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Briefing Note to Service Providers regarding Utilities working on the HA Network

The subject of demands made by Service Providers (SP) on Utilities wishing to undertake work on the HA Network has been raised by Utilities at the Highway Authority and Utilities Committee (HAUC).

This paper aims to clarify the position regarding obligations made on Utilities when carrying out Street Works on the Highways Agency (HA) Network. It does NOT apply to SP Road Works on the HA Network. It must be remembered that the New Roads and Street Works Act (NRSWA) is the mechanism to be used for co-ordination and control of Street Works.

<p>Road space booking</p>	<p>The requirement to book road space in Schedule of Road Works (SRW) lies with the SP. There is no obligation for a Utility to complete a road space booking form. NOM and PSA documents are generally internal documents and compliance with these is NOT a requirement on Utilities. Although Utilities are not required to recognise these documents the HA would appreciate a spirit of co-operation in line with the documents. To this end, for example, a 15 minute notice of works going on or off should be encouraged but there is NO requirement on Utilities to comply with these timings. The requirement on the Utilities is to notice, co-operate and comply with directions as to timing under NRSWA (S56).</p> <p><i>Generally internal documents should not be imposed on Utilities without legislative justification. It would be helpful if internal documents were not issued to external stakeholders</i></p>
<p>Qualifications of Utility workers and supervisors</p>	<p>Sector 12 accreditation is NOT a mandatory requirement for Utility personnel working on the All Purpose Trunk Road Network. The requirements under NRSWA (S67) are that</p>

	<ul style="list-style-type: none"> • the street works are supervised by a person having a qualification as prescribed in the Street Works (Qualifications of Supervisors and Operatives) Regulations 1992 and • there is on site at all times when any such works are in progress at least one person having a qualification as prescribed in the Street Works (Qualifications of Supervisors and Operatives) Regulations 1992 <p>This is the limit of regulatory requirement under NRSWA. There is a general duty for safe working under Health and Safety legislation and this may impact on the above if the above was deemed not adequate to meet the general H&S requirement.</p> <p>Whilst there are different training requirements under Chapter 8 (Sector 12) and the NRSWA legislation; <i>Chapter 8 is NOT a mandatory document and as such cannot be enforced with regard to training requirements for Street Works.</i></p>
<p>Use of Chapter 8 or the Safety Code of Practice by Utilities working on the HA Network</p>	<p>Utilities working on the HA Network are obliged to comply with NRSWA.</p> <p>The obligations for signing, lighting and guarding under NRSWA S65(1) are met by compliance with the safety CoP for all roads except for Motorways and Dual Carriageways with a hard shoulder (It is possible that this may be revised to dual carriageways with a speed limit of 50mph or above but this is not imminent).</p> <p>The Safety CoP states that whilst Chapter 8 ... <i>“gives authoritative advice, it does not have the status of a Code of Practice under the Act. In Northern Ireland the use of Chapter 8 is mandatory for undertakers works on motorways or dual carriageways with hard shoulders, and elsewhere in the United Kingdom undertakers should comply with Chapter 8 when carrying out such works”</i></p> <p>Therefore, for motorways and dual carriageways with a hard shoulder it would be expected that Chapter 8 would be used for Utility works.</p> <p>There is, as above, a requirement on the Utility to provide a safe working environment and to undertake a risk assessment to ensure this had been complied with. Use of Chapter 8 would contribute to providing the evidence that the above requirement had been met.</p> <p>For HA roads other than the above, compliance with the Safety CoP would be sufficient to satisfy the requirements of 65(1). If a particular location would require signing to Chapter 8 then this should be discussed with the Utility on a site by site basis but cannot be mandated by the HA.</p> <p><i>Use of Chapter 8 by Utilities for Street Works on single carriageway roads or dual carriageways without a hard shoulder should be assessed on a site by site basis. Chapter 8 would be expected for dual carriageways with a hard shoulder and motorways.</i></p>

Vehicle Livery on Utility vehicles	<p>Vehicle livery is not covered by the Safety CoP. There is thus no guidance on requirements for vehicle livery mandated under NRSWA.</p> <p>For signing situations not covered by the Safety CoP users are directed to Chapter 8 as in the above section. It would therefore seem prudent to apply the requirements of Chapter 8, with regard to vehicle livery, in a similar manner. Where the CoP does apply the principles set out in the above section, with regard to assessment of risk on a site by site basis, would be adopted by the HA i.e. general H&S Legislation with associated safe working environment and relevant risk assessments would still apply.</p> <p><i>As the Safety Code does not apply to Motorways and Dual Carriageways with a hard shoulder and the guidance in the Safety Code is that for these situations Chapter 8 should be used then this may include requirements for vehicle livery as defined in Chapter 8. It should be noted that this is only a recommendation and is not a mandatory requirement.</i></p>
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