

Utilities & the Road – The UK Model

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1. **Introduction**

This paper provides an overview of the framework within which the United Kingdom's road controlling authorities (highway authorities) and utility organisations (statutory undertakers) operate as they work together in the road corridor.

The paper summarises: -

- The environment in which highway authorities and utilities operate
- The legislation and its supporting regulations and codes of practice
- The collaboration and cooperation processes that have been established between the parties involved.

2. **History**

The UK's Public Utilities Street Works Act 1950 came into operation over 50 years ago and was a welcome attempt to unify the numerous Acts which had previously covered relations between highway authorities and public utility organisations (called statutory undertakers) introduced between 1847 and 1948. It was, at the time, a somewhat controversial piece of legislation and remained so until it was replaced by the New Roads and Street Works Act of 1991.

The main problems with or created by the 1950 Act were: -

- the provision for highway authorities to recover any reasonable expenses incurred in supervising street openings
- the reinstatement procedures and the highway authority's ability to carry out final reinstatement and recover costs
- cost responsibilities for diversionary works as a result of roadworks
- a restriction placed on utility works within 12 months of substantial roadworks or resurfacing

In addition, the scale of economic expansion during the 1960's placed unprecedented demands on all responsible for infrastructure services. Inevitably, the competing demands placed on the utility organisations to expand and/or upgrade their services, while the highway authorities were simultaneously endeavouring to improve and maintain the road network for ever increasing volumes of traffic brought the underlying resentment on both sides to a head.

In 1984 the government finally agreed to review the 1950 Act. The report of the Review Panel, chaired by Professor Michael Horne, the Horne Report, identified two prime factors that had compounded the inherent problems created by the 1950 Act. These were

- the growth in road traffic
- the increase in the scale of public utilities works

The Review Panel tried to find the best solutions to the various problems having regard to the interests of the nation as a whole, rather than those of any one of the parties involved.

Following the Horne Report in 1986 the Government encouraged the establishment of the Highway Authorities and Utilities Committee (HAUC) by the Local Authority Association and the National Joint Utilities Group.

Working with the Department of Transport HAUC began the development of a series of Codes of Practice intended to support new legislation which eventually appeared in the New Roads and Street Works Act 1991.

Whilst the paper discusses the above mentioned Act of 1991 and the 'UK model' the author acknowledges that there are some variations in Scotland and Wales so this is more accurately the 'English model'.

3. **The UK model**

3.1 The Environment

The environment in which utility operators and highway authorities work in the UK is challenging. Over the past 20 years or so the UK has, like NZ, gone down the privatisation road. Utilities, including water, have been privatised and road management is more commercially focused.

Car traffic volumes increases by 41% over the 10 years between 1984 and 1994.

Road widths, even in 'new' situations are generally significantly less than in New Zealand and in many older urban areas, that is the vast majority of villages, towns and cities, the roads were simply not built for the motor vehicle and have been adapted to do so but offer only restricted space for utility services.

With many parts of the road network operating at or beyond theoretical capacity there are increasing concerns from the economic, social and environmental viewpoints. Even the slightest interruptions to traffic flow can have devastating effects. A minor accident, an inconsiderately parked vehicle or some relatively minor utility work activity in the wrong place or at the wrong time can trigger horrendous delays.

With increasing traffic volumes and pavement loadings and increased utility activity the demands on a trench reinstatement have increased significantly. Simply maintaining the integrity of the road pavement structure is a major issue.

So with this extremely challenging environment there should be no doubt that the degree of detail to which the legal framework and its supporting systems and processes go to help management, at the interface between roads and utilities, is justified.

3.2 **The Legislative Framework**

As mentioned earlier in the paper, the Public Utility Street Works Act 1950 was replaced in 1991 by the New Roads and Street works Act.

The Act, supported by a number of Regulations and Codes of Practice, provides a framework for street work activities, in particular works by public utility organisations and *also* by highway authorities, to the extent that *their* works must be co-ordinated with other street works.

The stated aim is to balance the respective statutory rights of highway authorities and public utility organisations to carry out works in the street or highway, against the rights of the road users to expect minimum disruptions from these works.

The legislation deals with a range of issues including: -

- Licences to work on the road
- Unauthorised work
- Emergency work
- Streetworks register
- Notice and co-ordination of work
- Duty of road authority to co-ordinate
- Duty of utilities to co-ordinate
- Street subject to special controls-
Traffic/engineering
- Safety measures
- Avoidance of unnecessary delay

- Qualifications of operatives and supervisors
- Reinstatement-standards etc
- Charges, fees and contribution
- Records – location, availability etc
- Liability for damage
- Advice to utilities of road works
- Cost responsibility

And provides for the Secretary of State for the Environment, Transport and the Regions to approve Regulations and Codes of Practice. A number of these have been developed over the past 15 years and some Regulations are now embodied in Codes of Practice so that the current framework includes: -

Legislation: - the New Roads & Street Works Act 1991

Codes of Practice: -

- Co-ordination, including: -
 - the Register (to be maintained by highway authorities)
 - streets subject to special controls (protected street, special engineering difficulties, traffic sensitive streets)
 - work categories and notice requirements (including road projects, trench sharing and electronic transfer ETON)
 - co-ordination in action (HAUC)
 - exchange of information re location (new CoP pending)
 - charges for prolonged occupation
 - conciliation/arbitration
- Safety at road works
- Specification for reinstatement
- Inspection
- Diversionary work

Regulations

- Qualification of Supervisors and Operatives
- Inspection fees
- Registration fees
- Cost sharing (for relocations 82% or 92.5% highway authority where due to road works)

In addition there is a Guideline – ‘ Best Practice to Minimise Disruption to Road Users’

Altogether this represents a very comprehensive framework within which utility operators and highway authorities can operate.

3.3 **Collaboration and Co-operation**

Perhaps the most important aspects of the 1991 Act are the requirements which place a duty on: -

- The street authority to co-ordinate all works in the highway
- The public utility organisations to cooperate in the process

The Act spells out the objectives of the co-ordination function.

They are: -

- To ensure safety
- To minimise inconvenience to people using a street, including a specific reference to people with a disability
- To protect the structure of the street and apparatus in it

Three key principles are identified to which utility operators and road authorities must adhere: -

- The need to balance potentially conflicting interests of the road users and the utilities’ customers (the same people basically)
- The importance of close cooperation and good communication
- An acknowledgement on all sides that work programmes and practices may have to be adjusted to ensure that the statutory objectives of the co-ordination provisions are achieved

Co-ordination takes place at three levels, national, regional and local.

At the national level the Highway Authorities and Utilities Committee (HAUC) has been established to advise the Secretary of State for the Environment, Transport and Regions on street works legislation policy, monitoring the implementation of legislation, representing the joint interests of the Highway Authorities and Utilities in street works issues and liaising with other road users.

HAUC has joint (utilities/highways) rotating chairmanship and a detailed terms of reference. Highways representatives are appointed by the Local Government Association whilst the National Joint Utilities Group (NJUG) provides utilities membership. The NJUG itself represents the main utilities in street works and related matters and facilitates co-operative working between Utilities, Highway Authorities and others.

HAUC holds an annual conference and trade exhibition.

HAUC also operates at the regional level and at the local level and each highway authority is required to have co-ordinating groups meeting at least quarterly primarily to consider individual schemes and share information on medium term and annual work programmes etc.

The Co-ordination Code of Practice provides model terms of reference for these groups.

Overall this structure provides a good forum for communication and opportunities to feed information/advice from the 'coal face' to the policy makers and vice versa.

4. **Conclusion**

The UK model clearly provides a comprehensive framework within which utility service providers and road controlling authorities can operate.

The legislation is supported by some very detailed Codes of Practice and Regulations which are prescriptive in nature but have been developed by the utilities/roading sector itself.

The justification for such detail and prescription comes from the challenging environment in which the parties operate i.e. high traffic volumes, limited road space, and congested streets.

Importantly there is a robust process in place to help ensure cooperation and co-ordination between the parties that also allows for ongoing change and improvement as evidenced by the reviews that have taken place over the 10 years since the legislation was introduced.