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To: Scrutiny Committee – 8<sup>th</sup> May 2019

Subject: Temporary Road Closures and Utility Companies

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## **Summary**

This report provides an overview of how Utility Company works are managed and coordinated by KCC Highways teams. This includes more specifically the process for implementing temporary road closures to allow works to take place and ensure the safety of the road user and the workforce.

In 2018/19 the Street Works teams at KCC dealt with 124,527 permit requests from Works promoters and of these over 3000 were requests to close a road.

### **1. Legislative background**

The New Roads and Street Works Act 1991 (NRSWA) is the primary legislation that sets out the rules and responsibilities regarding Street Works i.e. the work of utility companies and others who install apparatus in the street. It defines who a Statutory Undertaker is and their responsibilities, and the timing and type of information they must supply to Highway Authorities. Highway authority responsibilities are also defined, and the Traffic Management Act 2004 (TMA) built on this, making it a statutory duty for Highway Authorities to coordinate street works to facilitate the expeditious movement of traffic. The TMA also enabled the introduction of Permit Schemes to better enable local authorities to discharge their duty to coordinate.

KCC operates a Permit Scheme across the whole road network. In addition, there is the Kent Lane Rental Scheme (KLRS) operating on 5% of the most traffic sensitive streets of the primary network. The Lane Rental scheme imposes a daily charge for activities that impede the flow of traffic. The charging structure is designed to encourage all works promoters (Utility companies, third parties and KCC) to work in the most efficient manner possible, taking up less time/ space on the network during the busiest periods.

The key objective of the KLRS is to provide an incentive for those carrying out works to consider alternatives when planning works on these sections of the Kent network when a lane or road closure is required.

When considering these works, Promoters are reminded that the main purpose of the scheme is to encourage:

- improvement in the planning of works and reduce length of time sites are occupied;
- completion of works to the Specification for the Reinstatement of Openings in the Highway (SROH) standard permanent first-time;
- innovation to reduce the impact caused by works and the associated highway occupation.

A daily rate is charged to companies working on specific roads and if it is during busy periods such as rush hour. Depending on the road in question the cost of closing a road is between £1600 - £2000 per day, a lane closure incurs a charge of between £300 - £800.

The scheme accrues in the region of £1M per year

The revenue is used to fund the running costs of the scheme with any extra revenue going into the Kent Lane Rental Fund for projects that fulfil the objectives of the scheme. Both Kent County Council and utility companies can apply for funds providing they fulfil key criteria.

A body of appointed and elected members form a Board of Governors who will oversee the administration of the surplus revenues, with the principle responsibility to evaluate and monitor proposals to spend this revenue towards initiatives. A member of KCC chairs the board and as well as a Kent representative the Members of the board are made up of representatives from the Water, Power, Telecoms and Gas Industry.

Examples of projects that have received funds following a successful bid can be found in **Appendix 2**.

Further information on the Kent Lane Rental Scheme and the governance of funds can be found by following the link below

[https://www.kent.gov.uk/search?mode=results&queries\\_keyword\\_query=lane+rental](https://www.kent.gov.uk/search?mode=results&queries_keyword_query=lane+rental)

Section 81 of New Road & Street Works Act 1991(NRSWA) places an absolute duty on utility companies to maintain their networks - quite apart from which, they must maintain systems in efficient working order to properly discharge their safety and service obligations to their customers.

KCC has no authority to prohibit utility company works, they have the right to install and maintain their apparatus. The duty on Highway Authorities is to only to coordinate the works and to mitigate traffic disruption, not to prevent disruption.

## **2. Road Closures and Traffic Restrictions**

A Temporary Traffic Regulation Order (TTRO) or a Temporary Traffic Regulation Notice (TTRN) is made by KCC when it is necessary to temporarily stop or limit vehicular and/or pedestrian traffic along the highway.

This is necessary when there is insufficient road width to accommodate the safe passage of road users and undertake the works. There is mandatory guidance on residual road widths and safety zones that must be followed. It is an offence not to follow these guidelines. The Code of Practice can be found by following the link below.

<https://www.infrastructure-ni.gov.uk/sites/default/files/publications/drd/safety-at-street-works-and-road-works-a-code-of-practice.pdf>

Provisions governing temporary road closures and traffic restrictions for street works are found in Sections 14-16 of the Road Traffic Regulation Act 1984, as amended by the Road Traffic (Temporary Restrictions) Act 1991 and Regulations made under the 1984 Act

There are two procedures:

(a) TTRN - Where urgent action is needed – the traffic authority may issue a ‘temporary notice’ imposing a short-term closure or restriction. Prior notice is not necessary.

The notice is limited to 21 days if there is a danger to the public or risk of serious damage to the road, independent of street works; a leaking gas main, for example.

The notice is limited to five days if there is no risk of danger or damage.

(b) TTRO - In less urgent cases – the traffic authority may make a ‘temporary order’, which may remain in force for up to 18 months.

TTROs can be applied to roads, footways or Public Rights of Way (PRoWs).

Local District Councils can also apply for road closures under the Town and Police Clauses Act for events or street parties.

## **3. Kent County Council Road Closure procedures**

### **Immediate/urgent Road Closures (TTRN)**

Where works are of an urgent nature the overriding aim is for the works promoter to attend site to deal the emergency. They are required to advise KCC within 2 hours of works commencing that the road is closed. The Street Works team will then issue notification to key stakeholders, emergency services and public transport providers. Due to the nature of emergency works KCC as highway authority are not able to prevent the

works from commencing as the immediate priority is to remove the danger to public or property that may occur as a result of a gas leak, burst water main or dangerous potholes.

Whilst we are not able to prevent the works once we have received the permit, we can impose conditions such as extended working hours and, in some instances, KCC will challenge the duration of the works to ensure that works are completed and cleared as soon as possible.

### **Planned Road Closures (TTRO)**

Where works are of a planned nature then a minimum of 12 weeks' notice is usually required by the Street Works team to process the application and write the Legal Order. The area coordinator will check the diversion to ensure this is suitable and will look to see the impact on local businesses and bus routes.

Where works will have an impact on Schools, the works promoter will be guided to carry out their works during school holidays to reduce the impact on school transport.

Once works have been agreed the TTRO coordinator will process the legal aspect of the closure. All planned closures are required to be advertised in the local paper (currently Kent Messenger)

- Two Notices must be published in local newspaper(s); the first to notify the public of the intention to make an Order and a second to notify the public that the Order has been made.
- Additionally, a copy of the Public Notice (as a poster) may be displayed in the street(s) concerned.

Details of all works requiring a road closure are also circulated to a wide list of stakeholders by way of Customer Information bulletins to Emergency Services, utilities, local authorities, transport providers and local media. The information in relation to the works can also be found on [www.roadworks.org](http://www.roadworks.org) which is a public facing website providing information of all Street Works. The website links in with TomTom Sat Nav which enables the travelling public to be aware of impacts and closures on their routes.

**Appendix 1** Case Study shows a typical request from a water company to close the road for a 3-month period in order to lay a new sewer and the subsequent processes involved by the street works team in ensuring the Legal Order is in place to close the road. The case study also highlights the level of notifications to stakeholders and travelling public that is carried out.

#### **4. Recommendation**

Scrutiny committee members are asked to note the contents of the report and to also note the additional information in Appendix 1 & 2

Appendix 1 Case study - Road Closure, Horn Street, Folkstone

Appendix 2 Examples of Projects funded form Kent Lane Rental.