

To: Maidstone Joint Transportation Board

By: **Spencer Palmer Head of Highway Operations**

Date: **18 July 2012**

Subject: **Road works reinstatements and rights to carry out work plus update on Knightrider Street Gas Work**

Classification: Information only

Summary:

Work carried out on the highway, whether by utility companies or Kent as the Highway Authority, can unavoidably cause disruption to highway users. It is necessary to balance the rights that people have to access services against the right to use the highway.

The various Acts in national legislation seek to balance these rights, enabling the Highway Authority to Co-ordinate work to minimise disruption to the traveling public, but equally to allow the statutory undertakers to carry out what is required of them by statute.

The standard required for reinstatement of the highway following work to underground apparatus is covered by the national Specification for the Reinstatement of Openings in Highways. Kent as Highway authority has an audit role in checking the quality of reinstatement and carries out more inspections than the required percentage of inspections. The quality of reinstatements has improved steadily over the past 3 years. Kent aims to continue this improvement in standards.

Kent utilises the very latest legislation and approaches with the Kent Permit Scheme to drive improvement in how work on the highway is carried out. The first year report for the permit scheme shows several areas of improvement. Kent is consulting on a Kent Lane Rental Scheme, the first county to do so.

Knightrider Street gas works were completed to time despite technical difficulties. Phase two of the Stone Street area scheme is now underway in Lower Stone Street with Knightrider Street remaining closed to aid traffic flow through the Knightrider Street/Stone Street junction whilst work progresses.

Rights of Statutory Undertakers to Carry out work on the Highway

There are principles in law that

- people have a right to access all available services
- use the highway to pass and repass.

Work carried out on the highway, whether by utility companies or Kent as Highway Authority, can unavoidably cause disruption to highway users. It is necessary to balance the rights that people have to access all available services against the disruption that may be caused in providing, maintaining, and enhancing the pipes and cables that supply these services.

The New Roads and Street Works Act and Traffic Management Acts are a methodology by which this can be accomplished and requires the Highway Authority to Co-ordinate work to minimise disruption to the traveling public but equally to allow the statutory undertakers to carry out what is required of them by statute.

NRSA: places a duty on

- the street authority to co-ordinate works of all kinds on the highway,
- undertakers to co-operate in the process;

The Traffic Management Act which was introduced to provide the basis for better conditions for all road users.

- Part 2, Section 16 of the TMA introduced a network management duty on traffic authorities to manage their network.
- Part 3 of the TMA contains legislation to give effect to permit schemes.

To provide water, sewerage, gas, electricity, and telecommunications services within their licence area undertakers have rights with regard to the development of these services and the continuing maintenance of their apparatus. All have powers to lay maintain and improve their apparatus within streets.

The situation in Kent

Kent utilises the very latest legislation and approaches with the Kent Permit Scheme to drive improvement in how work on the highway is carried out. Kent's roadwork co-ordination teams work with work promoters and the legislation to reduce inconvenience and delays arising from road works to an absolute minimum. This aims to deliver growth without transport gridlock.

The Kent permit Scheme delivered improvements to the way work is carried out on the highway. The first year achieving:

- Nearly 6 years occupation of a highway were saved through extending working hours and joint working with several companies working at the same time. This equates to saving 1 day in every 20.
- Complaints and enquiries steadily reduced giving a 26% reduction at the year end as better information has been made available and the implementation of works have improved.
- The number of sites where work has been completed to its original programme or, earlier has increased to 94%. Records show that for the three months preceding the permit scheme 86% of work was completed to time.

This has been sustained and improved upon in the second year of the scheme with a slight increase in the number of days saved and a further 15% drop in enquiries and complaints regarding roadworks.

To improve compliance with conditions that are agreed for the carrying out of work under the permit scheme more inspections are being carried out on live sites and checks planned to check on work carried out at the weekend.

Kent has begun consulting on plans aimed at further cutting congestion on key routes by giving those working on our highways a clear financial incentive to reduce the scale and duration of roadworks on the county's busiest roads.

- The Kent Lane Rental Scheme would cover about 5% of Kent's 5,000-mile network
- The Charges would apply at certain times of day, and in some cases such as tourist areas or school sensitive routes times of year.
- Road closures would be charged at £2,000 and £1,600 a day and lane closures would be £800, 400, £600, or £300 dependant on disruption caused and location.

Kent is the first county council to move forward with this new and innovative type of scheme.

Reinstatement specification and checks

The primary purpose of an inspection regime is to protect the highway asset, arguably a local authority's most valuable asset.

To control the quality of work on the highway the street authority is required to carry out audit inspections for compliance with the 'Specification for the Reinstatement of Openings in the Highway' Code of practice 3rd edition (April 2010). This is a comprehensive document covering all types of surface treatment and constructional materials.

These inspections are at regular intervals and payments are received for these at a rate set by the industry as a whole and in accordance with 'The Code of Practice for Inspections' 2nd edition 2002 which lists the methodology for selecting, charging and reporting defects.

There are five main types of inspection:

- Random sample: A 30% random pick of all works comprising checks at three stages: 10% work in progress (A inspections), 10% immediately following reinstatement (B inspections) and 10% just prior to the guarantee period (two years following reinstatement or three years for deep excavations). The percentage can be varied provided they sum to 30%. Work promoters pay for these inspections on a quarterly basis.
- Routine: These are additional inspections carried out during an inspector's normal day-to-day travel. They do not incur any charges but may result in a defect or inadequacy being issued if the works observed do not comply with standards.
- Third party: These are inspections that result from an enquiry or complaint, from a member of the public, about works on the highway.

Work promoters pay for those inspections that result in a defect or inadequacy being found.

- Defect: These inspections are follow-up site visits resulting from non-complying reinstatements and the acceptance of the remedial works. These inspections are chargeable to the work promoter.
- Investigatory: These inspections are invasive (core samples or excavation) checking on the quality and thickness of the reinstatement construction. Should a non-compliance be found the work promoter will be charged the street authority's costs, a defect raised and the reinstatement completed correctly.

The Inspection regime for Kent

The inspections at Category A are of work in progress and look primarily at the way the work is carried out and site safety.

Inspections at categories B and C are visual inspections, as work is complete at these stages.

- Category B is when work is registered as complete and the inspectors look for the site being cleared of equipment and materials and most importantly the quality of the reinstatement.
- Category C is just before the end of the guarantee period and looks at the quality of the reinstatement looking for failures such as edge cracking, trips, depressions or crowning, quality of surface, and correct material used.

As the category B and C inspections are purely visual they can only reveal failures such as edge cracking, trips, depressions or crowning, quality of surface, and correct material used.

Kent has exceeded the 30% sample rate for the past 3 years aiming last year to inspect 1 out of every 2 sites at one of the inspection stages. The quality of reinstatement has improved steadily with year on year improvement with over 97% passing the visual inspections.

Cores are taken to check that the correct thicknesses of materials have been used, and the quality of the materials at foundation level. There is no time limit for failure of reinstatement through incorrect thickness of construction layers. Kent has taken targeted action against the poorest performers demanding action plans for improvement.

The pass rate for cores in Kent has also risen steadily over the last 3 years increasing from 62.8% in 2009/10 to 70% in 2011/12 this is in contrast to a national pass rate of around 50%.

Knightrider Street and the Stone Street Area gas main replacement scheme.

The Stone Street Area gas main replacement started on site 10 April 2012. This scheme aims to replace old metal gas mains in Knightrider Street Lower

and upper Stone Street, Romney Place, Hale Road and College Road. The completion date, with breaks for the Olympic Torch Relay and Christmas 2012, is 26 April 2013. The work has been carefully planned and phased to balance speed with minimising disruption. This work has been planned for three years.

Knightrider Street gas works were completed to time despite technical difficulties. Phase two of the Stone Street area scheme is now underway ahead of schedule in Lower Stone Street with Knightrider Street remaining closed to aid traffic flow through the Knightrider Street/Stone Street junction whilst work progresses.

The programme to completion is:-

- Romney Place, due to start after the embargo for the Olympic Torch with Lower Stone Street continuing on the footway only.
- Upper Stone Street with lane closures to allow two gas mains to be laid, one in each lane commencing 1st October. During this phase Knightrider Street will remain closed as it has been found to improve the flow of traffic around the town centre. The provision enabling the merging of traffic at Sheals Crescent will be made more robust as it is expected to in place for a longer period time.
- Hayle Road and College Road at the end of the project.

Background documents:

Appendices

Road works enquiries 2009 to 2012

Lane Rental Consultation information

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