

**REPORT TO: PLANNING AND TRANSPORTATION COMMITTEE
25 JUNE 2001**

REPORT ON: STATUTORY UNDERTAKERS' PERFORMANCE IN DUNDEE 2000/2001

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 338-2001

1 PURPOSE OF REPORT

1.1 The purpose of this report is to:-

- provide an annual report on the reinstatement performance of Statutory Undertakers operating in Dundee in 2000/2001 based on the New Roads and Street Works Act 1991 (NRSWA).
- provide the findings of the 2000 National and 2000-2001 Dundee Coring Programmes of Statutory Undertakers' reinstatements.
- seek approval to issue Improvement Notices to under performing Statutory Undertakers as soon as possible and extend the Dundee coring programme during 2001/2002.

2 RECOMMENDATIONS

2.1 It is recommended that the Committee:-

- a approve the issuing of Improvement Notices to all under performing Statutory Undertakers, based on the National Coring results for Dundee, namely British Telecom, Scottish Hydro Electric, North of Scotland Water Authority, Telewest and Transco.
- b approve the extension of the coring programme in Dundee during 2001/2002 until the next National Coring Programme is implemented during 2002.
- c note the findings of the 2000 National (sample) and 2000/2001 Dundee (targeted) Coring Programmes;
- d note the performance of Statutory Undertakers in Dundee for the year April 1999 to March 2000 based on NRSWA sample/visual inspection regime;

3 FINANCIAL IMPLICATIONS

3.1 Statutory Undertakers are charged the prescribed national fee of £14.50 for each sample inspection, up to the prescribed level of 6% annual sample at five different stages, of undertakers' works. For coring purposes, Statutory Undertakers are charged for the cost of coring only the defective reinstatements including the associated staff and administration costs. If a defect is found they are also charged for three further inspections at £29 each over a new two or three year guarantee period. It is worth noting here that Statutory Undertakers are responsible for carrying out the remedial works.

- 3.2 The income from Statutory Undertakers for sample and defect inspections over the last four years was as follows:

1997/1998	£15,322
1998/1999	£17,814
1999/2000	£21,718
2000/2001	£25,033

Included in the 2000/2001 income are recharged staff and administration costs borne by Dundee City Council who acted as the Lead Authority for the seven Councils in the Tay-Forth Area RAUC (Roads Authorities and Utilities Committee) as part of the National Coring Programme 2000.

This element, however, only covers the staff cost and does not include full overheads nor reflect lost opportunity costs.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The contents of this report have no implications on Local Agenda 21 matters.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 The contents of this report have no implications on equal opportunity matters.

6 BACKGROUND

6.1 Statutory Undertakers' Performance Based On National Coring Programme 2000

- 6.1.1 Further to the previous report, presented to the Committee on 22 May 2000 (Report No 301/2000), Dundee City Council participated in the second national initiative co-ordinated by RAUC (Scotland) to carry out a coring programme from a 2 to 4% random sample of all Statutory Undertakers' reinstatements (blacktop bituminous layers only) to assess compliance with the specification. Dundee acted as the lead authority in the Tay-Forth Area RAUC and the programme was completed successfully and on time. However, due to the delay in the other three Scottish Area RAUC programmes, the approval and publication of the national report by RAUC(S) was delayed until their meeting on 14 March 2001.
- 6.1.2 The results of the national coring programme are attached in Appendices 1, 2 and 3, summarising the Dundee results by Statutory Undertaker, Scottish results by Statutory Undertaker and Scottish results by Roads Authority respectively. The results of the 1998 National Coring Programme is also given at the bottom of Appendix 1 and 3 for comparison.
- 6.1.3 **The cores in Dundee revealed that only 9% of the samples passed the specification in respect of depth of layers, compaction and types of blacktop materials.** Further analysis indicated a proportion of failures (27%) were of minor nature but requiring further monitoring over an extended two year guarantee period. However, **64% of the overall samples were outwith the specification requiring replacement of blacktop materials and a further two year guarantee period. The average national results are only slightly better at 26% pass**, 13% fail-accept (none in Dundee), 18% fail-monitor and 43% fail-replace.
- 6.1.4 **The Dundee and national results are extremely disappointing with generally sub-standard reinstatements being carried out by all Statutory Undertakers throughout Scotland.** There has been no positive improvement in standards since the 1998 National Coring Programme when results were poor. In fact standards have dropped even further. It is also very clear that lessons have not been learned from the 1998 National Programme. The results reflect very poorly on the Statutory Undertakers performance and supervision of their contractor's workmanship.

- 6.1.5 Based on the 2000 results, there is a definite need to undertake further coring programmes. RAUC(S) has agreed that the Statutory Undertakers are given a year (2001) to improve their practices and procedures. The next programme is planned for Spring/Summer 2002 for reporting to RAUC(S) in December 2002. The following actions have been agreed by RAUC(S) in response to the national report:
- Report the results to the UK body HAUC (Highway Authorities and Utilities Committee).
 - A 'Quality Group' involving each Undertaker to be established by SJUG (Scottish Joint Utilities Group) to develop the current best practice within the industry.
 - Chief Executives of Statutory Undertakers' companies to be informed to engage their support in tackling this problem.
 - The Coring Guidance Note to be reviewed by the Coring Working Group.
 - A further National Coring Programme to be implemented in Spring/Summer 2002.
- 6.1.6 Under the NRSWA, in order to ensure that action is taken by inadequately performing Undertakers, an Improvement Notice may be served by the Roads Authority if more than 10% of the sample inspections reveals defects. **It is intended to issue Improvement Notices to all under performing Statutory Undertakers, based on the National Coring results for Dundee, namely British Telecom, Scottish Hydro Electric, North of Scotland Water Authority, Telewest and Transco. This notice will record the authority's dissatisfaction with these Statutory Undertakers' reinstatement performance and will require an indication from them as to the steps that they propose to take to rectify the position.**
- 6.2 Statutory Undertakers' Performance Based On Dundee Coring Programme
- 6.2.1 **Once the poor Dundee results in the National Coring Programme became known during August 2000, the Planning and Transportation Department used the powers available to them as Roads Authority under the NRSWA "to carry out such investigatory works as appear to them to be necessary to ascertain whether an Undertaker has complied with his duties with respect to reinstatements." Appendix 4 shows the results of Dundee Coring Programme 2000/2001 with an average 25% pass rate, 21% fail-monitor and 54% fail-replace.**
- 6.2.2 Although the majority of cores were targeting different Statutory Undertakers and were not a totally random sample of their works, it does confirm the poor performance of all Statutory Undertakers' reinstatements. **Some of the cores taken were on reinstatements well over their guarantee period, the majority of which were not reinstated to the specification and as a result Statutory Undertakers were asked to carry out remedial works.**
- 6.2.3 **The endemic poor quality of Statutory Undertakers' reinstatements poses a serious threat to the long term condition of Dundee's roads, placing additional pressure on the already hard pressed Council budgets.**
- 6.2.4 **To ensure a greater degree of compliance with the specification and to minimise any likely damage to the road structure, it is intended to monitor the reinstatement performance of Statutory Undertakers operating in Dundee more closely.** Due to the gap of one year in the national coring programme, a Dundee Coring Programme is therefore proposed for 2001/2002. This programme will be carried out by WEEKS Laboratories who carried out the Tay-Forth and Dundee cores last year and have agreed to charge the same rate as last year. **The cost of all failed cores will be charged to Statutory Undertakers plus reasonable staff and administration costs.** Cores will be selected on a random sample basis but additional cores will also be taken for investigatory works targeting all Statutory Undertakers.

6.3 Statutory Undertakers' Performance 2000/01 Based On Sample ('Visual') Inspection Regime

- 6.3.1 The Council undertakes random sample inspections of Statutory Undertakers' reinstatements using procedures detailed in NRSWA and the associated Codes of Practice. The performance of each Statutory Undertaker in Dundee based on the random sample inspection regime, between 1 April 2000 and 31 March 2001, is summarised in Appendix 5. The number of other defects, reported by members of the public or found during routine Roads Authority inspections, are also summarised in Appendix 1 for information.
- 6.3.2 Based on the random sample inspection regime, all Statutory Undertakers achieved the minimum standard of performance of 90% during 2000/2001, as summarised below with results from previous years.

<u>Statutory Undertaker</u>	<u>% Average Annual Sample Pass Rate</u>		
	1998/99	1999/00	2000/01
Atlantic Telecom (no major works)	-	-	-
British Telecom	94	87	94
Cable & Wireless	-	100	100
North of Scotland Water Authority	97	92	97
Scottish Hydro Electric	92	95	94
Telewest Communications	56	89	91
THUS (former Scottish Telecom)	90	100	100
Transco	95	97	94

- 6.3.3 Although the minimum standard of performance of 90% was achieved during 2000/2001 by all Statutory Undertakers and the trend over the last three years indicated apparent improvement, it has been found that the sample inspection regime alone does not accurately reflect the quality of reinstatements for the following reasons:-

- Sample inspections although random are carried out on a limited proportion of Statutory Undertakers' works ie annually 6% at each of five different stages from excavation to end of the guarantee period which is usually two years after the completion of permanent reinstatement (three years for deep excavations).
- Roads Authorities' functions are purely inspection and monitoring of Statutory Undertakers' road works as well as co-ordination of all kinds of works. Statutory Undertakers are entirely responsible for supervision and reinstatement of their own works as well as co-operation with the Roads Authority. Roads Authorities can inspect a larger sample of works but the additional inspections will be at their own expense requiring more resources.
- The majority of Statutory Undertakers' road works during excavations and reinstatements are not witnessed by Roads Inspectors mainly because contractors are on site for relatively short periods. There are also difficulties experienced by Statutory Undertakers in co-ordination of their own activities and limitations associated with the notification and random inspection regimes.
- Sample inspections are by nature 'visual'. It is, therefore, only after coring the blacktop materials that the depth of layers, degree of compaction and type of materials can be accurately measured against the specification. It should be noted that coring is only possible through blacktop materials. For layers below blacktop, trial holes are still necessary but this would only be good enough for examination of types and depths of materials, not compaction, and would involve more extensive and possibly disruptive traffic management.

- 6.3.4 Notwithstanding the above, the findings of the random sample inspections reveal the following reasons for failure:-

<u>Causes of Failure</u>	<u>Number of Failures</u>
Signing and guarding defects	8
Wrong material	8
Open joints	5
Depression	4
Trips	2
Cracking	2
Backfill Compaction	1
Crowning	1

7 CONSULTATIONS

- 7.1 The Chief Executive, Director of Finance, Director of Support Services and Director of Corporate Planning have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

- 8.1 Report No 310/2000, Statutory Undertakers' Performance in Dundee 1999/2000 was presented to Planning and Transportation Committee on 22 May 2000.

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24 May 2001

IFS/FV/EN

Dundee City Council
Tayside House
Dundee

Tay-Forth Area RAUC
NATIONAL CORING PROGRAMME 2000
DUNDEE CITY COUNCIL RESULTS

STATUTORY UNDERTAKER	CORE			FAIL – ACCEPTABLE				FAIL – MONITOR					FAIL – REPLACE						
	No	No	%	Com-Paction	Layers	TOTAL		Com-Paction	Layers	Material	Others	TOTAL		Com-Paction	Layers	Material	Others	TOTAL	
						No	%					No	%					No	%
ATLANTIC TELECOM	0																		
BRITISH TELECOM	5	0	0%						2			2	40%	1	1	1		3	60%
CABLE & WIRELESS	0																		
NORTH OF SCOTLAND WATER AUTHORITY	10	1	10%					1	2			3	30%	2	4			6	60%
SCOTTISH HYDRO ELECTRIC	10		0%						1			1	10%	2	7			9	90%
TELEWEST	10	0	0%						4			4	40%	3	2	1		6	60%
THUS	0																		
TRANSCO	9	3	33%						2			2	23%		4			4	44%
2000 TOTAL	44	4	9%			0	0	1	11			12	27%	8	18	2		28	64%
1998 TOTAL	60	26	43%			0	0					18	30%					16	27%

**ROAD AUTHORITIES AND UTILITIES COMMITTEE (SCOTLAND)
NATIONAL CORING PROGRAMME 2000
SCOTLAND SUMMARY – BY STATUTORY UNDERTAKERS**

STATUTORY UNDERTAKER	CORE		PASS		FAIL – ACCEPTABLE				FAIL – MONITOR					FAIL – REPLACE					
	No	No	%	Com-Paction	Layers	TOTAL		Com-Paction	Layers	Material	Others	TOTAL		Com-Paction	Layers	Material	Others	TOTAL	
						No	%					No	%					No	%
ATLANTIC TELECOM	8	0	0%	0	4	4	50%	2	0	0	0	2	25%	0	2	0	0	2	25%
BRITISH TELECOM	199	52	26%	1	36	37	19%	16	20	4	0	40	20%	24	39	7	0	70	35%
CABLE & WIRELESS	31	4	13%	0	6	6	19%	4	5	0	0	9	29%	5	6	1	0	12	39%
EOSW	126	31	25%	0	5	5	4%	11	18	0	0	29	23%	24	29	8	1	62	49%
HYDRO ELECTRIC	87	18	21%	3	18	21	24%	20	4	0	0	24	28	6	18	0	0	24	28%
NOSWA	157	28	18%	6	17	23	15%	46	5	0	0	51	32%	14	41	0	0	55	35%
NTL	51	16	31%	0	9	9	18%	2	0	0	0	2	4%	4	20	0	0	24	47%
SCOTTISH POWER	185	44	24%	0	17	17	9%	9	7	4	1	21	11%	14	74	7	8	103	56%
TELEWEST	65	9	14%	0	0	0	0%	4	7	0	2	13	20%	10	30	3	0	43	66%
THUS	78	25	32%	0	6	6	8%	10	2	0	0	13	17%	10	23	1	2	36	46%
TRANSCO	310	121	39%	0	46	46	15%	19	24	10	2	55	18%	13	66	1	6	86	28%
WOSW	206	38	18%	0	17	17	8%	3	0	11	1	15	7%	7	117	5	6	135	66%
TOTAL	1503	386	26%	10	181	191	13%	146	92	29	7	274	18%	131	465	33	23	652	43%

**ROAD AUTHORITIES AND UTILITIES COMMITTEE (SCOTLAND)
NATIONAL CORING PROGRAMME 2000
SCOTLAND SUMMARY – BY ROADS AUTHORITY**

ROADS AUTHORITY	CORE No	PASS		FAIL – ACCEPTABLE				FAIL – MONITOR				FAIL – REPLACE							
		No	%	Com- Paction	Layers	TOTAL		Com- Paction	Layers	Material	Others	TOTAL		Com- Paction	Layers	Material	Others	TOTAL	
						No	%					No	%					No	%
ABERDEEN CITY	146	29	20%	0	34	34	23%	41	0	0	0	41	28%	17	25	0	0	42	29%
ABERDEENSHIRE	81	9	11%	7	16	23	28%	39	2	0	0	41	51%	0	8	0	0	8	10%
HIGHLAND	70	12	17%	3	28	31	44%	12	4	0	0	16	23%	4	7	0	0	11	16%
MORAY	26	19	73%	0	0	0	0%	3	0	0	0	3	12%	2	2	0	0	4	15%
NOSRAUC – TOTAL	323		21.4%				27.2%						31.3%						20.1%
ANGUS	22	7	32%						10		1	11	50%		2	2		4	18%
CLACKMANNAN	20	7	35%		1	1	5%	2	2			4	20%		8			8	40%
DUNDEE CITY	44	4	9%					1	11			12	27%	8	18	2		28	64%
FALKIRK	25	7	28%		1	1	4%		7			7	28%		10			10	40%
FIFE	117	16	14%					12	42			54	46%	21	25	1		47	40%
PERTH AND KINROSS	53	9	17%					11	8			19	36%	5	20			25	47%
STIRLING	28	7	25%					2	5			7	25%	6	7	1		14	50%
TAYFORTH – TOTAL	309		18.4%				0.6%						36.9%						44.0%
BORDERS	38	7	18%			0	0%					0	0%	9	10	12		31	82%
CITY OF EDINBURGH	50	18	36%			0	0%	5	1		1	7	14%	7	18			25	50%
EAST LOTHIAN	32	26	81%			0	0%	1	1			2	6%		4			4	13%
MID LOTHIAN	37	27	73%			0	0%					0	0%	3	3	1	3	10	27%
WEST LOTHIAN	39	4	10%			0	0%					0	0%	12	15	4	4	35	90%
SOUTH EAST – TOTAL	196		41.8%				0%						4.6%						53.6%
ARGYLL AND BUTE	15	1	7%		5	5	33%	1		1	0	2	13%	1	6	0	0	7	47%
DUMFRIES AND GALLOWAY	55	17	31%		15	15	27%	0		0	0	0	0%	0	23	0	0	23	42%
EAST AYRSHIRE	34	10	29%		1	1	3%	3		5	2	10	29%	0	1	2	10	13	38%
EAST DUNBARTONSHIRE	31	8	26%		11	11	35%	0		0	0	0	0%	0	12	0	0	12	39%
EAST RENFREWSHIRE																			
GLASGOW CITY	246	47	19%		23	23	9%	7		16	2	25	10%	16	126	8	1	151	61%
INVERCLYDE	23	4	17%		10	10	43%	0		0	0	0	0%	3	1	2	3	9	39%
NORTH AYRSHIRE																			
NORTH LANARKSHIRE	24	11	46%		3	3	12%	0		0	0	0	0%	2	8	0	0	10	42%
RENFREWSHIRE	47	27	57%		0	0	0%	0		0	0	0	0%	0	20	0	0	20	43%
SOUTH AYRSHIRE	30	10	33%		4	4	13%	0		0	0	0	0%	1	15	0	0	16	53%
SOUTH LANARKSHIRE	106	27	25%		26	26	24%	6		0	0	6	6%	11	36	0	0	47	44%
WEST DUNBARTONSHIRE	64	16	25%		3	3	5%	0		7	0	7	11%	3	35	0	0	38	59%
SOUTH WEST- TOTAL	675		26.4%				15%						7.4%						51.3%
2000 TOTAL	1503	386	26%	10	181	191	13%	146	93	29	6	274	18%	131	465	35	21	652	43%
1998 TOTAL	1544		43%				0						29%						28%

**DUNDEE CITY COUNCIL
DUNDEE CORING PROGRAMME 2000-2001
RESULTS**

STATUTORY UNDERTAKER	CORE		PASS		FAIL – ACCEPTABLE				FAIL – MONITOR					FAIL – REPLACE					
	No	No	%	Com- Paction	Layers	TOTAL		Com- Paction	Layers	Material	Others	TOTAL		Com- Paction	Layers	Material	Others	TOTAL	
						No	%					No	%					No	%
ATLANTIC TELECOM	1	0	0%						1			1	100%						
BRITISH TELECOM	15	5	33%						1			1	7%	1	8			9	60%
CABLE & WIRELESS	1	0	0%					1				1	100%						
NORTH OF SCOTLAND WATER AUTHORITY	19	6	32%					1	5			6	32%	2	5			7	36%
SCOTTISH HYDRO ELECTRIC	10	3	30%						1			1	10%	1	5			6	60%
TELEWEST	36	6	17%					1	4			5	14%	3	22			25	69%
THUS	5	2	40%						2			2	40%		1			1	20%
TRANSCO	10	2	20%						3			3	30%	1	4			5	50%
TOTAL	97	24	25%					3	17			20	21%	8	45			53	54%

**New Roads and Street Works Act 1991 – Sample Inspections and Other Reported Defects
Summary of 2000/2001 Performance of Statutory Undertakers in Dundee**

Statutory Undertaker	Agreed Units of Inspection	first quarter		second quarter		third quarter		fourth quarter		Average Sample % Pass
		Sample % Pass	Other Defects	Sample % Pass	Other Defects	Sample % Pass	Other Defects	Sample % Pass	Other Defects	
ATLANTIC TELECOM	No works	-		-		-		-		-
BRITISH TELECOM	174	80% (8/10)	2	100% (16/16)	0	100% (13/13)	0	92% (12/13)	1	94% (49/52)
CABLE & WIRELESS	100		0	100% (1/1)	0		0	100% (1/1)	0	100% (2/2)
NORTH OF SCOTLAND WATER AUTHORITY	480	96% (24/25)	8	98% (45/46)	1	93% (28/30)	8	100% (43/43)	5	97% (140/144)
SCOTTISH HYDRO ELECTRIC	505	89% (32/36)	11	97% (29/30)	1	95% (41/43)	11	95% (39/41)	3	94% (141/150)
TELEWEST COMMUNICATIONS	263	100% (8/8)	5	100% (7/7)	0	77% (24/31)	1	100% (33/33)	0	91% (72/79)
THUS	100	100% (1/1)	0	100% (1/1)	0	100% (6/6)	0	100% (5/5)	0	100% (13/13)
TRANSCO	430	89% (25/28)	1	97% (29/30)	3	97% (33/34)	9	92% (34/37)	3	94% (121/129)

Notes:

- a Inspection figures in brackets eg (8/10) represent no of passes/ no of sample inspections.
b The number of sample inspections carried out annually is 6% of the Agreed Units of Inspections at 5 different categories eg for BT 5x6%x174=52.
c "Other Defects" are reported by the members of the public or found during routine Roads Authority inspections.
d Cable & Wireless (former Mercury) and THUS (former Scottish Telecom) had limited volume of works in Dundee.