

Reinstatement Standards – Afternoon Seminar Wednesday 20 July 2011

Following two severe and weather challenging winters, the condition of our most valuable asset, the public highway, has been the subject of much media and political debate. Southern Branch hosted an afternoon ‘mini’ seminar presented by Bill Robinson of Wilbar Associates Limited at which 48 delegates were present and heard Bill’s view of the situation. The event served as a useful refresher for those members who are due to renew their New Roads & Street Works Act (NRSWA) registration cards as in the future renewal will not merely be based on payment but the applicant must demonstrate a level of knowledge (theoretical and practical) to gain their re-registration.



Bill opened the presentation by reminding delegates of the background to the legislation encompassing ‘street’ works (in Scotland it is Road works) from 1925 when a Statutory Undertaker and Highway Authority negotiating committee was formed, through to the commencement of the NRSWA in January 1993. A timely reminder was given on the ‘definition’ of a Statutory Undertaker (or Utility as more popularly known). In brevity, “Someone with a legal right to place and maintain apparatus in the highway” which over the years has been considerably extended to allow for divergence of these organisations (Gas/Electricity Boards now privatised and the advent of cable communications)

The New Roads and Street Works Act places various ‘duties’ on both sides of the equation. The Highway Authority (HA) to co-ordinate all street works in their area and the Statutory Undertaker (SU) to co-operate with the HA. In addition, the Act sets out national specifications for the manner in which carriageway openings must be re-instated to reduce the risk of collapse or carriageway surfacing damage as well as the method in which any such openings should be signed so as to provide adequate warning to road users. The Act also gives the HA powers to inspect street works whilst in operation and subsequently by way of ‘coring’ to test the efficiency and compliance of any re-instatement. Operatives undertaking such work are required to be trained and qualified (‘street works ticket holders’) with only ‘Qualified Operatives’ permitted to work on site and they must also be supervised by a ‘Qualified Supervisor’ during their work. Though this was a statutory requirement, Bill had to admit that compliance was at a very low level possibly due to the very high level of works taking place against the ability of Highway Authorities to employ qualified inspectors.

Bill then produced the various Codes of Practice which are enforceable under the NRSWA. They covered every aspect of SU working on the highway; explaining in some detail the technical aspects of re-instatements to ensure longevity and minimal ongoing maintenance work. All this information should be acquired knowledge by a Qualified Operative.

This aspect was illustrated by data revealing that out of a sample of 6 authorities a total of 140,091 openings had been made with site inspections revealing 6051 defects. An approximate failure rate of 4.4% which, on the face of things, might be acceptable. However more detailed inspections (coring samples) revealed (just 4 authorities – presumably the remaining 2 didn’t core) a much higher failure rate of 58.25%. Applying this to a national basis there are at least 50% of reinstatements not coming up to the required standard with carriageway failure inevitable at some time in the future. Like any domestic appliance, something usually goes wrong after the guarantee period has expired so, in this case, the tax payer picks up the cost.

The data posed the question as to why such poor results were revealed. Bill ventured to suggest that work gangs were not properly supervised; SU’s were opting for ‘cheap’ contractors and then placing a high level of work on them to achieve targets and, finally, a large reluctance on the part of Highway Authorities to undertake prosecutions through the NRSWA. A dismal story to relate. In 2011 the Audit Commission (AC) reported that ‘damage’ to roads by SU works amounted to nearly £50million every year brought about primarily by and inadequate inspection regime and, again, a lack of prosecutions for disobedience of the Act and its Codes of Practice (all enforceable).

Illustrations of failure to comply with site safety and reinstatement requirements were shown to delegates and, one has to say, in many cases they were so blatant as to represent a shame to the SU and their appointed contractor. Some examples at the end of this report.

Turning to Potholes, the best explanation was provided as “Potholes are caused when water penetrates tiny cracks in the road – cracks that are usually caused by traffic. When this water freezes, it expands, widening the cracks. When it melts, traffic thumps down on the space vacated by the ice and smashes new craters in the road surface”. A report by the Asphalt Industry Alliance (AIA) had stated “A well maintained road will withstand snow and ice without a problem. This (the current situation) is a legacy of 25 years of government underfunding, and the siphoning of road maintenance money into other projects at town hall level”. Strong

words from two organisations (AC and AIA) stating the situation which is of little comfort to a motorist who has to have his vehicle repaired.

Bill touched on the 'income generation' aspect that is permitted within the Act. With charges ranging from £50 for a sample up to £68 per inspection which had to potential to regain millions from SU's who are, perhaps, making a profit at 'our' expense. There was also the addition of overrunning works capable of raising from £100 up to £2500 per day plus fixed penalty notices (£120) for errors on notices. Some authorities were more active than others allowing for the resources they had to carry out inspections.

Authorities were very active, following last winter's damage, in 'repairing' potholes but the question was raised "What is a repair?" It varies between a shovel full of blacktop trodden into the offending hole (temporary) up to full reconstruction. The former will yield as soon as adverse weather occurs so, effectively the job will have to be done again within a short period whereas the latter has the potential to last for years. The HSE reported in November 2009 that repairing a 1m x 1m x 300mm depth would (then) cost £75 against a reconstruction of an area 1m x 1m will cost the same.

Bill closed by showing information from the Office of National statistics that Government income from the road user came to a total of £37Billion (fuel duty, vehicle excise duty and VAT on fuel) which, regrettably, was not ploughed back into maintaining our essential asset.

A thought provoking presentation that highlighted the legislation and statutory requirements but also revealed that much more work was to be done if the network is to be restored to its former glory.

Our thanks go to Bill and his colleagues at Wilbar Associates Limited for their valuable assistance in providing the afternoon session.

