



**Scottish Government Consultations on Raising Standards and Improving the Quality of Road Works in Scotland – SPT response**

**Committee** Strategy and Programmes

**Date of meeting** 24 November 2017

**Date of report** 24 October 2017

**Report by Assistant Chief Executive (Operations)**

**1. Object of report**

To recommend approval of the draft SPT response to the Scottish Government consultation<sup>1</sup> on Raising Standards and Improving the Quality of Road Works in Scotland. SPT's draft response is attached at Appendix 1. The closing date for the consultation was 12 October 2017 and SPT's response was submitted as draft subject to approval by this Committee.

**2. Background**

2.1 The consultation seeks views on how best to improve the quality, planning and coordination of road works and how to make better information available on road works for road users, public transport and freight operators and pedestrians. It builds on the recommendations of an earlier independent review of the Office of the Scottish Road Works Commissioner.

**3. Outline of proposals**

SPT's draft response to the consultation is attached at Appendix 1. The key points of our response are noted below:

- The key issue for road works remains the timely provision of information about disruptions and about what alternative routes/facilities will be provided. This information is important to a range of users: pedestrians, cyclists, public transport operators, passengers, including those people who have mobility, visual or other impairments, and the freight industry.
- As part of this, the notification procedures for road works need to be improved. In SPT's experience, while the actual information received about road works is generally of a reasonable standard, delays in receipt are the norm e.g. many notifications are submitted late on a Friday for weekend closures and this makes the process of notifying bus operators and altering services a challenging one.
- Where road works exceed three weeks duration, SPT is required to formally alter the contract for affected supported bus services. However, there is a mandatory,

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<sup>1</sup> The consultation paper can be accessed at: <https://www.transport.gov.scot/consultations/>

minimum 10 week period to register the altered bus services with the Traffic Commissioner. It is seldom that roadwork notifications accommodate this and bearing in mind that SPT can expect, on average 100 road closures per week, it is important that this situation is rectified.

- Consideration should be given to wider sharing of planned road work information between local authorities. This is due to the fact that a strategic road can often go through more than one authority, as is often the case with bus services, who may use that strategic road. A scenario may arise where different road works, in different authorities, are occurring on the same strategic road / bus route, leading to a disruption 'domino effect'.
- Consideration should be given to requiring utilities, councils and others (including Network Rail) to contribute to the diversion costs for bus operators and authorities awarding contracts e.g. 50% of costs of diverting supported services.

#### **4. Conclusions**

This consultation provides another opportunity for SPT to influence the future of transport in Scotland. Officers will continue to liaise with the Scottish Government and other partners in regard to this consultation and will update the Committee as developments are made.

#### **5. Committee action**

The Committee is recommended to approve the draft SPT response at Appendix 1.

#### **6. Consequences**

Policy consequences	<i>In line with the RTS.</i>
Legal consequences	<i>None at present.</i>
Financial consequences	<i>None at present.</i>
Personnel consequences	<i>None at present.</i>
Equalities consequences	<i>None at present.</i>
Risk consequences	<i>None at present.</i>

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## **APPENDIX 1**

### **Raising Standards and Improving the Quality of Road Works in Scotland Consultation Response**

#### **SPT Draft Response**

***Please note that this response is 'draft' until considered by SPT's Strategy and Programmes Committee on 24 November 2017. We will advise on the outcome after that meeting.***

Strathclyde Partnership for Transport (SPT) is the Regional Transport Partnership and public transport authority for the west of Scotland. Our responsibilities include preparation of the Regional Transport Strategy, operation of the Subway and bus stations, provision of socially necessary bus services, school transport, demand responsive transport, project delivery and more. Further information on SPT is available at [www.spt.co.uk](http://www.spt.co.uk).

SPT is supportive of Transport Scotland in undertaking this consultation regarding road works in Scotland.

The key issue for road works remains the timely provision of information about disruptions and about what alternative routes/facilities will be provided. This information is important to a range of users: pedestrians, cyclists, public transport operators, passengers, including those people who have a mobility, visual or other impairment, and the freight industry.

As part of this, the notification procedures for road works need to be improved. In SPT's experience, while the actual information received about road works is generally of a reasonable standard, delays in receipt are the norm e.g. many notifications are submitted late on a Friday for weekend closures and this makes the process of notifying bus operators and altering services a challenging one.

Where road works exceed three weeks duration, SPT is required to formally alter the contract for affected supported bus services. However, there is a mandatory, minimum 10 week period to register the altered bus services with the Traffic Commissioner. It is seldom that roadwork notifications accommodate this and bearing in mind that SPT can expect, on average 100 road closures per week, it is important that this situation is rectified. In addition:

- Closures are always for all traffic without consideration given to varying a closure to accommodate bus routes.
- Often closures include sections of road beyond the works that prevent less onerous diversion routes being available to bus operators.
- Narrowed roads cause almost as much disruption and cost to bus operators as complete closures – delays mean extra buses (and staff) have to be put on the route to maintain headways. This is a cost to operators with no recompense.
- Consideration should be given to requiring utilities, councils and others to contribute to the diversion costs for bus operators & authorities awarding contracts eg 50% of costs of diverting supported services.
- People with a mobility impairment can be inconvenienced or significantly impacted where bus stops are required to be moved during road works. Temporarily relocated bus stops will not have raised kerbs to assist level access onto 'kneeling' buses. There can also be inadequate advance notification of diversions and a lack of signage.

It is worth highlighting that, beyond 'traditional' utility company works and road works, the impact of rail infrastructure works by Network Rail has caused significant difficulty to road users and bus operators. This is an issue that needs addressed as soon as possible.

SPT has been promoting the Strathclyde Bus Alliance model for future partnership working in the bus market, and believe that road works issues could be more effectively addressed through the work of such a partnership<sup>1</sup>.

Consideration should also be given to wider sharing of planned road work information between local authorities. This is due to the fact that a strategic road can often go through more than one authority, as is often the case with bus services, who may use that strategic road. A scenario may arise where different road works, in different authorities, are occurring on the same strategic road / bus route, leading to a disruption 'domino effect'.

## Improving the Quality of Road Works — A Consultation

### Consultation Questions

The consultation questions are listed below. Respondents are asked to give an answer to the questions put on our policy proposals, this is typically to say whether you agree with them or not, and to explain that answer in a comment. There is a separate section at the end which looks at likely impacts.

**Question 1** - Should utility companies be required to produce quality plans for proposed road works?

Please answer Yes , or No .

Please explain your answer to this question:-

SPT response: There should be quality plans relating to both the planning and the implementation of the works, including the level and range of consultation, timescales, and a quality plan of how the works will be executed technically to ensure the required quality of the construction/reinstatement is met and will meet the required life expectancy.

**Question 2** - Should there be a single guarantee period offered on utility reinstatements of 6 years regardless of the depth of excavation?

Please answer Yes , or No .

Please explain your answer to this question:-

Whatever the required timescale, it should apply to all works regardless of the nature or depth of excavation. Six years would appear to be a good compromise. If no deterioration is detected in that time, either to the reinstatement or any adverse effect on the surrounding pavement/verge, then it is likely that the works have been carried out as effectively as could have been expected.

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<sup>1</sup> Further information on the Strathclyde Bus Alliance is available at:  
<http://www.spt.co.uk/documents/rtp091216agenda11.pdf>

If the required quality is not met and further works are required, this will result in a further period of disruption to road (including public transport and pedestrian) users. It would mean additional cost to the utility/contractor, so it is essential to encourage good quality construction from the start.

**Question 3** - If introduced, should the impact of quality plans be reviewed after a suitable period (perhaps 6 years), and the necessity of the latent defect process be assessed?

Please answer Yes , or No .

Please explain your answer to this question:-

It is sensible to review the process periodically, to learn lessons and make adjustments where necessary. It is also right, after six years, to reconsider the requirement for the latent defect process. In practical terms, there seems to be no point in retaining a process that is rarely used, is not likely to be used in the future, and is onerous in relation to resource and finance.

**Question 4** - Should we clarify the scope for a code of practice on reinstatement (currently the SROR) includes all activity relating to the execution of road works eg signing, lighting, guarding, excavation, reinstatement, and guarantee period?

Please answer Yes , or No .

Please explain your answer to this question:-

Yes, this is just as important - or more so for those affected by the activity - as the quality of the final works. All elements of the works must be covered in the codes to not only ensure high quality reinstatement but efficient and safe road works management, including the planning/consultation/notification etc.

**Question 5 (a)** - Should actual starts, works completed, works cleared, and works closed notices be notified within 2 hours, or within 2 hours of the start of the next business day if outwith office hours?

Please answer Yes , No .

Please explain your answer to this question:-

Within two hours (or within two hours of the next business day) is essential to enable other activities to be coordinated – e.g. resumption of normal services including bus services, accessibility to premises, removal of diversions (particularly lengthy diversions) to enable businesses, communities, individuals and transport operators to be notified at the earliest opportunity.

There needs to be consideration of how to coordinate/control/minimise the time between works completion and removal of traffic management. If either a sub-contractor or a specialist team within the same organisation has responsibility for removal of traffic management following completion of works there can be an unnecessary, and sometimes wholly unacceptable, delay in removing the traffic management and enabling resumption of normal use.

With modern communications systems there should be little difficulty in providing notification of the completion of works, including removal of signage / traffic management, and the status of the carriageway.

It may be that the full register is available to the core group of organisations directly involved in coordinating, regulating and undertaking the works, and that a subset of information from the register is made 'public'. This is the information required by members of the public, business users and transport operators, Public Transport Authorities etc that require the information to plan and execute their businesses, services and obligations. The Traffic Commissioner should be involved in the determination of the timing and how this essential information is collected, recorded and disseminated.

Some sort of notification of resumption / completion, via, for example GCCs Traffcom, or similar elsewhere, would assist bus operators, transport authorities, as it cannot be expected that such organisations would have to constantly monitor the website.

**Question 5 (b)** – Should the validity period for notices placed onto the SRWR in relation to planned works be reduced, the proposal being that they be set at 4 days or 2 days depending on the traffic sensitivity of the road?

Please answer Yes , or No X.

Please explain your answer to this question:-

There are two requirements in this regard – lead in time for planning, and validity period for the works to commence or be undertaken. It is important to separate the two elements.

Businesses and transport operators need time to plan and implement alternative arrangements and to notify customers/users of changes to their services, so a lead in time is required – this is in advance of the notice period as the works could commence at the start of that period. The lead in period must also include the requirement to consult and make every effort to accommodate reasonable requirements of transport operators (public transport and hauliers etc) and the public to make arrangements that minimise disruption. This should include options to apply different access arrangements for different users – e.g. full road closure could apply to stop through-traffic to an area or long stretch off the network, but with a section open to public transport (outwith the works area) that would enable minimum disruption to bus routing. This may include, depending on circumstances, a 'bus gate' operation that would restrict all other vehicles except buses.

Improved provision of information indicating the actual time and date of commencement of the works must be provided timeously to ensure that re-routing of traffic and services can be reduced to the minimum period necessary to facilitate the works, minimising disruption to normal activities for business and the public, including those with disability and mobility difficulties.

With timeous notification of the end of works to enable inspections and subsequent inspections, removal of signage/traffic management and similar notification (works clear notice), via the appropriate channels e.g. via tailored data from the register, the public, businesses, and private transport operators will be able to resume normal activities at the earliest convenience.

It is also worth highlighting that without appropriate consultation, and a suitable notification period, those organisations inconvenienced by works can find themselves in the position where, because of the works, their business is harmed or (often significant) costs can be incurred. It is further worth highlighting that, beyond 'traditional' utility company works and road works, the impact of rail infrastructure works by Network Rail has caused significant difficulty to road users and bus operators. Despite this, there remains very little by way of process for that organisation to reclaim these costs from the party undertaking the works. This is an issue which needs addressed at national level, and SPT would be happy to discuss examples of situations of when this has occurred with the Scottish Government.

**Question 6** - Should the provision of plant information to the Scottish Road Works Register be made mandatory?

Please answer Yes , or No .

Please explain your answer to this question:-

It seems sensible to require this information to be entered as it will help with planning and programming of works, reduce contingency time that may be required to deal with unknown apparatus/engaging the owner during works, and should lead to reduced costs in the end and, importantly the length of closure/restriction of a carriageway

**Question 7(a)** – Should the obligation on the Scottish Road Works Commissioner to make the Scottish Road Works Register available for inspection be repealed?

Please answer Yes , or No .

Please explain your answer to this question:-

SPT would emphasise that a restricted section of the information held on the register relating to the date, time, duration, and nature of road works is made available to at least a restricted list of legitimate interested parties – bus operators, hauliers, RTPs/transport authorities, councils, etc - to ensure that the information on road network restrictions is freely and timeously available to those that require this for legitimate reasons.

**Question 7(b)** – Should the duty to make the Scottish Road Works Register available for inspection be replaced with a duty on the Scottish Road Works Commissioner to actively publish information relating to the location of planned and actual road works?

Please answer Yes , or No .

Please explain your answer to this question:-

Further to our answer to the previous question, the necessary elements of the register must be available and the information maintained and up-to-date to enable road users and transport operators (e.g. public transport and freight/delivery services and others) to access the data to plan their activities and services on valid and current information.

The SRWC would seem to be the best party to coordinate/regulate the collection/posting, access to, and use of this data, and it would seem that it is appropriate for the SRWC to have a responsibility to actively public this information.

**Question 8** - Should “the Safety at Street Works and Road Works: A Code of Practice” apply equally to roads authority and utility road work sites?

Please answer Yes  or No .

Please explain your answer to this question:-

This would ensure one set of standards / regulations for all.

**Question 9** - Should utility and roads authority workers be required to be qualified in the “Signing, Lighting and Guarding” of a site, and also in the “Location and Avoidance of Underground Apparatus”?

Please answer Yes  No .

Please explain your answer to this question:-

Whoever is carrying out the work must be suitably trained/qualified/certified. If traffic management contractors are used to set out traffic management then they would be responsible for that aspect, including lighting. Clear definition would be required as to the responsibility of guarding excavations/actual works that lie within the traffic managed/guarded area.

**Question 10** - Should the minimum legal requirement for at least ‘one’ operative to be qualified be increased to ensure that more operatives at each road work site hold formal qualifications for the particular work they are undertaking?

Please answer Yes , or No .

Please explain your answer to this question:-

SPT would suggest that no less than two operatives on a given site (and at least one present at all times) should be qualified. Depending on the scale of operation, there may be a requirement to increase this number.

**Question 11** – Do you agree with our policy proposals to revise and improve the enforcement of road works in Scotland by the Scottish Road Works Commissioner?

Please answer Yes , No .

Please explain your answer to this question:-

Yes, SPT would support the policy proposals to revise the enforcement of roadworks by the SRWC – ie wider powers / responsibilities particularly related to ensuring the needs of the public and transport operators are more fully addressed in future. Giving the SRWC powers to act in respect of the NRSWA would not only give authority over local authorities but would presumably enable the SRWC to act in respect of third parties involved in both non-roads related activities and construction (transport and non-transport related) that require roadworks traffic management in place to accommodate their activities.



**Question 12** – Do you agree with our policy proposals to reform the use of Fixed Penalty Notices for the enforcement of road works in Scotland?

Please answer Yes , No .

Please explain your answer to this question:-

SPT supports this proposal if it ensures better managed roadworks, particularly to reduce the impact on road users and transport operators, enabling improved planning and more tailored closures to reduce impact on businesses and communities (and therefore the economy). As previously mentioned, 'encouraging' improved construction / reinstatements will not only improve the long term performance of the network, but reduce the frequency of repeat closures to carry out remedial work.

**Question 13** – Do you agree with our policy proposals to enhance the role of the Scottish Road Works Commissioner?

Please answer Yes , No .

Please explain your answer to this question:-

As above in response to Qs 11 & 12

**Question 14** - Should there be flexibility to prescribe the restricted period following substantial works through secondary legislation?

Please answer Yes , or No .

Please explain your answer to this question:-

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**Question 15** - Should we clarify that a roads authority is included within those to be notified under Section 114 of NRSWA?

Please answer Yes , or No .

Please explain your answer to this question:-

Yes, the roads authority must be included in the notification. Additionally Public Transport Authorities must be included in the notification; this is not always the Local Authority – e.g. in west of Scotland it is SPT. This is because there is a statutory process to be undertaken to alter bus routes, both commercial and supported services, and these include defined notice periods. It is essential that the public transport authority is notified to enable dissemination to operators and to take action relative to PTA contracts for supported services etc.

**Question 16** - Should roads authorities be one of the parties that must be notified under statute to help formalise the use of early and late start consents?

Please answer Yes , or No .

Please explain your answer to this question:-

There needs to be close control on roadworks operations and therefore roads authorities must be notified of early and late start consents. Similarly, as discussed in answer to Q15, Public Transport Authorities (eg SPT) must also be notified of early and late start consents.

**Question 17** - Should Section 132 of NRSWA be repealed?

Please answer Yes , or No .

Please explain your answer to this question:-

Yes, SPT would support repeal of Section 132 of NRSWA and the introduction of mandatory quality plans as previously discussed.

**Question 18** - Should noticing requirements for roads authorities and utility companies be exactly the same in order to facilitate coordination and cooperation?

Please answer Yes , or No .

Please explain your answer to this question:-

There should be one set of rules for all as this ensures consistency and reduces confusion. As per our answers to earlier questions, PTAs such as SPT must also be informed at the earliest opportunity – i.e. the same as those coordinating the works, as bus restrictions and re-routing options must be included in as early as possible in the planning of works.

**Question 19** - Should Section 61 of the Roads (Scotland) Act 1984 be revoked with savings provisions for existing agreements?

Please answer Yes , or No .

Please explain your answer to this question:-

SPT would support adoption of Section 109 of NRSWA as the appropriate standard. This will remove confusion and should ensure all road works are suitably notified to the necessary parties, and a consistent approach adopted.

## **Impacts Equality**

In creating a consistent approach to managing road works in Scotland the public sector equality duty requires the Scottish Government to pay due regard to the need to:

eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010;

advance equality opportunity between people who share a protected characteristic and those who do not; and

foster good relations between people who share a relevant protected characteristic.

These three requirements apply across the 'protected characteristics' of:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion and belief; and
- sex and sexual orientation.

Once completed the Scottish Government intends to determine, using the consultation process, any actions needed to meet its statutory obligations. Your comments received will be used to complete a full Equality Impact Assessment to determine if any further work in this area is needed.

### **Business and Regulation**

In our work to the regulation of Road Works a Business and Regulatory Impact Assessment will analyse whether the policy is likely to increase or reduce the costs and burdens placed on businesses, the public sector and voluntary and community organisations.

**Question 20** - Are there any likely impacts the proposals contained within this consultation may have on particular groups of people, with reference to the 'protected characteristics' listed above? Please be as specific as possible

SPT response: Yes, navigation of road works or access to public transport/relocated bus stops, loss of crossing facilities can have a significant direct effect on those with mobility issues, including disability, older people or those with medical issues. Accessibility for specialist vehicles/services or Demand Responsive Transport vehicles may be compromised. Personal security could also be compromised if 'safe' routes are closed.

Restricted access to certain areas/buildings/services may impact on others with protected characteristics, e.g. religious groups.

**Question 21** - Do you think the proposals contained within this consultation may have any additional implications on the safety of children and young people? If yes, what would these implications be? Please be as specific as possible.

SPT response: Yes, as above, navigation of road works or access to public transport/relocated bus stops, loss of crossing facilities, access to cycleways/safe routes to school and arrangements for school transport etc can have a significant direct effect on both 'road safety' and personal security.

**Question 22** - Do you think the proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any sector? Please be as specific as possible.

Improved consultation and notification for transport operators eg freight/logistics and public transport operators could significantly reduce costs for both planning and operating.

SPT response: Currently there are significant costs for both bus operators and Public Transport Authorities when services require to be re-routed as a result of roadworks, often undertaken with little advance notice. Bus operators may be required to re-route services to avoid roadworks often involving a lengthy detour which also inconveniences passengers. Public Transport Authorities have a responsibility to provide subsidised local bus services where the commercial sector does not, subject to available funding. The costs of re-routing these subsidised services falls on the public purse with no opportunity to seek financial reimbursement from those undertaking the roadworks. This remains a significant issue which needs rectified.

Improved enforcement and higher standards of construction/reinstatement may increase costs in the first instance for those undertaking works, but should avoid costly returns to rectify defects and will save road users costs of dealing with additional road works. Costs to public authorities for “double handling” of road works to accommodate fault rectification will be greatly reduced.

### **Privacy**

We need to ascertain whether our proposals on road works regulation may have an impact on the privacy of individuals.

**Question 23** - Are there any likely impacts the proposals contained in this consultation may have upon the privacy of individuals?  
Please be as specific as possible.

### **Environmental**

The Environmental Assessment (Scotland) Act 2005 ensures those public plans that are likely to have a significant impact on the environment are assessed and measures to prevent or reduce adverse effects are sought, where possible, prior to implementation.

**Question 24** - Are there any likely impacts the proposals contained in this consultation may have upon the environment?

SPT response: Reduced periods of activity and avoidance of return to site to undertake fault rectification will reduce the direct impacts of the works on the environment and will reduce the impacts on the environment of longer routes (diversion routes) both for the works and any revisiting required to rectify faults. This will include air pollution from emissions, both toxic and climate change, noise pollution, and ground pollution both onsite and from diverted traffic.