

**WRITTEN QUESTION TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES BY THE DEPUTY OF ST. MARY  
ANSWER TO BE TABLED ON TUESDAY 17th MAY 2011**

**Question**

Can the Minister advise what measures, if any, are in place to ensure that the utilities should not only do their streetworks in a satisfactory manner and make good the road they have worked in if they do not but also that they should do those works in a timely manner so as to minimise disruption and traffic delay on our roads?

Can the Minister tell members what steps, if any, he is taking to ensure that the utilities are incentivised to complete their works speedily or be penalised if they do not, and will such incentives and penalties feature in the new streetworks law which he is preparing, and if not why not?

**Answer**

**Part 1a:** The current legal situation generally favours Utility Company 'rights' over Highway Authority powers and provides few clear means of enforcing TTS (and Parish) requirements. TTS has nevertheless successfully introduced a number of important measures since 2003 (using a consultative approach) intended to ensure that street works are carried out in a satisfactory manner, including the 'making good' of the highway. These include the introduction of:-

- Requirements with respect to training, qualifications and supervision for those carrying out street works. These requirements are fully in accordance with UK best practice as prescribed by the 'New Roads and Street Works Act 1991' (NRSWA) with qualifications being registered with the UK's 'Street Works Qualifications Register' (SWQR) .
- 'Safety at Street Works and Road Works – A Code of Practice' (UK), which sets out minimum signing, lighting and guarding requirements to ensure the safety of works in the highway. This has been introduced as an example of best practice rather than as an 'approved' local code, as current legislation does not support this.
- The 'Specification for the Reinstatement of Openings in the Main Road', setting out minimum reinstatement requirements with respect to excavations, backfilling, types of materials to be used, depths, methods of laying and testing. The Specification is in accordance with best UK practice as recommended by the UK's 'Highway Authorities & Utilities Committee' (HAUC).

In addition TTS has in place an ongoing inspection regime covering both live works (in relation to safety and compliance with the reinstatement specification) and the ongoing monitoring of reinstated utility trenches.

**Part 1b:** Current legislation does not provide a clear means of issuing directions with respect to how and when street works are undertaken, nor does it specifically impose a duty on those undertaking such works to do so in an expeditious manner. Despite this TTS uses its 'moral'

authority to ensure that works are properly planned and co-ordinated before going ahead and that total disruption is kept to an absolute minimum.

In recent years TTS has made significant improvements to its street works management regime, starting in 2005 with the introduction of a 'Street Works Manager' to specifically regulate activity on main roads and to provide a focal point for planning and co-ordination in the Island. For example, TTS hosts and chairs a monthly co-ordination meeting with representatives from the Parish of St. Helier, the Island's Utility Companies, Connex and Honorary Police, looking at planning / co-ordination issues both in the short and long term (1 month to 5 years). In 2008 TTS also introduced its 'Directions for the Control and Management of Street Works', which provides Utility Companies with a clear framework for planning (with a strong emphasis on consultation) and implementing street works on main roads.

TTS continues to work closely with the Island's Utility Companies in developing the optimum solution as to when and how works are to be undertaken before permitting them to go ahead. For example, where there is flexibility to do so TTS ensures that works are carried out at low traffic volume times (i.e. early morning, between AM / PM commuter peaks, in the evening or at night, or during school holidays where that is relevant). There is also an increasing emphasis on joint working (i.e. Utilities sharing road and lane closures or trenches where possible).

**Part 2:** The proposed street works law which the Department is looking to bring before the States towards the end of 2012 (in partnership with the Parishes) will include both immediate and longer term provisions intended to ensure that street works are undertaken in an expeditious manner.

The most basic control proposed by the new law would be the introduction of 'street work permits' which would give the Highway Authority (subject to the test of reasonableness) power to either refuse a permit or issue a permit subject to a combination of conditions, including timing (i.e. times, dates and durations). Changes to a permit's conditions, such as a significant time extension, would first need the Highway Authority's approval. Failure to obtain approval would be a breach of conditions and an offence would have been committed. The law would also provide for the future introduction (through Regulation) of measures intended to create financial incentives to expedite works on the Island's most critical roads.