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Consultation on Traffic Advisory Leaflet X/09 – Portable light signals for the control of vehicular traffic at road and street works

Author: Department of Transport
Date: 11th March 2009

Responder: National Joint Utilities Group.

1. Introduction

The National Joint Utilities Group (NJUG)¹ welcomes the opportunity to comment on this draft leaflet. We have a number of serious concerns that are described in the following sections.

2. Legislation

2.1 Safety at Street and Road Works Code of Practice

Under the New Roads and Street Works Act 1991 (NRSWA) sections 65 and 124 and article 25 of the Street Works (Northern Ireland) Order 1995, any utility works undertaken in England, Northern Ireland, Scotland and Wales must abide by the 1st January 2002 edition of the Safety at Street and Road Works code of practice (CoP). This CoP requires anyone proposing to use portable signals to inform the highway authority in advance. It also requires approval in writing when the shuttle section includes a road junction.

2.2 Statutory Instrument 2002 No. 3113 Traffic Signs Regulations and General Directions 2002 (TSRGD)

On 31st January 2003 the above regulations came into force. Regulation 35 and Direction 53 govern the use of portable signals. This Direction states that any permissions for the use of signals must be in writing. ***It does not specify which uses do or do not require permissions.*** It is therefore entirely compatible with the Safety at Street Works and Road Works CoP regarding when notification and when approval of the use of portable light signals is required.

The Department for Transport (DfT) confirmed this understanding of the current legal situation in a letter to HAUC, dated 11th January 2006:

1) The undertaker has a duty to place traffic signs, which include temporary traffic signals (TTS), where reasonably necessary. The statutory Safety Code provides guidance as to what will be required in different circumstances. In planning the works the undertaker assesses the need for TTS. The undertaker must give advance notice of the use of TTS (The Safety Code).

2) The undertaker must give advance notice of the works (Section 54 & 55 of the 1991 Act). In practice, the use of TTS should be included in the Section 54 or Section 55 notice (the Co-ordination Code). By the time those

¹ NJUG's current members are Energy Networks Association (representing electricity and gas), Water UK (representing all water and wastewater companies), National Grid, BT Openreach, and Virgin Media. Our associate members are Clancy Docwra, Skanska McNicholas, Balfour Beatty, Morrison, Morgan Est, NACAP, PJ Keary, First Intervention, Carillion, Enterprise, Laing O'Rourke and AMEC. Including members through trade associations, NJUG represents thirty-seven utility companies. Our website can be located at www.njug.org.uk

notices are issued by the undertaker the need for TTS should have been assessed and discussed as necessary with the authority.

3) The traffic authority may give directions as to the use of TTS (section 65 (2) of the 1991 Act), whether or not the undertaker included that on their Section 54 or Section 55 notice.

The undertaker must obtain the approval of the traffic authority if the section operated by TTS includes a junction.

4) In other circumstances, if the traffic authority does not give directions, then the fact that the traffic authority has not given approval does not prevent the undertaker using TTS.

This DfT statement confirms that undertakers must follow the requirements of the Safety CoP.

3. Use of Portable Signals in Practice

The intended use of temporary traffic signals must be included on the NRSWA opening notice to allow the street authority to coordinate street activities and give directions as necessary. **Written permission is not required.**

If a junction or more than one signal head is involved, approval of the traffic authority must be obtained before erecting temporary traffic signals. This could be requested by completing the relevant traffic authority form. **Written permission is required.**

In **all** instances it is imperative that the traffic authority is contacted in advance of the placing of temporary traffic signals to allow them to perform their responsibilities of managing the network.

4. Detailed Comment on Sections

Type approval

This is an over complicated section which could lead to confusion as there is currently “approved” equipment available under various TR specifications.

Placing of Signals

- ***Width***

The opening sentence of this section is incorrect as the maximum and minimum widths for the use of portable traffic signals is laid down in the table on page 52 of the current Safety at Street Works and Road works Code of Practice

	Normal traffic including buses and HGV	Cars and light vehicles only
Two-way working	6.75 metres minimum	5.5 metres minimum
Shuttle working with traffic control	3.7 metres maximum 3.25 metres desirable minimum 3.0 metres absolute minimum	3.7 metres maximum 2.75 metres desirable minimum 2.5 metres absolute minimum

The remaining parts of the section need to be revised in line with the above. Reference to “Lane Widths” from chapter 8 should be removed and replaced with reference to the tables in the Safety Code of Practice.

- ***Length***

This paragraph is correct but the reason for the reference to Traffic Advisory Leaflet 17/99 is not explained.

- ***Uncontrolled facilities for pedestrians***

The provisions set out in this section are not covered by any recommended Code of Practice or Guidance document and are potentially dangerous to pedestrians. We strongly suggest this is removed from the Advice leaflet to avoid confusion, misinterpretation and dangerous practices.

5. General

The function of this advisory note is questionable as it does not give any additional clarity or direction regarding the provision of portable light signals beyond that which is already detailed within the statutory Code of Practice for Safety at Street Works and Road Works or the guidance given in Chapter 8 and the *Introduction to the Use of Portable Vehicular Signals*.

There is a danger that by précis the contents of the above established requirements and guidance into a 5 page advice note, which constantly refers out to these documents, the messages become diluted and open to further interpretation.

The Code of Practice for Safety at Street Works and Road works is currently being revised for release in 2010. This revision includes more detailed requirements and clarity on the use of traffic signals and would supersede this advisory note.

6. Recommendation

6.1 NJUG would advise that this document should not be issued.

6.2 If the decision to proceed is taken then all reference to the legal framework should either be amended as above or removed completely.

If you have any queries, please contact NJUG via the details found at the top of this document.

Yours sincerely,



Les Guest
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