

UNDERTAKING ROAD WORKS IN SCOTLAND DURING THE COVID-19 PANDEMIC

Dear Colleagues

Due to the unprecedented circumstances we find ourselves in, discussions have taken place with RAUC(S) to provide clarity on how we should, as a community, proceed at this time.

The Scottish Government have made their advice clear, in their publication on **business and social distancing** and once again in their **construction sector guidance**. Only Emergency/Urgent works and those considered essential to the management of Covid-19 and to mitigate its spread should proceed.

Scottish Government have provided the following statement with respect to road works and works for roads purposes :

“Works as defined in the New Roads and Street Works Act 1991 includes a subset of works which are vital for the wellbeing of society. The continued provision of essential utility services, energy, telecoms, water (including sewerage) within an effectively operating road network is vital during this period. Where works fall within the existing emergency and urgent works categories, and where the requirements on social distancing can be met, these are considered essential. Other planned works including proposed upgrades or non-critical rehabilitation schemes should not be undertaken during this period.”

In order to assist in the discharge of your duties under the New Roads and Street Works Act 1991 and associated legislation, consideration of the following should be made to address the challenges of undertaking essential road works.

Works Planning and Management

We need the public to understand that our staff and contractor teams are working for utility companies and roads authorities to keep our roads safe and to safeguard utility services. All organisations should follow the established lines of communication and inform relevant parties where difficulties arise.

A few simple requests -

- Organisations should identify works which are essential by registering details on the SRWR.
- Plan and communicate well and build in resilience to address any reduction in your workforce or supply chain failure.
- Do not introduce blanket refusals of permissions or notices. Essential road works do need to take place, please continue to process them as usual wherever possible.

- Do not introduce blanket refusals of associated orders such as parking bay suspensions, TTROs etc, please continue to process them as usual wherever possible.
- Utility companies, please continue to follow the conditions which roads authorities may still need to include, e.g. Section 115 Directions applying restrictions where working in close proximity to a hospital.
- Utilities should accept reasonable conditions on planning and resilience.
- Roads authorities should not introduce conditions that are not reasonably achievable at the present time.
- Roads authorities should consider the timing of works, e.g. there may be opportunities to carry out essential works within traffic sensitive periods due to reduced volume of traffic.

It is expected that all organisations will act reasonably and communicate as appropriate.

If your organisation is experiencing particular difficulty with another organisation which you consider to be unreasonable, please contact the SRWC providing evidence of the issue at **enquiries@roadworks.scot**

Defects and Inspections

Defects which are assessed as hazardous (Category 1) should be treated as business as usual. Site meetings may not be possible and an alternative methods may be required. Normal reporting should take place through the SRWR. Clear photographs of any defect should be uploaded as an alternative to a face to face meeting between the local authority and the utility company. It is imperative that the works promoter acknowledges acceptance or rejection of any defect timeously. Remedial works should then proceed as required, registering in accordance with this guidance.

Non-hazardous (Category 2 and 3) defects should be registered in the normal way. However, a statement should be added to the defect advising that “no meeting has been carried out and no remedial works are required at this point as all non-urgent works are to be put on hold until the pandemic restrictions are lifted and road works are considered to be back to business as usual. No further defect inspections will be carried out until this time”. Utilities should acknowledge and provide feedback, agreeing to monitor the condition. If there is deterioration the utility company should liaise with the roads authority to carry out an essential remedial works, if required.

There must be a common sense approach to dealing with defects over this period of uncertainty. All organisations in Scotland are under an obligation to co-ordinate and co-operate during business as usual and this has not changed. Please maximise your use of the SRWR, providing as much detail as possible.

SROR

The procurement of both bound and unbound materials, which can normally be relied upon, is a concern and organisations may increase their use of interim materials. It is important to take a common sense approach where the correct materials cannot be sourced. An example of this may be the use of HRA over SMA. The strict use of SMA could be relaxed to an appropriate HRA without prior reference to a roads authority. The use of alternative approved permanent solutions that are available and which meet the specification should be considered on a case by case basis. Please note that the general principles of the SROR still apply.

SRWR

1. Emergency, Urgent and Essential Road Works

In general, the only works registered will be emergency, urgent and, at this time, works *“essential to the management of Covid-19 and to mitigate its spread”* which should be planned appropriately and clearly registered in the SRWR. You are required to provide a clear justification for this decision. Planned works, i.e. not an emergency today, but if paused for 3 months could cause a detriment to the wellbeing of society and therefore becomes essential, should be planned as normal though the SRWR and reference made to “Essential works under Covid-19 guidance”.

All qualifying works should be registered and the use of the SRWR should be maximised to provide clear records going forward. Descriptions should clearly identify why works are taking place and note any agreed departures from standard practice in the works description field or the works comment field on the SRWR. Please be mindful that the works description field is being made visible on the public facing website to inform the public of the reason for works.

All works, which are deemed essential or urgent/emergency, that will take place under the current restrictions should be prefaced “Essential works under Covid-19 guidance” in the works description field.

Examples of additional information that you may add are as follows :

- 30/14 HRA used as permanent in footways in lieu of 15/10 HRA
- Interim reinstatement overdue to be made permanent in view of the current Covid-19 Pandemic.

2. Non Essential Works

- Where works are in progress and a site can be permanently reinstated and completed, this should be done. The normal noticing rules for completion of works apply.
- If a site has reached a stage where an interim reinstatement is in place (or can be put in place) and traffic management can be removed entirely, this should be done and the notice recorded as Works Clear. All traffic management on site must be removed. If traffic management is still required on site then works are not clear and the notice must remain open.
- If the works are in progress and cannot be completed/cleared (e.g. due to lack of workforce/resources or the works are no longer deemed essential) the site must be made safe with the appropriate traffic management in place. It is important that the site is checked and maintained in accordance with the Safety at Street Works and Road Works a Code of Practice. The works notice should also be extended on the SRWR with an estimated completion date.

3. Future Works

Where works were planned for a future date but are being postponed and will no longer start on that date, notices for these works should either be abandoned or rescheduled. These changes should be registered on the SRWR.

The challenges of setting dates for works that require to be rescheduled or extended is acknowledged and judgement will be required. The current operational restrictions will be taken into account when reviewing each organisations road works performance.

Social Distancing

The Scottish Government has made its position clear on social distancing when working and all organisations must adhere to this.

The rules on social distancing also apply to operatives working on site who should ensure that the guidance is followed. When working in public areas, site layouts must make provision for social distancing, e.g. there must be pedestrian provision plus a 2 metre zone between the general public walking past a site. Operatives must observe social distancing at all times.

I would emphasise that if you intend to carry out works, you should exercise caution and consider the questions:

- Is what you do essential or material to the effort against the virus or to the wellbeing of society?
- Are you able to demonstrate and give confidence to your workforce that you can consistently practice safe social distancing and comply with ALL other standard health and safety requirements?

If the answer to either of the above questions is no, the advice of the Chief Medical Officer on a precautionary basis is to close.

Once the current restrictions are lifted we will all be under pressure to resume normal operations. It is anticipated that there will be a catch-up period and we will all require to be reasonable and flexible in managing this.

Thank you for your co-operation and patience at this difficult time. The situation is uncertain and I trust the above guidance is helpful.

Yours sincerely

Angus Carmichael
Scottish Road Works Commissioner

Prepared in consultation with the co-chairs of RAUC(S)

Circulation – Senior Managers and Primary Contacts