mandated for this type of notice.

5.9.3 Co-ordination Potential Works Notices

- (i) **Date of Works** – these are the expected start date and the expected completion date.
- (ii) **USRN** – the unique street reference number of the road in which the works are to be carried out.

5.9.4 Advance Notice of Works

- (i) **Reference Number** – SRWR provides a unique reference number for each notice. The works promoter may also enter their own discrete reference number.
- (ii) **Date 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 works affect a Traffic Sensitivity** – the works promoter must identify when the works they are carrying out affect the location and times described in the gazetteer described as traffic sensitive.
- (v) **Location of Works** – described by the address of the nearest premises, but only where those premises are within 200 metres of the works
- (vi) **USRN** – the unique street reference number of the road in which the works are to be carried out. This is also used to identify whether or not works are on a road designated as a Special Engineering Difficulty.
- (vii) **Co-ordinates of Works** – co-ordinates must be provided for every notification as a mid-point of the work. It is recognised as good practice to use a line or polygon area rather than the mid-point for the works. This should cover the entire area affected by the works,

including any traffic management. This would normally be best represented as a polygon.

- (viii) **General Description of the Works** – sufficient information is required to clearly identify the type of works being carried out.

5.9.5 Notice of Expected Start Date

Note that for works which have an Advance Notice of Works recorded the information is carried forward from that notice, but can be amended at this stage.

- (i) **Reference Number** – SRWR provides a unique reference number for each notice. The works promoter may also enter their own discrete reference number.
- (ii) **Date 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 works affect a Traffic Sensitivity** – the works promoter must identify when the works they are carrying out affect the location and times described in the gazetteer described as traffic sensitive.
- (v) **Location of Works** – described by the address of the nearest premises, but only where those premises are within 200 metres of the works
- (vi) **USRN** – the unique street reference number of the road in which the works are to be carried out. This is also used to identify whether or not works are on a road designated as a Special Engineering Difficulty.
- (vii) **Co-ordinates of Works** – co-ordinates must be provided for every notification as a mid-point of the work. It is recognised as good practice to use a line or polygon area rather than the mid-point for the works. This should cover the entire area affected by the works,

including any traffic management. This would normally be best represented as a polygon.

- (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”. If the Traffic Management proposed will not be in place at all times (e.g. road closure only at night) it is recommended that the timing be described along with the description of the works, to make it clear when obstructions would affect the travelling public.
- (x) **Estimated Inspection Units** – this is automatically generated based on the duration of the works.

5.9.6 Actual Start Notice

Note that for works which have a Notice of Expected Start Date recorded the information is carried forward from that notice, but can be amended at this stage.

- (i) **Start Date and Time of Works** – these are the date and time the works started.
- (ii) **Traffic Management Proposals** – sufficient information is required to clearly identify the proposed traffic management for the works. For works in progress it will not be acceptable to insert “not known”. If the Traffic Management proposed will not be in place at all times (e.g. road closure only at night) it is recommended that the timing be described along with the description of the works, to make it clear when obstructions would affect the travelling public.
- (iii) **Contact Details** – accurate contact details should be provided. This should be reviewed and updated as required during the lifecycle of the notice. The notice should contain at least the name and telephone of

the originator of the notice and contractor carrying out the works.
Personal information must only be entered in the provided Contact Details fields, this must not be included in any other text fields.

5.9.7 Urgent and Emergency Notices

5.9.7.1 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.

- (i) **Reference Number** – SRWR provides a unique reference number for each notice. The works promoter may also enter their own discrete reference number.
- (ii) **Start Date and Time of Works** –these are the date and time the works started, or the time the works are expected to start if not yet in progress.
- (iii) **Date of Works** – the expected completion date.
- (iv) **Category of Works** – e.g. Emergency, Urgent etc.
- (v) **Whether the works affect a Traffic Sensitivity** – the works promoter must identify when the works they are carrying out affect the location and times described in the gazetteer described as traffic sensitive.
- (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) **USRN** – the unique street reference number of the road in which the works are to be carried out. This is also used to identify whether or not works are on a road designated as a Special Engineering Difficulty.
- (viii) **Co-ordinates of Works** – co-ordinates must be provided for every notification as a mid-point of the work. It is recognised as good practice to use a line or polygon area rather than the mid-point for the works. This should cover the entire area affected by the works,

including any traffic management. This would normally be best represented as a polygon.

- (ix) **General Description of the Works** – sufficient information is required to clearly identify the type of works being carried out.
- (x) **Traffic Management Proposals** – sufficient information is required to clearly identify the proposed traffic management for the works. For works in progress it will not be acceptable to insert “not known”. If the Traffic Management proposed will not be in place at all times (e.g. road closure only at night) it is recommended that the timing be described along with the description of the works, to make it clear when obstructions would affect the travelling public.
- (xi) **Contact Details** – accurate contact details should be provided. This should be reviewed and updated as required during the lifecycle of the notice. The notice should contain at least the name and telephone of the originator of the notice and contractor carrying out the works. Personal information must only be entered in the provided Contact Details fields, this must not be included in any other text fields
- (xii) **Estimated Inspection Units** – this is automatically generated based on the duration of the works.

5.9.8 Works Completion Notice

- (i) **Completion Date and Time of Works** – these are the date and time the works stopped.
- (ii) **Actual Inspection Units** – this is automatically generated based on the duration of the works.
- (iii) **Clear/Close** – to identify whether or not there are any interim reinstatements. Works Clear should be used where there are one or more interim reinstatements. Works Close should be used where all reinstatements are permanent.

5.9.9 Site Reinstatement Details Notice

Note that this information is only required for undertaker works.

- (i) **Location of Reinstatement** – an accurate description of the reinstatement position (e.g. the address of the nearest premises or another point of reference, but only where those premises are within 200 metres of the works)
- (ii) **Reinstatement Dimensions** – an accurate record of the length and width.
- (iii) **Reinstatement Materials Used** – a description of the types of material used in the reinstatement.
- (iv) **Reinstatement Completion Date** – the date the reinstatement was completed.
- (v) **Co-ordinates of Reinstatement** – co-ordinates should be provided for every reinstatement as a point, line or polygon area for the works. This is normally best represented as a polygon representing just the area reinstated.

5.10 Early and Late Start Consent and Works Extension Procedure

- 5.10.1 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.
- 5.10.2 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.

5.10.3 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.

5.10.4 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.

5.10.5 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.

5.11 Other Requirements

5.11.1 General

5.11.1.1 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 (R(S)A)* as well as permissions under

Section 109 of NRSWA are recorded in the SRWR. All these will be recorded as Permissions and Consents.

Categories Of Works	Non Traffic Sensitive Situations	Traffic Sensitive Situations
R(S)A Section 56(1) consent for road works or excavation notice of affected statutory undertakers. Note: where the works include the placement of apparatus a NRSWA Section 109 should be used instead.	3 days notice	1 month notice
R(S)A Section 56(8) notification of unlawful works removed or unlawful excavations filled in.	Within the next day	Within the next day
R(S)A 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
R(S)A 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
R(S)A 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
R(S)A Section 86(2) requiring the removal or repositioning of a skip deposited on a road	Within 3 days	Within 3 days
R(S)A 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 R(S)A Section 88 requiring the removal or alteration of a projection affecting such a road.	Within 3 days	Within 3 days
R(S)A 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
R(S)A Section 91 notice requiring work to be done or carried out in relation to such a road.	3 days notice	3 days notice
R(S)A 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
NRSWA Section 109 intent to issue permission to execute road works	10 days notice	10 days notice

Table 5.7: Recommended Minimum Notice Periods of R(S)A and NRSWA permissions and consents

5.11.1.2 Where road closures, diversions or other obstructions in accordance with Section 16 of the *Road Traffic Regulations Act 1984* occur, these should be recorded on the SRWR by the road works authority as described in Section 11.2. This will include events such as carnivals, marathons, cultural events etc.

5.11.1.3 Table 5.7 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 R(S)A and NRSWA Section 109.

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

5.11.2 NRSWA Section 109 Permission Noticing Requirements

5.11.2.1 As soon as permission is granted the road works authority should ensure that the permission holder 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) the requirement for a Reinstatement Quality Plan;
- (vii) supplying the road works authority with records of installed apparatus;
and
- (viii) 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 Street Works UK website (<https://streetworks.org.uk>).

5.11.2.2 Site specific conditions should be included in the intent to issue permission notice in order to satisfy the requirements as detailed in Section 5.11.2.1 above.

5.11.2.3 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 as a notice of the works. This would be recorded separately to the intent to issue permission described in Section 5.11.1 above.

Categories Of Works	Non Traffic Sensitive Situations	Traffic Sensitive Situations
Section 109 permission notice of road works	7 days notice	As in Table 5.2 & Table 5.3

Table 5.8: Minimum Notice Periods for NRSWA Section 109 Permission Notice

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

5.11.3 Record Keeping

5.11.3.1 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 must include plans or details of such apparatus as appropriate. This information must be recorded in the SRWR Community Apparatus Data Vault.

5.12 Noticing Procedure – Trench Sharing

- 5.12.1 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.
- 5.12.1.2 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.
- 5.12.1.3 It should be noted that all works should comply with the *Construction (Design and Management) Regulations 2015*.
- 5.12.1.4 In the event of trench sharing, one undertaker (referred to here as the primary undertaker for the purpose of noticing) 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.
- 5.12.1.5 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.
- 5.12.1.6 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.

5.13 Failure of the Scottish Road Works Register

- 5.13.1 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.

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 prescribed period. This period is as described in Section 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, footway, footpath, bridleway or cycle track. They can consist of:

- resurfacing or specialist anti-skid surfacing;
- reconstruction;
- widening; or
- alteration in the level of the part of the road concerned.

6.2.2 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.

6.2.3 Specialist anti-skid surfacing 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 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. Where this treatment is carried out without notice being given under Section 117, the prescribed restriction will not apply.

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.
- (iii) The extent of the restriction should be shown on the SRWR by means of a polygon plotted on the map.
- (iv) 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.

(v) 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 NRSWA 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) 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. (An exemption claimed because of a new service or supply should be demonstrable if challenged);
- (iv) repairing, resetting and replacing manhole or chamber covers and frames;
- (v) resurfacing up to 20 square metres;
- (vi) pole, lamp, column or sign replacement in the same location;

(vii) pole testing; and

(viii) 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.
- (iv) works to replace lead water mains to comply with the current *Public Water Supplies (Scotland) Regulations*, which were not have been identified before the restriction began.

Where one of these recommended exemptions is requested the road works authority may request supporting evidence for the exemption before allowing works to commence.

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 Section 6.4), 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 6.1 shows the Duration of Restriction following Substantial Works for Road purposes

Type of Works*	Carriageway	Footway/Footpath/ Bridleway/ Cycle track
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/Footpath/ Bridleway/Cycle track resurfacing” can be laid by hand or machine.

6.7 Early Starts

- 6.7.1 Appendix E.2 sets out how early start requests for substantial works should be dealt with.
- 6.7.2 When a road works authority requests an early start for substantial works, undertakers and relevant authorities shall have 10 days from the date the request is entered on to the SRWR to raise an objection.
- 6.7.3 Where an objection is raised work should not commence until such time as the objection has been resolved and recorded in the SRWR. To resolve the issue, the road works authority can for example:
- (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.

- 6.7.4 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 Section 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.

Chapter 7 Procedure for Embargoes on Road Works

7.1 Introduction

- 7.1.1 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.
- 7.1.2 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”.

7.2 The Statutory Position

- 7.2.1 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”.

- 7.2.2 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.

7.3 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.

7.4 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.

7.5 Use of The Scottish Road Works Register

- 7.5.1 Roads authorities are expected to enter details of an embargo against each road to which the embargo applies, stating the start and end dates, and giving a suitable description. e.g. “Christmas Embargo – no works allowed during this period”.
- 7.5.2 Embargos should be removed from the register once the relevant event is over.
- 7.5.3 An undertaker entering a notice will be alerted of any potential co-ordination conflict.

7.6 Emergency and Urgent Works

- 7.6.1 Emergency and urgent works shall be exempt from any embargo.

Chapter 8 Timing and Location Directions

8.1 Section 115: Power to give Direction as to the Timing of Work

8.1.1 Background

8.1.1.1 Under Section 115 of NRSWA a road works authority can serve a direction on an undertaker, setting out times or days during which proposed (under S115(1) of NRSWA) or ongoing (under S115(1A) of NRSWA) 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.

8.1.1.2 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).

8.1.2 Instances Where Directions may be Given

8.1.2.1 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 the works affect a public transport corridor that is already impacted by other works planned or in progress on the route; or
- (vi) 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.

8.1.2.2 Directions under S115(1) of NRSWA 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. However, directions under S115(1A) of NRSWA for ongoing works can be given for all works types.

8.1.2.3 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.

8.1.3 General Considerations

8.1.3.1 It is important that NRSWA Section 115 directions are not used as an unsubstantiated veto on planned works.

8.1.3.2 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 8.1 sets out the maximum periods within which a direction should be issued. Note that these periods do not apply in the case of directions issued under S115(1A) of NRSWA for ongoing works.

Undertaker's Notice Type	Maximum Time Periods for Road Works Authorities to Issue a Direction on Receipt of Undertaker's Notice
2 hours	Within 1 hour of receipt
24 hours	By 16:00 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 8.1: Maximum Time Periods for Directions Under NRSWA Section 115(1)/115A(1)

8.1.3.3 A direction under any clause of Section 115 of NRSWA must be given using the SRWR.

8.1.4 Policy Guidance

8.1.4.1 Even in circumstances where the use of a NRSWA 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.

8.2 Section 115A: Power to give Direction as to the Placing of Apparatus

8.2.1 Background

8.2.1.1 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.

8.2.1.2 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).

8.2.2 Instances where Directions may be Given

8.2.2.1 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 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.

8.2.2.2 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.

8.2.2.3 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 environmental health noise regulations, Health and Safety at Work Act or other relevant regulations. Road works

authorities should therefore co-ordinate requirements with the appropriate environmental authority before issuing a direction.

8.2.2.4 A direction under Section 115A must be given using the SRWR.

8.2.3 Policy Guidance

8.2.3.1 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.

8.2.3.2 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. Table 8.1 sets out the maximum periods within which a direction should be issued.

Chapter 9 The Completion of Works within Reasonable Periods

- 9.1 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.
- 9.2 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.”

9.3 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 NRSWA 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.

9.4 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.

9.5 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.

9.6 It should be noted that the advice at Sections 9.4 and 9.5 above is equally applicable to road works authorities.

9.7 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 10 Section 109 Road Works Involving Other Undertakers

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 Section 109 undertaker to take such reasonable steps as are specified in the notice to mitigate or discontinue the obstruction. Further details are available in Chapter 9.

Chapter 11 Related Matters

11.1 Location of Works and Apparatus – Exchange of Information Vault

- 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 138A & 139 of NRSWA and are supported by advice in *NJUG Volume 1 – Guidelines on the Positioning and Colour Coding of Utilities Apparatus* and other relevant publications.
- 11.1.2 The Community Apparatus Data Vault (Vault) is now included in the SRWR. NRSWA Section 138A makes it a legal requirement for all undertakers and road works authority to place details of all apparatus installed or maintained after 1 April 2024 must be provided for inclusion in Vault.
- 11.1.3 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*.

- 11.1.4 The current arrangements for requesting and providing apparatus information are described in more detail in *RAUC(S) Advice Note 1 – The Exchange of Plant Information*.
- 11.1.5 If while carrying out road works or works for roads purposes a works promoter find apparatus not identified on the Vault system NRSWA Section 139 requires them to notify the existence of the apparatus on the SRWR as an Unexpected Buried Objects (UBOs).
- 11.1.6 The current arrangements for the recording and reacting to UBOs are described in more detail in *RAUC(S) Advice Note 25 – Unexpected Buried Objects*.

11.2 Road Closures and Traffic Restrictions

11.2.1 Background

- 11.2.1.1 Sections 14 to 16 (before 16A) 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 Traffic Regulation Notice in emergency circumstances;
- (ii) Temporary Traffic Regulation Notice in planned circumstances; and
- (iii) Temporary Traffic Regulation Order

11.2.1.2 The following types of restriction may require a Temporary Traffic Regulation Notice or a Temporary Traffic Regulation Order (note this is not an exhaustive list):

- Parking/Waiting;
- Road/Footpath/Cycle Track Closures;
- Footway closure where no alternative route is provided;
- Speed Reduction;
- Weight Restrictions;
- Temporary revocation of any existing Traffic Regulation Order; or
- Use of Temporary Obstruction of the Carriageway signs.

11.2.1.3 To allow the co-ordination of works any occupation or closure of a road for any other purpose, for example a Temporary Traffic Regulation Order granted under the *Road Traffic Regulation Act 1984* Section 16A, 16B or 16C, should be recorded on the SRWR.

11.2.1.4 For the purpose of the *Road Traffic Regulation Act 1984*, the traffic authority responsible for the issue of TTRN/TTROs is the roads authority as defined in Section 151(1) of the *Roads (Scotland) Act 1984*.

11.2.2 Temporary Traffic Regulation Notice in emergency circumstances

11.2.2.1 Where the road 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/water main), they may issue a Temporary Traffic Regulation Notice under Section 14.1(b) of *Road Traffic Regulation Act 1984* (sometimes referred to as a “Emergency Safety Notice”) imposing a closure or restriction for up to 21 calendar days.

11.2.2.2 If a closure or restriction is considered necessary the undertaker must obtain permission prior to setting out traffic management for the restriction.

This permission can be obtained from either the roads authority or, where the authority cannot be contacted, the police under Section 67 of the *Road Traffic Regulation Act 1984*. If the duration of the works extends beyond the period for which the police are able to enforce a temporary closure, the undertaker must apply to the roads authority for a TTRO or a TTRN.

11.2.2.3 To assist in this endeavour a list of Emergency Contacts and telephone numbers is maintained for each RAUC(S) area by the relevant secretaries. Copies can be obtained from the RAUC(S) secretaries.

11.2.2.4 Retrospective applications for an Emergency Notice (following verbal approval) must be sent to the roads authority with full supporting information, including for example traffic management drawings, within 2 hours of commencement within a working day, or by 10:00 the next working day if after 16:30.

11.2.2.5 The roads authority will confirm whether a TTRN will be approved. The TTRN must be issued the same day the restriction is approved.

11.2.2.6 The roads authority is required to state in the Temporary Traffic Regulation Notice:

- the reason for the closure or restriction;
- the effect of the restriction;
- the type of restriction;
- the location affected;
- alternative routes where applicable; and
- the start date and maximum duration.

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

- 11.2.2.8 The roads authority should also inform any other relevant parties, for example bus operators, taxi firms, waste services, Royal Mail, elected members, community councils and parking enforcement teams.
- 11.2.2.9 It is expected that the roads authority should record on the SRWR details of the road closure and any related diversion route to aid co-ordination.
- 11.2.2.10 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 Temporary Traffic Regulation Order (see Section 11.2.4).
- 11.2.2.11 If the emergency situation is expected to last more than 21 calendar days the works promoter must make the authority aware at the earliest opportunity that a planned Temporary Traffic Regulation Order (TTRO) is required,
- 11.2.2.12 The works promoter should be aware of the requirements described in the *Safety at Street Works and Road Works – A Code of Practice* in relation to the closure/restriction.

11.2.3 Temporary Traffic Regulation Notice in planned circumstances

- 11.2.3.1 For short duration works which will last less than 5 consecutive days (i.e. including weekends) and which the roads authority considers should proceed quickly without the delay of promoting a temporary order, they may issue a temporary traffic regulation notice. This is a less onerous process than promoting a temporary traffic regulation order and can therefore save considerable time and cost.
- 11.2.3.2 The works promoter must give a notice in advance as required by road works authorities to make a TTRN for a restriction that cannot last longer than 5 consecutive days. This notice cannot be extended using another TTRN.
- 11.2.3.3 Full supporting information must be supplied by the works promoter to allow the roads authority to process the application as below.

11.2.3.4 The roads authority will confirm whether a TTRN will be approved. The TTRN must be issued the same day the restriction is approved.

11.2.3.5 The roads authority is required to state in the TTRN:

- the reason for the closure or restriction;
- the effect of the restriction;
- the type of restriction;
- the location affected;
- alternative routes where applicable; and
- the start date and maximum duration.

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

11.2.3.7 The roads authority should also inform any other relevant parties, for example bus operators, taxi firms, waste services, Royal Mail, elected members, community councils and parking enforcement teams.

11.2.3.8 It is expected that the roads authority should record on the SRWR details of the road closure and any related diversion route to aid co-ordination.

11.2.3.9 The works promoter should be aware of the requirements described in the *Safety at Street Works and Road Works – A Code of Practice* in relation to the closure/restriction.

11.2.4 Temporary Traffic Regulation Order (TTRO)

11.2.4.1 For longer duration works requiring a closure or restriction, those outwith the scope of a TTRN, the roads authority must promote a temporary traffic regulation order.

11.2.4.2 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 but

this can be up to 12 weeks depending on the authority. Full supporting information must also be supplied.

11.2.4.3 For works on footpaths and cycle tracks the duration of the Order is restricted to 6 months.

11.2.4.4 On or before the day on which the order is made the roads authority is required to inform the police, fire and ambulance service and any other adjacent roads authority that may be affected.

11.2.4.5 Within 14 days after making the TTRO but before the order comes into operation the roads authority shall publish a notice of the making of the order in one or more newspapers circulating in the area in which any road to which the order relates is situated.

11.2.4.6 The roads authority is required to state:

- the reason for the Order;
- the effect of the restriction;
- the type of restriction;
- the location affected;
- alternative routes where applicable; and
- the start date and duration.

11.2.4.7 The roads authority should also inform any other relevant parties, for example bus operators, taxi firms, waste services, Royal Mail, elected members, community councils and parking enforcement teams.

11.2.4.8 It is expected that the roads authority should record on the SRWR details of the road closure and any related diversion route to aid co-ordination.

11.2.4.9 Such orders can also be entered on to [tellmescotland](https://www.tellmescotland.gov.uk/) website by the roads authority.

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

11.2.4.11 Where an extension over the original 18 months is required the aforementioned parties must be consulted on the extension and approval sought from the Scottish Ministers.

11.2.4.12 The works promoter should be aware of the requirements described in the *Safety at Street Works and Road Works – A Code of Practice* in relation to the closure/restriction. It is also recommended that information signs in advance of works commencing are used to advise road users of upcoming road closures or restrictions.

11.2.5 Early Re-opening of Roads

11.2.5.1 It should be borne in mind that the roads authority must be informed of early re-opening of the road following a TTRN or TTRO.

11.2.6 Traffic Signs

11.2.6.1 Closures or restrictions provided by the above are only in force when the appropriate signs are maintained in place. It is the roads authority's responsibility to ensure the appropriate signs are maintained and in place. This does not preclude the works promoter from being asked by the roads authority to provide and maintain the necessary signs. In these circumstances the roads authority would not be able to recover the costs of providing and maintaining the signs.

11.2.7 Designated Parking places

11.2.7.1 *The Road Traffic Act 1991* also allows for the temporary suspension of designated on street parking places where this may assist the works.

11.2.8 Procedure

11.2.8.1 When a TTRO or TTRN has been made, the works promoter will be responsible for complying with the relevant requirements of the roads authority or police for the closure of the road.

11.2.8.2 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.

11.2.9 Recovery of Costs

11.2.9.1 Section 135 of NRSWA allows for roads authorities to recover the costs incurred by them in connection with the TTRN or TTRO.

11.2.9.2 Upon application for a TTRN or TTRO, roads authorities should provide the works promoter with the estimated cost of the TTRN/TTRO. For example invoices should be itemised as follows (not an exhaustive list):

- (i) Cost of Administration
- (ii) Advertising in Local Paper
- (iii) Providing Traffic Signs
- (iv) Costs for alternative route

11.2.10 Portable Light Signals

11.2.10.1 *The Roads Traffic Regulation Act 1984* Section 65(1) requires that permission be sought of the roads authority (as the traffic authority) for the use of portable light signals.

11.2.10.2 *Safety at Street Works and Road Works – A Code of Practice* states that the roads authority must be informed about the use of portable light signals.

11.2.10.3 Multi-phase setups require specific approval from the roads authority in advance of planned works.

11.2.10.4 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.

11.2.11 Display of Notices/Orders

11.2.11.1 The roads authority must ensure that physical copies of notices are placed in a prominent position at each end of the length of road affected by the TTRN/TTRO, or where vehicles or pedestrians diverge from the road.

11.2.11.2 These notices must be placed and maintained in a legible condition.

11.2.11.3 Each notice shall be displayed throughout the period during which the TTRN/TTRO is in force and shall contain the same information described for the TTRN/TTRO notices described in Sections 11.2.2, 11.2.3 and 11.2.4

11.3 Maintenance of Undertakers' Apparatus

11.3.1 Background

11.3.1.1 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.

11.3.2 Practical Considerations

11.3.2.1 NRSWA Section 140(1) gives road works authorities certain powers to inspect and carry out emergency works.

- 11.3.2.2 Any works required in relation to NRSWA S140(1) and *The Road Works (Maintenance) (Scotland) Regulations 1992* must be noticed appropriately as described in Chapter 5.
- 11.3.2.3 Emergency works should not be impeded by any disputes between a road works authority and an undertaker. The matter should be resolved in accordance with the *Code of Practice for Dispute Resolution and Appeals*.
- 11.3.2.4 Where the road works authority has opened the road or exposed an undertaker's apparatus in an emergency or to inspect the undertaker's apparatus, 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.
- 11.3.2.5 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.

11.4 Major Works for Road Purposes – Sharing of Costs

- 11.4.1 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 – Diversionary Works*.
- 11.4.2 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.
- 11.4.3 Roads that have been subject to such a notice will be recorded in the SRWR.

11.5 Other Publications

11.5.1 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*
- *Specification for the Reinstatement of Openings in Roads*
- *Reinstatement Quality Plans Code of Practice*

11.5.2 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 [Legislation & Guidance | Scottish Road Works Commissioner](#).

11.6 Working near Tramways and Rail Tracks

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

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

11.7 Vehicle Parking at Road Works

11.7.1 The *Safety at Street Works and Road Works – A Code of Practice* should always be consulted for advice on safety issues. For motorways, or any dual carriageway, with a speed limit of 50 mph or more, Chapter 8 of the *Traffic Signs Manual* should be consulted.

11.7.2 Vehicle within Works Site

11.7.2.1 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 *Safety at Street Works and Road Works – A Code of Practice*. A vehicle entirely within the coned-off area of the site may require a larger coned-off area than would otherwise be the case.

11.7.3 Vehicle outside Works Site

11.7.3.1 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.

11.7.4 Implications

11.7.4.1 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.

11.7.5 Parking Restrictions

11.7.5.1 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.

11.8 Storing Materials

11.8.1 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 through the SRWR if it is not completely contained within the works site.

11.9 Apparatus Belonging to Others

- 11.9.1 Under NRSWA 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.

11.10 Environmental Issues

- 11.10.1 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 Fixed Penalty Notices

- 11.11.1 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.
- 11.11.2 The Code of Practice for Penalties sets out the procedures to be used when a road works authority issues a FPN under NRSWA.

11.12 Extraordinary expenses in repairing roads damaged by heavy vehicles

- 11.12.1 *The Roads (Scotland) Act* Section 96 allows the roads authority to recover the costs extraordinary expenses have been, or will be, incurred by them in maintaining the road by reason of damage caused to it by excessively heavy, or other extraordinary, vehicles or traffic, they may recover from any person

11.13 Works affecting the structure of a bridge

- 11.13.1 Under NRSWA Section 147 an undertaker proposing to execute road works affecting the structure of a bridge shall consult the bridge authority before giving a notice of starting date or actual start of works.

Chapter 12 Training

12.1 Duty to Ensure Competence of Employees

- 12.1.1 An undertaker has a statutory duty conferred under the NRSWA 1991 amended by the *Transport (Scotland) Act 2005* 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 A roads authority has a statutory duty conferred under the *Roads (Scotland) Act 1984* as amended by the *Transport (Scotland) Act 2019* to ensure that trained operatives and supervisors working on/in the road have a registered certificate of competency for the works they are undertaking.
- 12.1.3 Road works authorities, roads authorities and undertakers must use best endeavours to ensure that employees are competent to carry out the duties described in NRSWA.
- 12.1.4 *The Road Works (Qualifications of Operatives and Supervisors) (Scotland) Regulations 2017* (as amended in 2019 and 2023) make provision for prescribed qualifications of operatives and supervisors. Section 126 and 127 of the 1991 Act requires undertakers to afford road works authorities reasonable facilities for ascertaining whether the operatives and supervisors on site are appropriately qualified.
- 12.1.5 The road works authority can request the name and evidence of the requisite qualification from the undertaker using a Qualification Notice.
- 12.1.6 It is recommended that all undertakers use their best endeavours to ensure that staff carry a prescribed qualification card 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.

12.2 The Qualification Notice

12.2.1 Introduction

12.2.1.1 When the road works authority is unable to view the prescribed 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, to request the name and the relevant qualification of the trained operative on site and the supervisor whether on site or not.

12.2.2 Procedure

12.2.2.1 It is recommended that the road works authority issue the Qualification Notice to the undertaker through the SRWR.

12.2.2.2 It is recommended that the undertaker should respond through the SRWR. providing; the name and the prescribed qualification number of the qualified operative(s) on site and/or supervisor having the prescribed qualification. This information should 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.

12.2.2.3 If not responding to a qualification notice using the SRWR the name and evidence of the prescribed qualification must be provided by the undertaker using another mechanism. This should be provided to the road works authority within a period of 24 hours, in any working day, from issue of the original request.

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).
Area RAUC	The regional sub-group of the RAUC(S) meeting.
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 its 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.
Contact Details	Details of the contacts with knowledge of the works. Should consist as a minimum of the name and telephone number of both the notice originator and the principal contractor on site.
Costs (for resurfacing)	Costs, direct costs and overhead costs should be based on <i>The Road Works (Recovery of Costs) (Scotland) Regulations 2003</i> .
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	A day is a working day. A working day is defined as (regulation 2(1) of SI 2008 No. 88), 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(1) of NRSWA).

Term	Explanation
Emergency Works	As defined in Table 6.1 of this Code of Practice.
End of Working Day for notice purposes	16:30 (Section 157(2) of NRSWA).
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.
Frontager	Means the owner of any land fronting or abutting a road or a proposed road.
HAUC(UK)	Highways Authority and Utilities Committee (UK)
Interface	Where the carriageway surface meets: the kerb or the edge of the carriageway for unkerbed roads. the carriageway of an adjoining street at a junction. another section of machine laid surface and a joint exists where the two machine laid surfaces meet.
Interim Reinstatement	The orderly placement and proper compaction of reinstatement layers to finished surface level, including any temporary materials.
Local RAUC	The local regional sub-group of the Area RAUC meeting.
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 (regulation 2(1) of SI 2008 No. 88).
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.
NRSWA/NRSWA 1991	<i>The New Roads and Street Works Act 1991</i> , as amended by the <i>Transport (Scotland) Act 2005</i> and the <i>Transport (Scotland) Act 2019</i> .
Permanent Reinstatement	The orderly placement and proper compaction of reinstatement layers up to and including the finished surface level.
R(S)/A/R(S)/A 1984	<i>Roads (Scotland) Act 1984</i>
RAUC/RAUC(S)	Road Authorities and Utilities Committee (Scotland).

Term	Explanation
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.
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 (NRSWA Section 108).
Road Works	Works for any purposes other than roads purposes, being works of any of the following kinds executed in a road pursuant of a statutory right or with permission granted under NRSWA Section 109: placing apparatus or 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).
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 Permission	Permission granted by a roads authority to a person to carry out road works.
Roads Authority	In relation to a road or proposed road, the council within whose area the road is; and in relation to a trunk road the Scottish Ministers. As described in R(S)A Section 151.
Safety Code	The Safety at Street Works and Road Works – A Code of Practice. Commonly referred to as the Safety Code.
SCOTS	The Scottish Collaboration of Transportation Specialists.

Term	Explanation
Site	In relation to notices, this means individual elements of works which can be completed at different times and which require the submission of individual reinstatement details notices. This could be long trenches with sectional completion or a series of individual excavations within a single road works.
SJUG	The Scottish Joint Utilities Group.
SLG	The Signing, Lighting and Guarding used to keep the site safe, as per the Safety Code.
Specialist non-skid surface dressing	This is commonly referred to as anti-skid treatment, or specialist non-skid surface treatment, and should not be confused with standard surface dressing treatment.
SROR	<i>The Specification for the Reinstatement of Openings in Roads.</i>
SRWC	The Scottish Road Works Commissioner.
SRWR	The Scottish Road Works Register. The register of all road works and related events in Scotland.
Standard Works	As defined in Section 6.2 of this Code of Practice.
Start of Working Day	08:00 hours.
Traffic Authority	The roads authority for the road concerned (based upon Section 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.
Working Day	See the definition of “Day” above for a description of a “Working Day”
Works Clear	The status of “works clear” provides a point where the promoter can declare that all reinstatements are complete, at least to an interim standard, and that all sites have been cleared of all SLG & materials.
Works Closed	The status of “works closed” provides a point where the promoter can declare that the works are now complete, an permanent standard,

Term	Explanation
	and that all sites have been cleared of all SLG & materials. The works can only be reopened if remedial works are required.
Works For Road Purposes	Works for the maintenance of a road: (a) works for any purpose falling within the definition of "improvement" in Section 151 of the Roads (Scotland) Act 1984, (b) the erection, maintenance, alteration or removal of traffic signs, or (c) the construction of a crossing for vehicles across a footway or the strengthening or adaptation of a footway for use as a crossing for vehicles.
Works Promoter	The organisation promoting the work in the roads, i.e. the road works authority or the undertaker.
Year	A calendar year.

Appendix B. Terms of Reference for RAUC(S), Area RAUCs and Local Co-ordination Meetings

B.1 Model Terms of Reference For RAUC(S)

B.1.1 Terms of Reference

Purpose

B.1.1.1 The Roads and Utilities Committee (Scotland) (RAUC(S)) shall provide support and advice to the Scottish Road Works Commissioner (SRWC), with a view to improving the planning, co-ordination and quality of all road works.

B.1.1.2 RAUC(S) shall support and advise the SRWC in undertaking their general functions of

- a. Monitoring the carrying out of works in roads;
- b. Promoting compliance with the current Acts, Codes of Practice etc. and the obligations imposed under them; and
- c. Promoting the pursuit of good practice by the wider road works community.

B.1.2 Meeting Agenda

B.1.2.1 The RAUC(S) meeting agenda template is replicated below.

RAUC(S) Meeting

- RAUC(S) Meetings should cover the agenda items below for all RAs and SUs in attendance.
- Draft minutes must be agreed as accurate and issued to all attendees no later than three weeks after the meeting.
- RA Pre-meeting & SJUG Pre-Meeting held in advance of the meeting

Agenda

1. Introduction & Apologies RA or SU Co-Chair.
2. Presentations:

Any presentations agreed at RAUC(S) Agenda Setting Meeting
3. Minutes of Previous Meeting and any Matters Arising;
 - a) Accuracy RA or SU Co-Chair.
 - b) Action Tracking and Review RA or SU Co-Chair.
4. RAUC(S) Working Group Reports:
 - a) Reports from Working Groups WG Chair / Co-Chair.
 - b) Consultations and feedback WG Chair / Co-Chair.
 - c) Working Group Recruitment RA or SU Co-Chair.
5. Area RAUCs Action Reports

(must be written and presented to RAUC(S) agenda setting meeting)

 - a) North Area RAUC Area RAUC Chair / Co-Chair.
 - b) South Area RAUC Area RAUC Chair / Co-Chair.
 - c) East Area RAUC Area RAUC Chair / Co-Chair.
 - d) West Area RAUC Area RAUC Chair / Co-Chair.

6. RAUC(S) Business;
 - a) Health & Safety Issues RA or SU Co-Chair.
 - b) Environmental Issues RA or SU Co-Chair.
 - c) List of Plant Protection Systems RA or SU Co-Chair.
 - d) Emergency Contact Details RA or SU Co-Chair.
7. HAUC UK and Associated Subgroup Reports;
 - a) HAUK UK Report HAUC Chair / Co-Chair.
 - b) HAUC UK Working Groups Working Group Rep.
 - c) HAUC Working Group Recruitment RA or SU Co-Chair.
8. Standing Reports;
 - a) Scottish Road Works Commissioner SRWC
 - b) Management and Operation of the SRWR SRWC
 - c) SRWR Steering Group Remits to RAUC(S) Working Group Rep.
 - d) Scottish Government (Policy Development) Government Rep.
9. AOCB;
 - a) RAUC Chairs / Co-Chairs are agreed for at least the next 2 years.
10. Date of Next Meeting(s):-
 - a) RAUC(S) Agenda Setting Meeting
 - b) RAUC(S) Meeting
 - c) Following Year's Meetings (to be agreed and confirmed at October meeting)
 - d) Venue to be confirmed by Chair / Co-Chair

B.1.3 Activities

B.1.3.1 RAUC(S) will discuss subjects of interest and, where appropriate, will aim to agree a joint course of action including for example, the development of best practice and performance reports, advice on future legislation and the submission of representations to the Scottish Government, SRWC, HAUC(UK) and other organisations.

B.1.3.2 Normally, there are 3 meetings per year, held on the last Wednesday of February, June and October, or as required for business. The Co-chairs have the discretion to decide whether these meetings will be held virtually or in person, with the decision to be made in advance. It is considered beneficial to have at least one in-person meeting annually. When meetings are held in person, the possibility of providing electronic access will be explored. However, this may not always be feasible, and therefore, the Co-chairs reserve the right to organise a non-hybrid meeting if deemed appropriate.

B.1.4 Membership

B.1.4.1 The Committee comprises of representatives appointed by SJUG, local Road Works Authorities, with representatives from the Scottish Government, Transport Scotland and Network Rail. Other appropriate bodies may be invited to attend as dictated by the business of the meeting. The Joint Chairs of HAUC(UK) have a standing invitation to attend, as does the SRWC.

B.1.5 Constitution.

B.1.5.1 Co-Chairs and Chairs of RAUC(S)

RAUCS(S) operates with two co-chairs; one Roads Works Authority and one Undertaker, taking it in turn to chair RAUC(S) meetings.

To assist in providing continuity, Co-Chairs and the Chair each normally serve for 2 years with the staggered “retiral” of one Co-Chair / Chair each year. Vice Co-Chairs are appointed to establish alternatives are the first in line of succession.

B.1.5.2 Undertakers

There are twelve representatives. In the case of SJUG, representation will consist of the Chair of SJUG who, ex officio is Undertaker Co-Chair, and members appointed from the following undertaker groups

- a. Gas
- b. Telecommunications
- c. Power
- d. Water and Sewerage
- e. Other

B.1.5.3 Local Road Works Authorities

There are twelve representatives, three appointed by the local Road Works Authorities, in each of the four Area RAUCs. The Roads Co-Chair will be approved by SCOTS to whom the Co-Chair will report. The Roads Co-Chair is, ex officio, a member of the SCOTS Liaison Committee, and may attend the SCOTS Executive where necessary.

B.1.5.4 Scottish Government / Transport Scotland

The Scottish Government is represented as the “legislative” body. A separate Transport Scotland representative attends to represent the trunk road interests as Road Works Authority.

B.1.5.5 Network Rail

Network Rail is a member of RAUC(S) in their capacity as an Undertaker and a Road Works Authority. Network Rail representatives are SJUG

members and are a Statutory Undertaker in their own right. Network Rail members are not counted in the numbers set out in Sections B.1.5.2 and B.1.5.3 above.

B.1.5.6 Substitutes

Members of the Committee should send substitutes from their Area RAUC to meetings and additional members may be co-opted when necessary.

B.1.5.7 Area RAUCs

Chairs of Area RAUCs are members of RAUC(S) and are counted within the numbers given in Sections B.1.5.2 and B.1.5.3 above.

B.1.5.8 Working Groups

RAUC(S) may from time to time establish working groups to discharge specific functions.

The Gazetteer Working Group is responsible for issues arising from the National Street Gazetteer which is required for the effective operation of the Scottish Road Works Register (SRWR). A written submission to RAUC(S) is required, however the Chair of the Group may attend. (Note – this is a Group where equal numbers may not be appropriate).

Chairs and members of RAUC(S) Working Groups do not have to be members of RAUC(S). The chair of a Working Group who is not a member of RAUC(S) will attend RAUC(S) meetings as required.

Working Groups shall normally comprise equal numbers of Road Works Authority and Undertaker representatives, except the Gazetteer Working Group and also where there is RAUC(S) agreement to an uneven split of members.

B.1.5.9 Highway Authorities and Utilities Committee (HAUC(UK))

RAUCS(S) Co-chairs are members of the HAUC(UK) Committee in its role as a forum for matters of mutual interest in relation to roads and street works.

B.1.5.10 Dispute Resolution

RAUC(S) shall review complex disputes and reach decisions in accordance with the current Code of Practice on Dispute Resolution and Appeals. All RAUC(S) members are encouraged to adhere to any Dispute Panel recommendations.

B.1.6 Frequency of Meetings

B.1.6.1 The frequency of the meetings is 4-monthly.

B.2 Model Terms of Reference for Area RAUCs

B.2.1 Terms of Reference

B.2.1.1 To report to RAUC(S), any matter the Area feels is of note or for advice.

B.2.1.2 To act as the area focus for RAUC(S).

B.2.1.3 To provide a forum for discussion on issues relevant on an area basis.

B.2.1.4 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 RAUC(S).

B.2.1.5 Through feedback from local co-ordination meetings, monitor the performance regionally of both the undertakers and the road works Authorities under NRSWA.

B.2.1.6 To refer local initiatives to RAUC(S) for recommended adoption nationally.

B.2.1.7 To promote mutually beneficial good working practices in the light of RAUC(S) policy and current legislation.

B.2.1.8 To deal with specific remits from RAUC(S) within required timescales and to report back to RAUC(S) with findings.

B.2.1.9 The Area RAUCs meeting agenda template is replicated below.

Area RAUC Meeting

- Area RAUC Meetings should cover the agenda items below for all RAs and SUs in attendance.
- Minutes must be agreed as accurate and issued to all attendees no later than three weeks after meeting.
- Any remit to RAUC(S) shall be submitted 2 weeks in advance of that meeting.

Agenda

1. Introduction & Apologies; Area Chair / Co-Chair.
2. Presentations:

Any presentations agreed by Area Chair / Co-Chair
3. Minutes of Previous Meeting;
 - a) Accuracy Area Chair / Co-Chair.
 - b) Action Tracking Area Chair / Co-Chair.
4. Written reports from Local Co-Ordination meetings/clusters;
 - a) Co-ordination of works (in particular strategic programmes and potential conflicts) Relevant RA.
 - b) Sample Inspection SU performance and RA management Relevant RA.
 - c) Disputes and / or Improvement Notices Relevant RA.
 - d) Wider issues raised Relevant RA.
 - e) Changes to road designations Relevant RA.
 - f) Future meeting dates/changes to chair Area Chair / Co-Chair.
5. Matters arising from previous RAUC(S) meeting;
 - a) Minute/Remits from RAUC(S) meeting Area Chair / Co-Chair.

6. Scottish Government & SRWC Report & Performance and Management;
 - a) Scottish Government Report Government Rep.
 - b) Road Works Performance Dashboard oSRWC.
 - c) SRWC Report oSRWC.
7. Working Group Reports;
 - a) Reports from Working Groups WG Chair / Co-Chair.
 - b) Consultations and feedback WG Chair / Co-Chair.
 - c) RAUC(S)/HAUC(UK) Working Group Recruitment Area Chair / Co-Chair.
8. Health and Safety;
 - a) Health & Safety Issues Area Chair / Co-Chair.
 - b) List of Plant Protection Systems Area Chair / Co-Chair.
 - c) Emergency Contact Details Area Chair / Co-Chair.
9. AOCB;
 - a) Area RAUC Chairs / Co-Chairs are agreed for at least the next 2 years
10. Date of Next Meeting(s):-
 - a) Venue to be confirmed by Chair / Co-Chair

B.2.2 Constitution

B.2.2.1 The chair and vice chair represent organisations, not named individuals.

B.2.2.2 There are four Area RAUCs which are described in Section B.4 below.

B.2.2.3 Representatives will be appointed by the undertaker and road works authorities. It is preferred representatives be an employee of the road works authority or undertaker, rather than a contractor/agent operating on their behalf. 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.

B.2.2.4 The Chairmanship and secretariat shall rotate between the undertaker and/or road works authorities every two years. A line of succession is established with the current named vice Chair being designated as Chair in the next two-year rota.

B.2.2.5 Chairs and vice chairs shall be agreed at least 2 years in advance.

B.2.2.6 All organisations will be able to submit matters for inclusion on the agenda for meetings.

B.2.2.7 Normally, there are 3 meetings per year, held at least one month in advance to the RAUC(S) meetings in February, June and October, or as required by business. It would be deemed advantageous to have one in-person meeting annually. When meetings are held in person, the possibility of providing electronic access will be explored. However, this may not always be feasible, and therefore, the Co-chairs reserve the right to organise a non-hybrid meeting if deemed appropriate.

B.2.2.8 Members may send substitutes to meetings and additional members may be co-opted when necessary.

B.2.2.9 The Area RAUCs may set up working parties and sub-groups to work on particular subjects.

B.2.2.10 The Area RAUCs Road Works Authority members will elect their 3 local Road Works Authority representatives to attend RAUC(S).

B.2.3 Frequency of Meetings

B.2.3.1 The frequency of the meetings is 4-monthly.

B.3 Model Terms of Reference for Local Co-ordination Meetings

B.3.1 Terms of Reference

B.3.1.1 To ensure optimum co-ordination of works on roads and to minimise inconvenience to roads 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 works for road purposes and road works:
 - i. review planned resurfacing works and road closures;
 - ii. review and confirm whether any other works / remedial works can be completed;
 - iii. confirm defects / defective apparatus that may be subsumed by resurfacing works.
- c. local policies affecting road works such as traffic management proposals, planters, bins etc;
- d. R(S)A licenses and permissions such as; skips, scaffolding, road occupation, street café etc;
- e. discuss network condition and road works authority inspections records in conjunction with undertaker defects;
- f. review the inspection regime:
 - i. Road works authority sample inspections (actual vs expected per quarter for each undertaker);
 - ii. Undertaker sample inspections (% pass rate for Sample A, B and C);

- iii. Collate previous quarter results of sample inspections to Area RAUC;
- iv. Pending, declined and abortive/cancelled inspections.
- v. Outstanding defects
- vi. Disputes
- g. issue minutes to all attendees timeously, no later than three weeks after meeting.
- h. confirm to Area RAUC: invitees (internal and external); attendees (names and organisations); any apologies; minutes were issued timeously; and
- i. wider issues should be referred up to Area RAUC using the provided proformas. Any remit to Area RAUC shall be submitted in advance of that meeting;

B.3.1.2 The Local Co-ordination meeting agenda template is replicated below.

Local Co-ordination Meetings

- Local Co-ordination Meetings should cover the agenda items below for all RAs and SUs in attendance.
- Liaison Meetings are only required where improvement plans are in operation.
- Minutes must be agreed as accurate and issued to all attendees no later than three weeks after meeting.
- Any remit to Area RAUCs shall be submitted 2 weeks in advance of that meeting.

Agenda

1. Introduction & Apologies; RA Chair.
2. Minutes of Previous Meeting;
 - a) Accuracy RA Chair.
 - b) Action Tracking RA Chair.
3. Matters arising from previous Area RAUCs and RAUC(S) meeting; RA Chair.
4. Co-ordination of works (in particular strategic programmes and potential conflicts) RA Chair.
 - 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) review planned resurfacing works and road closures;
 - d) review and confirm whether any other works / remedial works can be completed;
 - e) confirm defects / defective apparatus that may be subsumed by resurfacing works.
 - f) local policies affecting road works such as traffic management proposals, planters, bins etc;

- g) R(S)A licenses and permissions such as; skips, scaffolding, road occupation, street café etc;
 - h) discuss network condition and road works authority inspections records in conjunction with undertaker defects
 - i) Outstanding interim reinstatements
 - j) Works with undue delays
5. Sample Inspection SU performance and RA management RA Chair.
- a) Road works authority sample inspections (actual vs expected per quarter for each undertaker);
 - b) Undertaker sample inspections (% pass rate for Sample A, B and C);
 - c) Collate previous quarter results of sample inspections to Area RAUC;
 - d) Pending, declined and abortive/cancelled inspections.
 - e) Outstanding defects
6. Disputes etc. to be remitted to Area RAUC RA Chair.
- a) Reinstatement Disputes
 - b) Improvement Notices
 - c) FPN Hearings
7. Changes to road designations / Gazetteer issues RA Chair.
8. Wider issues to be remitted to Area RAUC. RA Chair.
9. Health and Safety; RA Chair.
- a) Health & Safety Issues
 - b) List of Plant Protection Systems
 - c) Emergency Contact Details
10. AOCB;
11. Date of Next Meeting(s):-
- a) Venue to be confirmed by RA Chair

B.3.2 Constitution

B.3.2.1 There are 15 Local Co-ordination Meeting areas which are described in Section B.4 below.

B.3.2.2 Membership shall be decided by the road works authority and must include:

- a. Representatives from any undertaker working in the area or planning to work in the area should attend.
- b. Representatives from any trunk road operator working in the area or planning to work in the area, or required to co-ordinate works in the area, should also attend.
- c. Police.
- d. Relevant transport authority.

and may include:

- e. As the occasion requires, the representatives from adjacent road works authorities.
- f. The other Emergency Services.
- g. Local planning authority.
- h. Transport operators, such as bus companies.
- i. Focus groups or others deemed necessary.

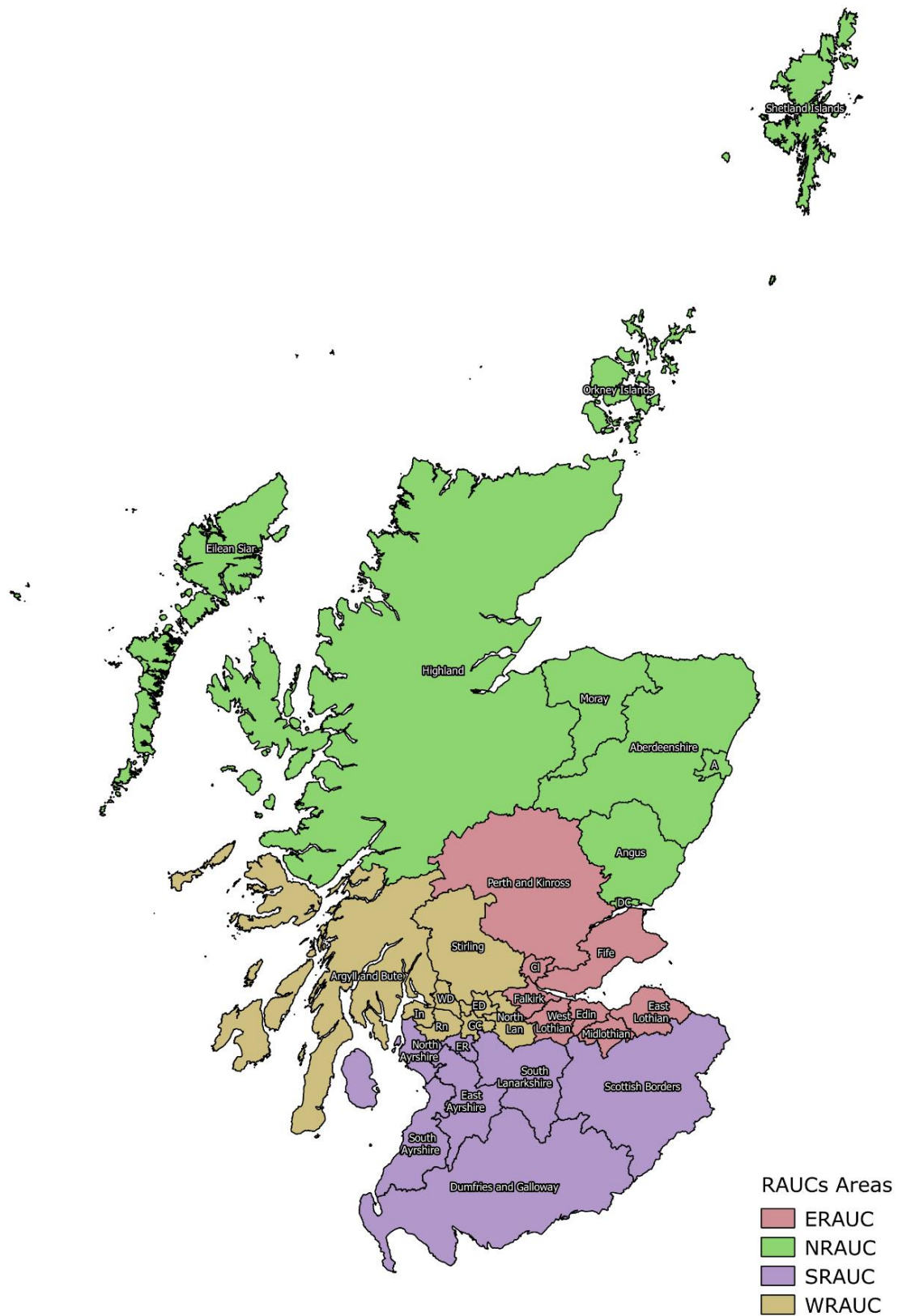
B.3.2.3 At the discretion of the road works authority, meetings may be held virtually or in actual meeting rooms. It would be deemed advantageous to have one in-person meeting annually. When meetings are held in person, the possibility of providing electronic access will be explored. However, this may not always be feasible, and therefore, the Chair reserves the right to organise a non-hybrid meeting if deemed appropriate.

B.3.2.4 Within Cluster Groups the chair will be held in rotation by each Road Works Authority for a period of 2 years.

B.3.3 Frequency of Meetings

B.3.3.1 The frequency of the meetings is quarterly.

B.4 Area RAUC and Local RAUC Meeting Areas



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Figure B4.1: Map showing Area RAUCs

Area RAUC	Authority Name	Local RAUC	Map Label
ERAUC	City of Edinburgh Council	Edinburgh Local RAUC	Edin
ERAUC	Clackmannanshire Council	Clacks, Falkirk and Stirling Local RAUC	Cl
ERAUC	East Lothian Council	East Lothian, Midlothian and Borders Local RAUC	East Lothian
ERAUC	Falkirk Council	Clacks, Falkirk and Stirling Local RAUC	Falkirk
ERAUC	Fife Council	Fife Local RAUC	Fife
ERAUC	Midlothian Council	East Lothian, Midlothian and Borders Local RAUC	Midlothian
ERAUC	Perth & Kinross Council	Angus, Dundee and Perth & Kinross Local RAUC	Perth and Kinross
ERAUC	West Lothian Council	West Lothian Local RAUC	West Lothian
NRAUC	Aberdeen City Council	Aberdeen Local RAUC	A
NRAUC	Aberdeenshire Council	Aberdeen Local RAUC	Aberdeenshire
NRAUC	Angus Council	Angus, Dundee and Perth & Kinross Local RAUC	Angus
NRAUC	Comhairle nan Eilean Siar	Islands Local RAUC	Eilean Siar
NRAUC	Dundee City Council	Angus, Dundee and Perth & Kinross Local RAUC	DC
NRAUC	Highland Council	Highland and Moray Local RAUC	Highland
NRAUC	Moray Council	Highland and Moray Local RAUC	Moray
NRAUC	Orkney Islands Council	Islands Local RAUC	Orkney Islands
NRAUC	Shetland Islands Council	Islands Local RAUC	Shetland Islands
SRAUC	Dumfries and Galloway Council	Dumfries and Galloway Local RAUC	Dumfries and Galloway
SRAUC	East Ayrshire Council	East Ren and Ayrshire Local RAUC	East Ayrshire
SRAUC	East Renfrewshire Council	East Ren and Ayrshire Local RAUC	ER
SRAUC	North Ayrshire Council	East Ren and Ayrshire Local RAUC	North Ayrshire

Area RAUC	Authority Name	Local RAUC	Map Label
SRAUC	Scottish Borders Council	East Lothian, Midlothian and Borders Local RAUC	Scottish Borders
SRAUC	South Ayrshire Council	East Ren and Ayrshire Local RAUC	South Ayrshire
SRAUC	South Lanarkshire Council	South Lan Local RAUC	South Lanarkshire
WRAUC	Argyll & Bute Council	Argyll & Bute, Inverclyde and West Dun Local RAUC	Argyll and Bute
WRAUC	East Dunbartonshire Council	East Dun and North Lan Local RAUC	ED
WRAUC	Glasgow City Council	Glasgow and Ren Local RAUC	GC
WRAUC	Inverclyde Council	Argyll & Bute, Inverclyde and West Dun Local RAUC	In
WRAUC	North Lanarkshire Council	East Dun and North Lan Local RAUC	North Lan
WRAUC	Renfrewshire Council	Glasgow and Ren Local RAUC	Rn
WRAUC	Stirling Council	Clacks, Falkirk and Stirling Local RAUC	Stirling
WRAUC	West Dunbartonshire Council	Argyll & Bute, Inverclyde and West Dun Local RAUC	WD

Table B4.1: List of councils in each Area and Local RAUC

Appendix C. Works At or Near Level Crossings

C.1 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.

C.2 Scope

C.2.1 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 Network Rail website.

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 consult Network Rail to ascertain what requirements apply before undertaking their proposed works.

C.2.2 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.

C.3 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 2015* (CDM) and *Management of Health and Safety at Work Regulations 1999*).

C.4 Special Features of Level Crossing Work

C.4.1 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.

C.4.2 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 C.7.

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.

C.4.3 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 C.8.

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.

C.4.4 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 C.8.

For works at a level crossing, those undertaking the works must comply with the reasonable requirements of Network Rail made under Section 152 of NRSWA. In view of the requirements of the ORR (Office of Rail and Road), 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 2015* (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.

C.5 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.

C.5.1 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.

C.5.2 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.

C.6 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.

C.6.1 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.

C.6.2 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 *Asset Protection Initial Enquiry Questionnaire*, must be used for this purpose. A copy can be downloaded from the [Legislation & Guidance](#) section of the Scottish Road Works Commissioner's website. These can be

completed/uploaded and progressed electronically via the Network Rail website ASPRO (Asset Protection and Optimisation) section.

The contact details for the appropriate Outside Party Engineer in Scotland are:

Network Rail
Asset Protection & Optimisation Scotland
151 St Vincent Street
Glasgow
G2 5NW

Email: assetprotectionsctland@networkrail.co.uk

Out of hours & emergencies: Network Rail National Helpline 03457 11 41 41

Upon receipt of advance advice of proposed works Network Rail will endeavour to respond, within 5 working days, to acknowledge receipt of the advice and, if appropriate, 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.

C.6.3 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).

C.6.4 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.

C.6.5 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 the Network Rail National Helpline are contacted immediately and work is not commenced until the promoter has been assured that all necessary safety precautions are in place.

C.6.6 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.

C.6.7 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 C.8).

C.7 Risk Assessments and Traffic Control

C.7.1 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.

C.7.2 Risk Assessments

Risk Assessments are a requirement of the *Construction, Design and Management Regulations 2015* 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.

C.7.3 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.

C.8 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.

C.8.1 Level Crossing Attendant

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

C.8.2 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.

C.8.3 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.

C.8.4 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 chamber, erection of poles and wires, pressure testing pipes which do not pass under the track or excavations several metres away from the track.

C.8.5 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 C.7 must be followed.

C.8.6 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 Network Rail 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.

C.9 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.

C.10 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.

C.11 HSE and ORR (Office of Rail and Road) Requirements

Specific attention is drawn to ORR Note “Principles for managing level crossing safety” dated 15 June 2021 and the necessity to comply with the advice contained therein.

Appendix D. Flowcharts

D.1 Identification of Category of Works

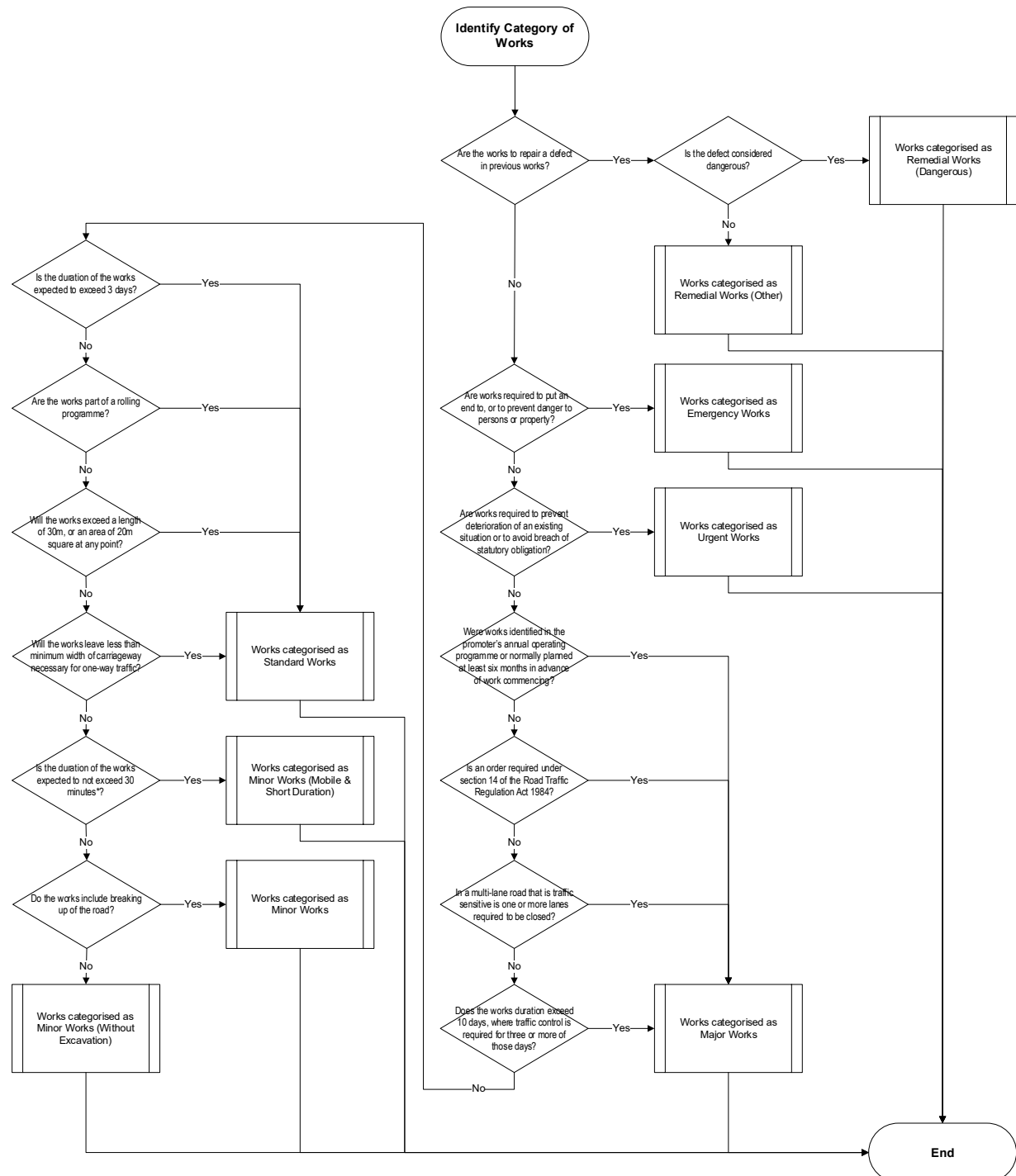


Figure 3

* or whatever time period is described in the *Safety at Street Works and Road Works – a Code of Practice*

D.2 Noticing Lifecycle

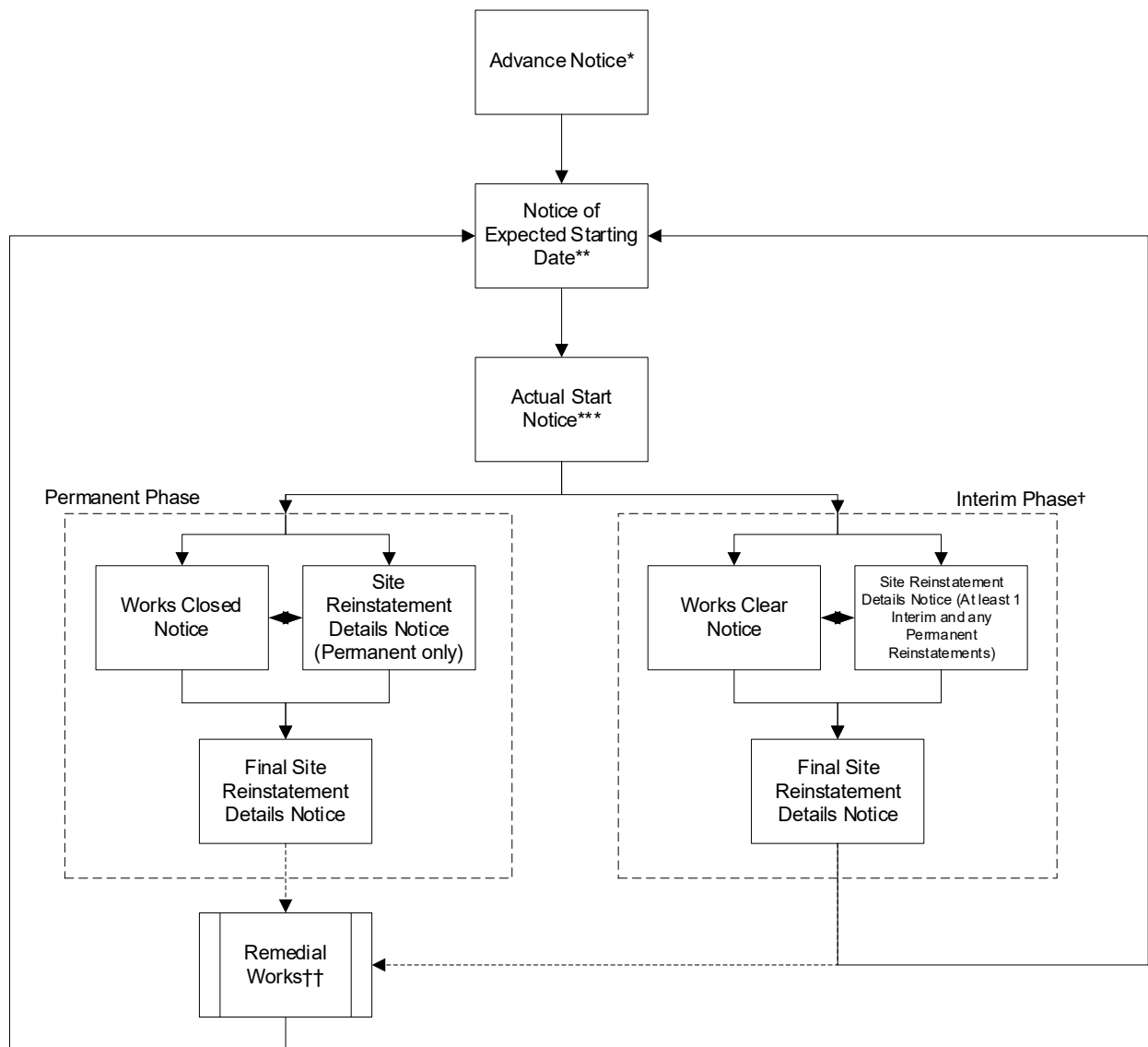


Figure 4

* – Only where Advance Notice Required. See Section 5.4.2 for details.

** – Only where Notice of Expected Start Date Required. See Section 5.4.3 for details.

*** – Not required for Urgent/Emergency Works in advance as these are deemed to start In Progress. See Section 5.4.5 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

E.1 Process for Early/Late Start Requests

- E.1.1 To avoid cancelling notices unnecessarily it is good practice to submit a early/late start request whenever the expected starting date changes.
- E.1.2 If planning to start works between the proposed start date and the latest possible end date no early or late start is required, the notice is still valid.
- E.1.3 A late start is only required to extend the expiry of an Advance Notice, where an Advance Notice has been given (3 month or 1 month notices) and the 7 day follow up notice is proposed to start after the expiry of the advance notice. For example, the expiry date on the Advance notice is 31 March however the 7 day follow up notice is proposed to start on 3 April. A late start would be required on the Advance Notice and an Early start is required on the Notice of Expected Start Date (7 day follow up notice).
- E.1.4 In all other circumstances an early start should be requested. This may require that a proposed Notice of Expected Starting Date (S114) is repropose for the new dates with an early start request if the 7 day notice period is not being provided.
- E.1.5 If a road works authority has issued an objection to an early/late start, and have issues with the proposed dates, they may consider exercising powers under Section 115 of NRSWA (Direction as to timing of works). Section 8.1 provides timescales for the issue of such notices. Where Early/Late start requests are made, the timescales in this appendix shall take precedence.

E.2 Restriction Following Substantial Works (Section 117)

- E.2.1 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:

- (i) An undertaker proposing to bring forward works, to complete them prior to the substantial works, may be unable to provide the full 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.
- (ii) 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, it is required to make this clear within the text of the early start request giving undertakers the opportunity to object.
- (iii) If the early/late start processes are not followed correctly then the restriction period following the completion of the substantial works would not be enforceable.

E.3 Works Extensions

- E.3.1 A Works Extension is required where works will not be completed by the expected completion date.
- E.3.2 If a road works authority has issued an objection to a work extension, and have issues with ongoing works, they may consider exercising powers under Section 125 of NRSWA (avoidance of unnecessary delay). Section 8.1 provides timescales for the issue of such notices.

E.4 Notice Periods

- E.4.1 If an early start/late start/works extension is requested and the works require a TTRO/TTN or permission for portable light signals, these requirements should be discussed with the roads authority before starting the process.

E.4.2 Table 12.1 details the minimum notice periods in which to make an early start/late start/works extension request:

Notice Period	Request Type	Minimum Notice Period	Minimum Notice Period for works using Portable Light Signals
3 month (S117 restriction)	Late and Early	10 days	10 days
3 months	Late and Early	5 days	7 days
1 month	Late and Early	5 days	7 days
7 days	Early	3 days	7 days
7 days or more	Works Extension	3 days	3 days
Less than 7 days	Works Extension	As soon as possible	As soon as possible

Table 12.1: Notice Periods for Early Start/Late Start/Works Extension Requests

Note - the periods above are calendar months and working days.

E.5 Process

- E.5.1 A works promoter (the promoter of the work, i.e. a road works authority or undertaker) proposing to request an early start/late start/works extension 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 recorded on the SRWR. Any conflicts with existing works must be resolved before proceeding with this process.
- E.5.2 Where an early start/late start/works extension request is required, the works promoter should contact an authorised person within the road works authority at the earliest possible opportunity. It is recommended this request be made using an early start/late start/works extension request on the SRWR, but contact can also be initiated by telephone or email.
- E.5.3 The road works authority may consent or object to a request. Where the authority agrees to the request, they may issue a unique reference when giving consent. This should be entered against the notice alongside details

of the early start/late start/works extension agreement on to the SRWR (by the works promoter if not already recorded by the authority).

- E.5.4 If the works promoter does not receive a response from the road works authority within 24 hours, it may enter the new estimated start/completion date into the SRWR without agreement. The promoter shall also insert within the notice text field any information to support the request.
- E.5.5 All organisations are given the timescales described in Table 12.1 to review the proposed dates.
- E.5.6 If no objections are received that cannot be resolved from other organisations the undertaker can commence work on the proposed dates.
- E.5.7 Where an objection is received, the works promoter should enter into a dialogue with the objector to resolve the reason for objection.
- E.5.8 If there are objections from other organisations which cannot be resolved, the road works authority must determine whether or not they works can commence on the new dates. The authority informs the works promoter of this outcome.
- E.5.9 Valid objections to early start/late start/works extension consent requests include:
- the proposed dates would overlap with pre-existing planned works on the road;
 - the proposed dates 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 proposed 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

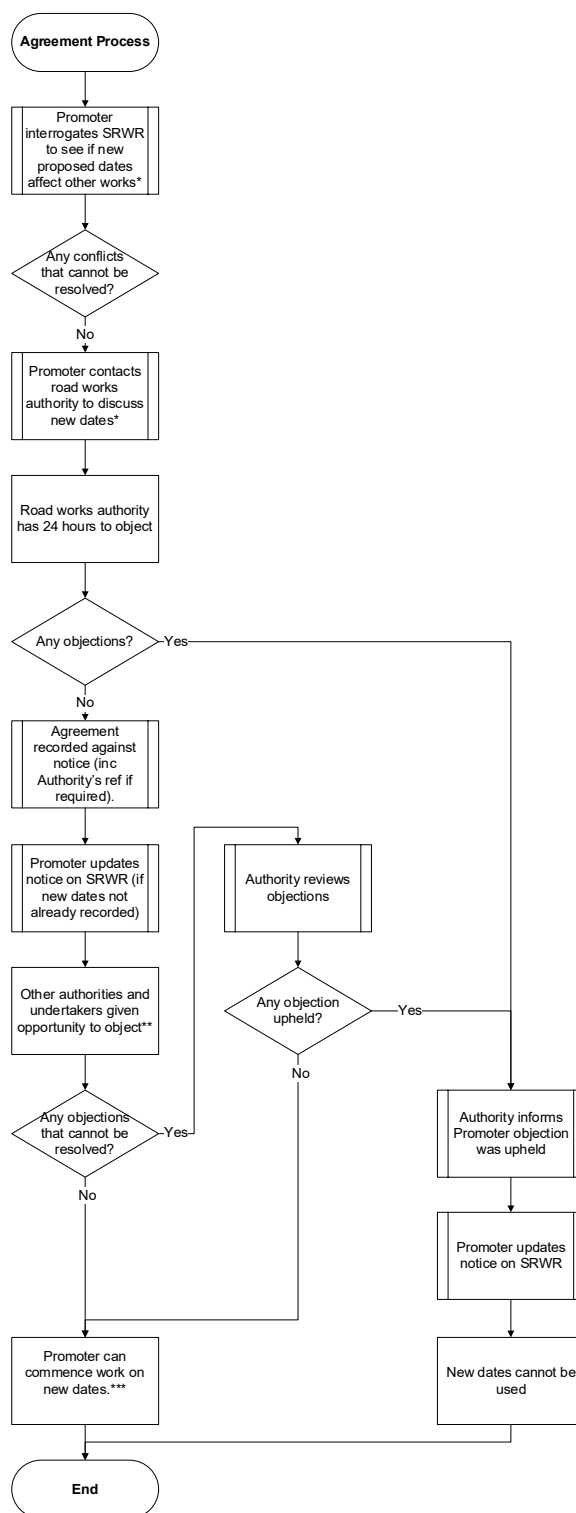
Special Engineering Difficulty and that consultation has not taken place;
or

- 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.

E.5.10 Any objection is based solely upon commercial interests shall be deemed invalid.

E.5.11 The above process are shown in the flowchart at the end of this appendix.

E.6 Flowchart



* – It is recommended this is done by recording an early start/late start/works extension request on the SRWR.

** – Time given for review is as described in Table 12.1

*** – It should be noted an authority may still raise a direction if there are issues with the timing/duration of the works.

Appendix F. Alternative Transfer of Notices

F.1 Introduction

- F.1.1 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 an alternative electronic file based system, based on email. It will be the responsibility of the Commissioner to determine when this will come into effect. It is likely to be implemented if the register is unavailable for greater than 48 hours.

F.2 Alternative Standard Forms

- F.2.1 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

- F.2.2 These standard forms are also available on the Commissioners website at <https://roadworks.scot/legislationguidance> as downloads.

- F.2.3 These forms shall be completed where required and in accordance with the requirements of this code. The forms can be sent electronically by email. 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

G.1 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 No. 88.
- An undertaker meets its obligations under section 113 of NRSWA and Regulation 6 of SI 2008 No. 88.

G.2 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 No. 88.
- 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 No. 88.
- An undertaker meets its obligations under Section 114 of NRSWA and Regulation 7(1) of SI 2008 No. 88.

(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 No. 88.

- An undertaker meets its obligations under section 114 of NRSWA and Regulation 7(2) of SI 2008 No. 88.

G.3 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 No. 88.

(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 No. 88, or
- Section 116(2) of NRSWA.

G.4 Works Start Notice

By the issue of a Works Start Notice:

- A road works authority meets its obligations under Section 112B(5A) of NRSWA.
- An undertaker shall be deemed to meet its obligations under Section 114(3A) of NRSWA.

G.5 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 No. 88.

- An undertaker shall be deemed to meet its obligations under Section 129(3) of NRSWA and Regulation 13 of SI 2008 No. 88.

G.6 Works Completion and Reinstatement where there is more than one Site (Undertakers Only).

(ii) 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.

(iii) 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 No. 88.

