

National Joint Utilities Group Ltd (NJUG) Briefing

The Future of London's Road Network London Assembly Transport Committee Inquiry

Introduction to NJUG

The National Joint Utilities Group Ltd (NJUG) is the only UK trade association solely representing utilities and their contractors on street works issues. NJUG is a forward thinking organisation with a focus on promoting best practice, self-regulation and a two-way working relationship with Government and other relevant stakeholders. NJUG is also the utility arm of the Highway Authorities and Utilities Committee (HAUC(UK)) working collaboratively with local authorities, the UK Government and the devolved administrations to improve standards of road and street works in England, Northern Ireland, Scotland and Wales.

Utilities undertake street works for four primary reasons:

1. Safety;
2. Security of supply;
3. To connect or upgrade customers' supplies; or
4. To divert apparatus to facilitate major transport or urban regeneration projects. For example, Crossrail, the 2012 Olympics, tram projects, or new urban and housing developments.

Congestion in London

Utilities in London and across the UK are continually under pressure to reduce work durations and plan works on the basis of ensuring the safety of the public and operatives and securing / enhancing their networks whilst taking as little time as possible. The majority of congestion arises from the sheer volume of traffic along with road accidents, and so congestion alleviation policies need to address these areas to be truly effective. NJUG is encouraged that the London Assembly Transport Committee acknowledges the range of factors leading to growing congestion in the Capital – such as population and economic growth.

Industry Measures

Of course, NJUG and utilities recognise that essential street works can sometimes cause disruption and NJUG has therefore driven a number of voluntary initiatives, delivering real benefits through a step-change in the quality and impact of street works. Below is a list of the key voluntary initiatives in London:

1. **NJUG's Vision for Street Works** – Launched in early 2007, this reflects NJUG's commitment to supporting the implementation of the Traffic Management Act 2004 as well as existing street works legislation and codes of practice. The Vision (http://www.njug.org.uk/uploads/NJUG_Vision_Nov09.pdf) has gained high-level commitment from the vast majority of utility companies and has acted as a real catalyst for change.
2. **The Annual NJUG Awards** – Launched in 2008, the Awards recognise the voluntary efforts being made by utilities and contractors to combat disruption and improve efficiency of works. There are six categories, one for each Vision for Street Works statement. The most important outcome of the Awards is that all winning submissions are converted into best practice case studies and shared across industry.

3. Mayor's London Code of Conduct – Launched by the Mayor in 2009, the London Code is a voluntary agreement between the Mayor and the Capital's largest utilities in order to help reduce disruption. In its first year, the London Code delivered:

- Significant increases in the use of plating, out of hours working and first-time reinstatements;
- Better co-ordination and communication, including improved signage on sites;
- Increased joint safety visits of local authorities, utilities, the Health and Safety Executive and police who audit all works occurring within the highway (from skips and scaffolding to highway and utility works), with any serious digressions tackled through a Joint Review process;
- **996 days saved occupation of the street.**

The content of the London Code was modified by NJUG and launched with the Mayor in 2010 as a National Code to be rolled out across the whole of the UK. NJUG is now looking to roll out the National Code under a HAUC(UK) banner with our highway colleagues to cover all authorities.

4. Improving co-ordination – NJUG has also initiated many other voluntary initiatives and worked closely with highway colleagues, including:

- Sharing plans of major works up to 2 years in advance. In London the scheme has resulted in the effective co-ordination of a number of planned works, with major planned works entered in TfL's London Works system so that the information is readily available for TfL and local authorities to use to better organise future works.
- Giving longer periods of notice than legally required for shorter-duration works;
- Participating in the successful Workathons introduced by TfL – which take advantage of a road closure to bring in numerous different organisations to do small short-term works over a short period such as a weekend.

5. Regional fora / conferences – NJUG holds seminars to share best practice around the country and participates in national/regional conferences highlighting examples of good practice. NJUG is looking to hold one such forum in London this year.

Current and proposed street works legislation / regulation in London

Utilities are subject to a myriad of legislation/regulation governing their street works in London. NJUG does not oppose appropriate regulation, and indeed believes that measures should be in place to incentivise behavioural changes across the utility sector to minimise wherever possible the unfortunate disruption which is sometimes caused by our works. However it is essential that regulation is imposed carefully to avoid unnecessary bureaucracy and costs on tax payers and utility customers, and to ensure that all measures offer clear benefits in return for additional costs.

Below are some of the key regulations governing street works, including in London:

- **Network Management Duty**

Under the Traffic Management Act 2004 the Government introduced a specific Network Management Duty which strengthens the role of local authorities to undertake all reasonable measures to assist the expeditious movement of traffic and pedestrians. This builds on the local authorities' existing duty under the New Roads and Street Works Act 1991 (NRSWA) to co-ordinate works.

- **Improved Noticing (introduced April 2008)**

The improved Noticing provisions require greater periods of notice to be given when utilities wish to undertake works, and utilities have focused heavily on improving the timeliness / quality of Noticing, with numerous authorities reporting significant improvements since the Noticing requirements were enhanced in April 2008. Sustained awareness campaigns / training have emphasised the importance of correct Noticing, with many utilities reporting 97+% compliance. Equally, streamlining processes has reduced inadvertent non-compliance. Utilities continue to monitor their compliance levels and introduce proportionate and cost-effective measures to further drive towards 100% compliance.

- **Section 74 Overstay Charging (originally introduced in 2002 under NRSWA 1991 and then increased in April 2009 under the provisions of the TMA 2004 – with further increases being considered)**

Utilities are required to agree with the local authority the number of days that works will take. When introduced in 2002, Section 74 delivered a step-change in the reduction of duration of works. Further increases in the charge levels were introduced in April 2008, however, with the considerable shortening of durations already achieved, further significant reductions won't be easily deliverable due to safety and cost restraints. Government is now considering a further substantial increase in Section 74 charges, including in particular, 150% to 300% increases for works in non-traffic sensitive streets and a significant impact for minor works in the footway and for immediate works.

- **Fixed Penalty Notices (FPNs) (introduced May 2008)**

In May 2009, the Government introduced the option for local authorities to serve an FPN, including a fine of £120 (or £80 if paid within 29 days) for a range of Noticing infringements, such as late or incorrect Noticing. Local authorities retain the right to take a utility to court for persistent non-compliance, but the FPN provides a quicker, cheaper alternative to penalise utilities for not telling authorities about their works in a timely and accurate manner.

- **Permits (introduced January 2010)**

Currently local authorities, either singly or together, may apply to the Secretary of State to run a permit scheme, which requires utilities, and local authorities' own highways teams to apply for permits to undertake works. In granting permits, local authorities can apply conditions, including when works can take place. As with Noticing, permit schemes require greater notice to be given of works, including three months for works of 10 days or more. This allows local authorities to better co-ordinate both their own and utility works and thereby reduce disruption.

The London Permit Scheme, introduced in January 2010, is **not** targeted to prioritise works on the most traffic-sensitive parts of the network. It is therefore unlikely to reduce congestion as intended, whilst imposing significant additional costs on utilities and their customers, particularly given the inconsistent application of the scheme.

Interestingly, on the day the scheme came into force, London Mayor Boris Johnson commented that permits would not be effective in reducing congestion in London (despite having pushed for its early implementation) and that he wanted a lane rental scheme instead.

In contrast, Kent's Permit Scheme – which NJUG supported Kent County Council in developing – focuses on only the most congested roads and therefore enables utilities to prioritise those works. So far, Kent has seen a 50% reduction in complaints about street and road works, which is because it is based on the general principle that about 80% of the disruption is on approximately 20% of the streets.

The previous Government committed to evaluate the effectiveness of permit schemes one year after their implementation. However, since the election, the DfT has stated that due to funding restrictions this evaluation will not now be carried out by the Department. Instead local authorities will report on the effectiveness of their own schemes and NJUG is aware that a report is due to be published in the coming months on the first phase of the London Permit Scheme.

However, NJUG believes that an independent assessment of both the London and Kent schemes is essential to demonstrate their respective effectiveness and identify the full costs incurred by both authorities and utilities. Such a review will also provide a valuable comparison of the two different schemes, enabling analysis and sharing of the most effective practices, for other authorities (including London authorities) to consider when developing their own schemes.

- **Lane Rental (S74a of the NRSWA 1991)**

The Mayor and TfL have been urging the Government to introduce a lane rental scheme for major works on the Transport for London road network (TLRN). Ultimately, NJUG does not believe that lane rental will necessarily deliver significant additional benefits over and above the existing legislation, whilst increasing costs for utilities and their customers considerably. NJUG is also concerned that there may be a perverse incentive for authorities to manage works in such a way that delivers maximum revenue, rather than always reducing disruption.

However, if lane rental is to be implemented, NJUG believes it can only be effective if applied to all works promoters – highway authorities as well as utilities – and NJUG is encouraged that the London Assembly Transport Committee’s briefing paper recognises the contribution of local authority works to congestion. According to TfL’s own figures 38% of London’s traffic delays are caused by road works, with approximately half from local authority works and half from utilities. Therefore to have a chance of making a difference on overall levels of disruption, any lane rental proposals must be equally applied to all works promoters which includes local authority works, which currently face no financial incentives or penalties to carry out works in an efficient and timely manner.

It is also encouraging that TfL have now acknowledged the importance of such a scheme being ‘targeted’ (i.e.: only at pinch points on strategic roads) and ‘avoidable’ (i.e.: incentive-based, providing an opportunity for works promoters to work safely outside peak times and use plating during the busiest times to return the road to use, where practical and safe to do so). However, the additional financial and social cost of personnel working out of hours, and the increased work durations associated with placing and removing plating each day needs to be considered when assessing the costs and benefits of lane rental. Prematurely implementing the proposals targeting only utilities would raise false expectations of having a major reduction in congestion.

Summary

NJUG remains committed to continuing to raise standards of street works and reduce the unfortunate disruption that is sometimes caused. NJUG believes that the greatest benefits can be achieved through the effective and consistent implementation of existing regulation, with local authorities and utilities working together better to co-ordinate planned works, raise standards and reduce disruption.