

Norman Baker MP
Department for Transport
Great Minster House
76 Marsham Street
London
SW1P 4DR

13th April 2011

Dear Norman,

At the last meeting of the Bus Partnership Forum, my colleagues raised with you issues relating to the powers available to Local Highways Authorities to manage streetworks undertaken by utility companies. I am writing to set out our concerns on these issues and our recommendations for how they might be resolved.

Effective co-ordination and management of streetworks is essential to minimising disruption to traffic. Delays to streetworks and failure to reinstate roads correctly cause congestion, with consequences for bus operators, other road users and businesses. As you will know, utilities companies are legally responsible for reinstatement of their trenches and local authorities have responsibilities for monitoring works and reinstatements and a duty to coordinate work. However, the powers available to local authorities to carry out this duty are not effective.

With regard to ensuring that streetworks are completed swiftly, the penalties which local authorities can impose on utility companies if works overrun are not large enough to act as a deterrent. In addition, local authorities are reluctant to spend time and money pursuing offenders through the courts for relatively small amounts of money. I am aware that you are considering responses to a recent consultation on proposals to increase the penalties that can be applied and I hope you will be convinced of the case for a much higher level of charges to strengthen this incentive. Lane rental schemes could also provide an effective means of encouraging companies to complete streetworks as quickly as possible.

I am also aware that you would like to see more local authorities implementing permit schemes. Greater take up of such schemes will depend on a reduction in the burdens and bureaucracy involved in putting a scheme in place. We welcome the commitment in your department's business plan to remove the requirement for permit schemes to be approved by the Secretary of State. We hope that swift progress can be made on this issue and that it will be accompanied by significant simplification of the process.

The second issue is the long term damage that streetworks cause which shortens the service life of the highway, resulting in further works and disruption to road users and costs to the local authority in maintaining the highways. Councils do have powers to check that reinstatement work has been carried out satisfactorily and can serve notice to utilities carry out remedial work. However, in practice, these powers are difficult to

enforce, often require further works and authorities are required to go through complex procedures to recover the costs of repairing defective work.

One option would be to allow councils to take a 'bond' or deposit from utility companies so that, if remediation works are not completed properly, they do not have to go through complex procedures to recoup the costs of making good. We believe that this would be legally possible by bringing into effect Section 78 of the New Roads and Street Works Act 1991 which allows for the Secretary of State to make provisions for requiring the statutory undertakers to contribute to the costs of making good long term damage. The Traffic Management Act 2004 made further provision to enable councils to require an undertaker to carry out full or half road width resurfacing following their works. Councils would like to see both of these powers enacted to limit the long term costs and disruption caused by streetworks.

Finally, regulators of the utility companies should encourage utility companies to invest in infrastructure to reduce the need for future planned and emergency streetworks.

LGA officers would be happy to meet with your officials to discuss these issues in further detail.

Yours,

A handwritten signature in black ink, appearing to read 'Peter Box', written in a cursive style.

Cllr Peter Box
Chair, LGG Economy and Transport Programme Board