

**REPORT TO: PLANNING AND TRANSPORTATION COMMITTEE - 16 MAY 2005**

**REPORT ON: STATUTORY UNDERTAKERS REINSTATEMENT PERFORMANCE IN DUNDEE 2003 - 2005**

**REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION**

**REPORT NO: 279-2005**

## **1 PURPOSE OF REPORT**

1.1 The purpose of this report is to:

- a provide a report on the performance of Statutory Undertakers operating in Dundee during 2003 - 2005 based on inspections of their reinstatements as required under the New Roads and Street Works Act 1991 (NRSWA);
- b update the Committee on the results of the latest local and national coring programmes of Statutory Undertakers reinstatements; and
- c update the Committee on the progress of the Transport (Scotland) Bill, Part 2 - Road Works.

## **2 RECOMMENDATION**

2.1 It is recommended that the Committee note the performance of Statutory Undertakers reinstatements in Dundee based on the visual sample inspection regime and local and national sample coring results for the last two years.

2.2 It is recommended that the Committee note the progress of the Transport (Scotland) Bill, Part 2 - Road Works, which is expected to be introduced on 1 April 2006.

## **3 FINANCIAL IMPLICATIONS**

3.1 Statutory Undertakers are charged the prescribed national fee of £21.00 for each visual sample inspection up to the prescribed level of 10% of an estimated annual workload, at 3 different stages of their works, during the 2 year guarantee period. For coring purposes, Statutory Undertakers are charged only for the cost of failed cores plus a standard fee of £42.00 for staff and administration costs. For failed cores Statutory Undertakers are also charged up to 3 further inspections, at £42.00 each, during an additional 2 year guarantee period. It should be noted that Statutory Undertakers are responsible for carrying out their own reinstatements.

3.2 There may be financial implications depending on the contents of the Transport (Scotland) Act - Part 2 - Road Works which will be reported to Committee in a later report.

## **4 LOCAL AGENDA 21 IMPLICATIONS**

4.1 The quality of Statutory Undertakers reinstatements have a direct effect on the well being of the public travelling on Dundee's road network, whether on foot or by vehicle.

## **5 EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1 The quality of the footway network in the city is a vital component to a barrier free environment for the mobility impaired.

## **6 BACKGROUND**

- 6.1 There are 3 types of inspections, carried out by the Roads Authority, that are randomly selected from a sample of Statutory Undertakers road works via:

- Visual Inspections - observations made on part/completed work;
- Local Coring Programme - a physical core is taken through the bituminous layers (blacktop only) and the core can then be measured, and analysed; and
- National Coring Programme - a biannual programme, by all Roads Authorities in mainland Scotland, co-ordinated by the Roads Authorities and Utilities Committee (Scotland) - RAUC(S).

From the 3 separate methods, engineering staff identify problems and determine what they think is happening locally and compare it with national practices.

- 6.2 Full results are shown in the Appendices 1 to 5, however, the findings are summarised in sections 7 to 9 below.
- 6.3 It should be noted that no such Committee Report was prepared during 2003/2004 because the last biannual National Coring Programme was only approved by RAUC(S) at their March 2005 meeting.

## **7 STATUTORY UNDERTAKERS PERFORMANCE BASED ON VISUAL SAMPLE INSPECTION REGIME (SEE APPENDIX 1 FOR DETAIL)**

- 7.1 As in previous years, although the minimum required standard of performance of 90%, based on the random sample inspection regime, was achieved by all Statutory Undertakers, it has been found that this regime alone does not accurately reflect the quality of reinstatements. Some of the reasons for this are that the sample inspections are visual, the majority of works are not witnessed by the Roads Authority due to the sample size being limited (10% of an estimated pre-agreed workload at 3 different stages of their works), the movement of Statutory Undertakers' contractors, that they are on site for relatively short periods and sometimes work outwith normal office hours.
- 7.2 It is therefore only after coring the bituminous materials that the depth of layers, degree of compaction and type of materials used can be accurately measured against the NRSWA Specification. Dundee City Council has therefore continued its own annual local coring programmes and is also continuing to participate in the biannual National Coring Programmes detailed below. However, it should be noted that coring does not reveal what is below the bituminous layers.

## **8 STATUTORY UNDERTAKERS PERFORMANCE BASED ON LOCAL CORING PROGRAMME (SEE APPENDIX 2 FOR DETAIL)**

- 8.1 All cores were selected randomly from permanent reinstatements less than one year old at the time of coring, with the majority in carriageways and not footways.
- 8.2 The average pass rates from Local Coring Programmes, for all Statutory Undertakers, were 50% for 2003/2004 and 83% for 2004/2005 which shows improvements compared with the previous years' local coring results. Statutory Undertakers appear to have addressed the majority of reinstatement issues and if the remaining minor layer problems are eradicated, Statutory Undertakers would be expected to approach the 90% minimum required standard of performance in the near future.
- 8.3 To continue to monitor the performance of Statutory Undertakers, and to impress on them the requirement to achieve the minimum target of 90% pass rate, it is intended to continue with Local Coring Programmes for the foreseeable future.

## **9 STATUTORY UNDERTAKERS PERFORMANCE BASED ON NATIONAL (SCOTTISH) CORING PROGRAMME (SEE APPENDICES 3, 4 AND 5 FOR DETAIL)**

- 9.1 All cores were selected randomly from works permanently reinstated between 1 October 2003 and 31 March 2004, with the majority in carriageways and not footways.
- 9.2 The overall Dundee result of 82% is above the national average of 59% and also shows a 38% improvement compared with the 44% Dundee coring result in the last National Coring Programme. as in local coring mentioned above, Statutory Undertakers appear to have addressed the majority of reinstatement problems and if minor layer problems and poor bond between the two bituminous layers are eradicated, Statutory Undertakers would be expected to approach the 90% minimum required standard of performance in the near future.
- 9.3 To continue to monitor the performance of Statutory Undertakers on a national basis, it has been agreed by RAUC(S) to carry out another National Coring Programme. This will start after April 2006, coring samples of permanent reinstatements completed between 1 April 2005 and 31 March 2006.

## **10 PROGRESS OF STATUTORY UNDERTAKERS SINCE THE ISSUE OF IMPROVEMENT NOTICES**

- 10.1 Since the issue of Improvement Notices by Dundee City Council on 25 June 2001, Statutory Undertakers have shown measured improvements in the quality of reinstatements in Dundee. The Roads Authority has therefore reduced the frequency of separate progress meetings with British Telecom, Scottish and Southern Energy, Scottish Water, Transco and Telewest but continue to monitor them as vigorously as possible.
- 10.2 Quarterly Co-ordination meetings will continue to be held with all Statutory Undertakers to discuss their planned works, to co-ordinate these with the Council's own planned works and to monitor their performance.

## **11 TRANSPORT (SCOTLAND) BILL**

- 11.1 The Transport (Scotland) Bill was introduced into the Scottish Parliament on 27 October 2004 by the Minister for Transport Nicol Stephen MSP.

The Bill has four parts:

- Part 1 - Regional Transport
- Part 2 - Road Works
- Part 3 - Miscellaneous
- Part 4 - General

Part 2 of the Bill "Road Works" amends sections of Part IV of the New Roads and Street Works Act 1991, aiming to improve the quality and co-ordination of road works across Scotland by proposing the following:

- create the office of the Scottish Road Works Commissioner to monitor the quality of road works carried out on all roads (including trunk roads) by Roads Authorities and Statutory Undertakers;
- improve the co-ordination of road works by making the Scottish Road Works Register a statutory requirement;
- introduce stricter requirements for reinstating roads and new provisions on resurfacing roads; and
- make further provision for enforcing road works offences.

- 11.2 Committee will recall their approval on 23 February 2004 of the report "The Regulation of Utility Companies Roadwork's: A Consultation" which included Dundee City Councils response to the consultation.

Appendix 6 gives a summary comparison of Dundee City Council's response to the consultation with Part 2 of the Transport (Scotland) Bill as introduced into the Scottish Parliament.

- 11.3 The Bill is currently going through Stages 2 and 3 with Royal Assent expected late summer 2005 and to be introduced 1 April 2006.

## **12 CONSULTATIONS**

- 12.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance) and Assistant Chief Executive (Community Planning) have been consulted and are in agreement with the contents of this report.

## **13 BACKGROUND PAPERS**

- 13.1 Report No 301/2000 - Statutory Undertakers Performance in Dundee 1999/2000 was presented to Planning and Transportation Committee on 22 May 2000.

Report No 338/2001 - Statutory Undertakers Performance in Dundee 2000/2001 was presented to Planning and Transportation Committee on 25 June 2001.

Report No 319/2002 - Statutory Undertakers Performance in Dundee 2001/2002 was presented to Planning and Transportation Committee on 27 May 2002.

Report No 509/2003 - Statutory Undertakers Performance in Dundee 2002/2003 was presented to Planning and Transportation Committee on 25 August 2003.

Report No 137/2004 - The Regulation of Utility Companies Roadworks: A Consultation was presented to Planning and Transportation Committee on 23 February 2003.

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4 May 2005

Dundee City Council  
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**APPENDIX 1****SAMPLE INSPECTION RESULTS (VISUAL) OF STATUTORY UNDERTAKERS REINSTATEMENTS IN DUNDEE****SUMMARY OF 2003/2004 AND 2004/2005 ANNUAL PASS RATES**

Appendix 1 shows the results of the visual random sample inspections of each Statutory Undertaker in Dundee, together with annual figures from previous years for comparison.

Statutory Undertaker	2003/2004		2004/2005	
	Agreed Units of Inspections	Pass Rate	Agreed Units of Inspections	Pass Rate
British Telecom	240	99% (71/72)	197	93% (55/59)
Cable & Wireless	No works	-	No Works	-
Scottish Water	455	96% (131/137)	450	98% (132/135)
Scottish & Southern Energy	410	99% (122/123)	297	100% (89/89)
Telewest	205	100% (62/62)	190	100% (57/57)
Thus	See Note 3	100% (8/8)	No works	-
Transco	730	99% (218/219)	874	100% (262/262)

**Notes**

- 1 Inspection figures in brackets, eg (71/72) represent number of passes divided by the number of sample inspections.
- 2 The number of sample inspections carried out annually is 10% of the Agreed Units of Inspections (ie estimated annual workload) at each of 3 different stages, eg for BT 3 X 10% X 240 = 72.
- 3 Thus (former Scottish Telecom) had limited volume of works in Dundee, hence only 8 inspections were carried out during 2003/2004.

Statutory Undertaker	Annual Sample Inspection Pass Rate (%)						
	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05
British Telecom	94	87	94	90	94	99	93
Cable & Wireless	-	100	100	-	-	-	-
Scottish Water	97	92	97	90	94	96	98
Scottish & Southern Energy	92	95	94	91	98	99	100
Telewest	56	89	91	90	97	100	100
Thus	90	100	100	100	91	100	-
Transco	95	97	94	95	99	99	100

## APPENDIX 2 - LOCAL DUNDEE CORING PROGRAMME 2004/2005

Appendix 2 shows the results of the local Dundee Coring Programme during 2004/2005 with figures from previous 4 years for comparison. All cores were selected randomly from permanent reinstatements in carriageways less than one year old from 1 April 2003 to 31 March 2004.

Statutory Undertaker	Core Description/ Site Selection	Core No	Pass		Fail-Monitor						Fail-Replace					
			No	%	Com-paction	Layers	Materials	Others	TOTAL		Com-paction	Layers	Material	Others	TOTAL	
									No	%					No	%
British Telecom	Randomly Selected	4	4	100%					0	0					0	0
Cable & Wireless	No Works	-														
Scottish Water	Randomly Selected	6	4	67%					0	0		2			2	33
Scottish & Southern Energy	Randomly Selected	4	4	100%					0	0					0	0
Telewest	Randomly Selected	2	1	50%					0	0		1			1	50%
Thus	No works	-														
Transco	Randomly Selected	13	11	85%	1		1		2	15%					0	0%
<b>TOTAL 2004/2005</b>	<b>Randomly Selected</b>	<b>29</b>	<b>24</b>	<b>83%</b>	<b>1</b>		<b>1</b>		<b>2</b>	<b>7%</b>		<b>3</b>		<b>3</b>	<b>10%</b>	

<b>Totals 2003/2004</b>	Randomly Selected	54	27	<b>50%</b>					0	0	9	10	5	3	27	50%
<b>Totals 2002/2003</b>	Randomly Selected	102	45	<b>44%</b>					0	0	6	13	37	1	57	56%
<b>Totals 2001/2002</b>	Randomly Selected	56	26	<b>46%</b>	6	3			9	16%	9	11	1		21	38%
<b>Totals 2000/2001</b>	Random and Targeted	97	24	<b>25%</b>	3	17			20	21%	8	45			53	54%

### Notes

Pass = Reinstatement in compliance with NRSWA Specification.

Fail-Monitor = Defects of minor nature, requiring further 2-year monitoring.

Fail-Replace = Outwith NRSWA Specification, requiring replacement of bituminous layers and a further 2 year guarantee period.

Appendices 3, 4 and 5 show the results of the latest National Coring Programme with summary sheets for Dundee and for all local Roads Authorities and all Statutory Undertakers in mainland Scotland respectively, together with totals from the previous 3 National Programmes for comparison. These results were approved at the March 2004 meeting of the Roads Authorities and Utilities Committee (Scotland) (RAUC(S)). All cores were selected randomly from works reinstated between 1 October 2003 and 31 March 2004, with the majority in carriageways as against footways. The sample size varies between 2% of estimated annual workload or minimum 5 cores if available.

### APPENDIX 3 - DUNDEE RESULTS FROM NATIONAL CORING PROGRAMME 2004

Statutory Undertaker	Core No	Pass		Fail-Monitor						Fail-Replace					
		No	%	Com-paction	Layers	Materials	Others	TOTAL		Com-paction	Layers	Material	Others	TOTAL	
								No	%					No	%
British Telecom	5	3	60%				1	1	20%				1	1	20%
Scottish & Southern Energy	9	8	89%		1			1	11%						
Scottish Water	9	8	89%		1			1	11%						
Telewest	5	4	80%					0					1	1	20%
Thus	1	0	0%				1	1	100%						
Transco	15	13	87%		2			2	13%						
<b>TOTALS 2004</b>	<b>44</b>	<b>36</b>	<b>82%</b>		<b>4</b>		<b>2</b>	<b>6</b>	<b>13.5%</b>				<b>2</b>	<b>2</b>	<b>4.5%</b>

<b>TOTALS 2002</b>	60	19	<b>32%</b>					0	0	14	8	17	2	41	68%
<b>TOTALS 2000</b>	44	4	<b>9%</b>	1	11			12	27%	8	18	2		28	64%
<b>TOTALS 1998</b>	60	26	<b>43%</b>					18	30%					16	27%



## APPENDIX 4 - NATIONAL CORING PROGRAMME 2004 - SCOTLAND SUMMARY BY ROADS AUTHORITY

Roads Authority	Core No	Pass		Fail - Monitor				Total		Fail - Replace				Total	
		No	%	Compaction	Layers	Material	Others	No	%	Compaction	Layers	Material	Other	No	%
Argyll & Bute	22	17	77.3%	0	1	0	0	1	4.5%	0	4	0	0	4	18.2%
City of Glasgow	162	62	38.3%	3	0	0	1	4	2.5%	2	85	0	9	96	59.3%
Dumfries & Galloway	69	30	43.5%	3	2	0	1	6	8.7%	4	12	15	2	33	47.8%
East Ayrshire	67	40	59.7%	0	3	0	2	5	7.5%	1	20	0	1	22	32.8%
East Dunbartonshire	33	29	87.9%	1	0	0	0	1	3.0%	0	3	0	0	3	9.1%
East Renfrewshire	29	22	75.9%	2	0	0	0	2	6.9%	0	4	0	1	5	17.2%
Inverclyde	41	26	63.4%	0	0	0	0	0	0.0%	1	12	0	2	15	36.6%
North Ayrshire	25	22	88.0%	0	0	0	0	0	0.0%	0	1	0	2	3	12.0%
North Lanarkshire	83	59	71.1%	2	1	0	1	4	4.8%	3	11	0	6	20	24.1%
Renfrewshire	63	29	46.0%	3	5	0	0	8	12.7%	2	13	4	7	26	41.3%
South Ayrshire	24	17	70.8%	0	0	0	0	0	0.0%	1	4	0	2	7	29.2%
South Lanarkshire	152	77	50.7%	7	2	14	0	23	15.1%	5	27	8	12	52	34.2%
West Dunbartonshire	34	27	79.4%	0	1	0	0	1	2.9%	1	4	0	1	6	17.6%
<b>Total for SWRAUC</b>	<b>804</b>	<b>457</b>	<b>56.8%</b>	<b>21</b>	<b>15</b>	<b>14</b>	<b>5</b>	<b>55</b>	<b>6.8%</b>	<b>20</b>	<b>200</b>	<b>27</b>	<b>45</b>	<b>292</b>	<b>36.3%</b>
Aberdeen City	75	51	68.0%	0	5	0	0	5	6.7%	2	17	0	0	19	25.3%
Aberdeenshire	84	60	71.4%	0	3	1	0	4	4.8%	0	19	1	0	20	23.8%
Highland	83	69	83.1%	1	4	0	0	5	6.0%	0	6	3	0	9	10.8%
Moray	26	23	88.5%	0	0	0	0	0	0.0%	0	3	0	0	3	11.5%
<b>Total for NOSRAUC</b>	<b>268</b>	<b>203</b>	<b>75.7%</b>	<b>1</b>	<b>12</b>	<b>1</b>	<b>0</b>	<b>14</b>	<b>5.2%</b>	<b>2</b>	<b>45</b>	<b>4</b>	<b>0</b>	<b>51</b>	<b>19.0%</b>
Stirling	47	33	70.2%	0	2	0	0	2	4.3%	2	7	3	0	12	25.5%
Falkirk	22	6	27.3%	0	1	0	0	1	4.5%	0	14	1	0	15	68.2%
Clackmannan	27	18	66.7%	0	0	0	0	0	0.0%	1	3	4	1	9	33.3%
<b>Dundee City</b>	<b>44</b>	<b>36</b>	<b>81.8%</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>6</b>	<b>13.6%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>4.5%</b>
Angus	67	57	85.1%	0	1	0	7	8	11.9%	1	1	0	0	2	3.0%
Perth & Kinross	41	32	78.0%	0	1	0	0	1	2.4%	1	4	0	3	8	19.5%
Fife	157	90	57.3%	6	0	4	3	13	8.3%	8	27	10	9	54	34.4%
<b>Total for TayForth RAUC</b>	<b>405</b>	<b>272</b>	<b>67.2%</b>	<b>6</b>	<b>9</b>	<b>4</b>	<b>12</b>	<b>31</b>	<b>7.7%</b>	<b>13</b>	<b>56</b>	<b>18</b>	<b>15</b>	<b>102</b>	<b>25.2%</b>
City of Edinburgh	205	77	37.6%	4	0	35	0	39	19.0%	9	79	0	1	89	43.4%
Midlothian	67	32	47.8%	1	1	10	0	12	17.9%	1	9	10	3	23	34.3%
East Lothian	23	10	43.5%	0	0	3	0	3	13.0%	1	9	0	0	10	43.5%
Scottish Borders	33	24	72.7%	1	1	0	0	2	6.1%	1	6	0	0	7	21.2%
West Lothian	56	26	46.4%	0	0	2	0	2	3.6%	2	9	15	2	28	50.0%
<b>Total for SERAUC</b>	<b>384</b>	<b>169</b>	<b>44.0%</b>	<b>6</b>	<b>2</b>	<b>50</b>	<b>0</b>	<b>58</b>	<b>15.1%</b>	<b>14</b>	<b>112</b>	<b>25</b>	<b>6</b>	<b>157</b>	<b>40.9%</b>
<b>Totals for 2004</b>	<b>1,861</b>	<b>1,101</b>	<b>59.2%</b>	<b>34</b>	<b>38</b>	<b>69</b>	<b>17</b>	<b>158</b>	<b>8.6%</b>	<b>49</b>	<b>413</b>	<b>74</b>	<b>66</b>	<b>602</b>	<b>32.3%</b>

Totals for 2002	1,909	858	44.9%
Totals for 2000	1,503	577	38.4%
Totals for 1998	1,544	664	43.0%

## APPENDIX 5 - NATIONAL CORING PROGRAMME 2004 - SCOTLAND SUMMARY BY STATUTORY UNDERTAKER

Statutory Undertaker	Core No	Pass		Fail - Monitor				Total		Fail - Replace				Total	
		No	%	Compact-ion	Layers	Material	Others	No	%	Compact-ion	Layers	Material	Other	No	%
British Telecom	274	188	68.6	3	2	5	3	13	4.7%	2	40	12	19	73	26.6%
Scottish Power	196	90	45.9	10	1	14	0	25	12.8%	10	57	9	5	81	41.3%
Scottish Water	585	280	47.9	7	19	27	8	61	10.4%	17	171	40	16	244	41.7%
Transco	583	393	67.4	12	10	18	2	42	7.2%	16	112	6	14	148	25.4%
NTL	34	24	70.6	0	2	0	0	2	5.9%	0	5	0	3	8	23.5%
Royal Mail	4	0	0.0	0	0	0	0	0	0.0%	0	3	0	1	4	100.0%
Telewest	51	41	80.4	0	1	2	0	3	5.9%	0	4	0	3	7	13.7%
Thus	67	37	55.2	1	2	2	4	9	13.4%	2	15	2	2	21	31.3%
Scottish & Southern Energy	47	39	83.0	0	1	0	0	1	2.1%	1	5	1	0	7	14.9%
186K	4	1	25.0	1	0	0	0	1	25.0%	0	0	0	2	2	50.0%
Global Crossing HNS	10	3	30.0	0	0	1	0	1	10.0%	1	0	4	1	6	60.0%
Cable & Wireless	1	1	100.0%	0	0	0	0	0	0.0%	0	0	0	0	0	0.0%
West Lothian Street Lighting <sup>(1)</sup>	5	4	80.0%	0	0	0	0	0	0.0%	0	1	0	0	1	20.0%
<b>Totals 2004</b>	<b>1,861</b>	<b>1,101</b>	<b>59.2%</b>	<b>34</b>	<b>38</b>	<b>69</b>	<b>17</b>	<b>158</b>	<b>8.5%</b>	<b>49</b>	<b>413</b>	<b>74</b>	<b>66</b>	<b>602</b>	<b>32.3%</b>

Note

- 1 Street lighting is not covered by NRSWA, therefore any performance indicator measured by Roads Authorities are generally treated separately. However, West Lothian Council have decided to include street lighting within the National Coring Programme.

## APPENDIX 6

<b>SUMMARY</b>	
<p style="text-align: center;"><u>Dundee City Council Response to the Consultation</u></p> <ul style="list-style-type: none"> <li>• new primary legislation</li> <li>• Network Manager within each Roads Authority</li> <li>• certain offences dealt with by fixed penalty notices</li> <li>• powers to Roads Authority to direct works, their timing and under certain circumstances to dictate the route</li> <li>• current electronic notification system to be extended to become a permit system and a GIS co-ordination tool be developed</li> <li>• Roads Authority to have powers to carry out full or half width reinstatements at the cost of undertakers and to limit undertakers re-opening a road after substantial roadworks have been carried out</li> </ul>	<p style="text-align: center;"><u>Transport (Scotland) Bill Part 2 as introduced to Scottish Parliament</u></p> <ul style="list-style-type: none"> <li>• amends New Roads and Street Works Act 1991</li> <li>• appointment of an independent Scottish Road Works Commissioner</li> <li>• certain offences dealt with by fixed penalty notices</li> <li>• powers to Roads Authority to direct, refuse, decide timing and under certain circumstances to dictate the route</li> <li>• current electronic notification system to include GIS co-ordination tool and to become a statutory requirement</li> <li>• Roads Authority to have powers to carry out full or half width reinstatements at the cost of undertakers and to limit undertakers re-opening a road after substantial roadworks have been carried out</li> </ul>