

National Street Works Highways Group

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Dear Colleague

Application Pack for Permission to place Portable Light Signals on the Highway

The NSWHG meeting of 19 January 2005 endorsed (for use in England) the proposed national application pack for permission to place portable light signals on the highway.

The NSWHG agreed process was tabled at HAUC(UK) on 26 January 2005 to seek their endorsement.

Unfortunately, the utility side of HAUC(UK) felt unable to endorse the document since they did not accept that written authorisation is required for the use of traffic signals in all circumstances. The utility side wished to continue legal debate with DfT, despite the latter having given clear interpretation.

The NSWHG has, therefore, issued the application pack under their own auspices and commends the national process for implementation by individual authorities in order to meet the original request which was to establish an agreed single form and process for use by authorities and utilities.

The decision whether to operate the national process, however, is for that of the individual authority.

The enclosed copy is provided for reference. This implementation letter, the complete Application Pack together with a downloadable application form has also been placed for use and reference on the LondonStreetWorks.net website (pending availability of the NSWHG website). Any future revisions will be made to the documents held on that site. Please ensure that you always make reference and use the correct version of the application pack.

N.B. Please ensure that all previous versions have been deleted, including any draft bearing the HAUC logo as this will be clearly inappropriate.

It is emphasised that there should not be any modifications made to the application pack, requirements of the process and guidance notes, or the application form (save for the necessary site specific entry of details and conditions etc). The requirements of the Guidance Notes must

not be dis-applied.

It is understood that the Welsh Authorities are considering adopting the national process for use in Wales, as is the Department for Regional Development {DRD(NI)} for adoption in Northern Ireland. Scottish RAUC already has a separate process applicable to works in Scotland.

Please be aware that the national process includes a fast track provision for retrospective written authorisation of signals required in cases of urgency, as permitted by TSRGD Direction 53(1a), although promoters are still required to obtain verbal approval from authorities in such cases.

The national process also allows for authorities to consider operating a procedure where the authority is satisfied that the circumstances of the particular case fall within the criteria indicated in TSRGD Direction 53(2). The decision whether to operate arrangements for these exceptional circumstances is clearly for each authority to determine. However, the obligations under both the Traffic Management Act 2004 and the New Roads and Street Works Act 1991 will clearly need to be taken into account when requests to consider such provisions are made by works promoters (see also notes 7 and 8 below)

It is a legal requirement that written permission must be obtained from the traffic authority for the placement of portable light signals on the highway.

It is emphasised that the same national process should operate for both authority and utility works requiring permission for portable light signals to be placed on the highway.

Risk assessments have not been referred to in the national process since it is widely accepted that each organisation bears responsibility for their own actions. This does not preclude actions being taken by, or against any party. Each organisation should therefore recognise the importance of conditions of approval and risk assessments for the works.

Authorities who wish to implement the national process are recommended to write to the DfT, work activity promoters, adjoining authorities plus Regional HAUC Secretaries and provide them with awareness of the national process and specific local policy procedures for their area. For completeness, a copy should be sent to HAUC(UK) and NSWHG Secretariat. Included in that correspondence, it is suggested that the following items are set out:-

1. Advise that these procedures have been agreed nationally and that they replace any previous local arrangements.
2. Identify that their authority seek the co-operation of the promoters for both utility and authority works in the operation of the national process.
3. Explain that their authority will identify those streets of adjoining authorities on which they wish to receive copy and input on any applications for placing of portable light signals on those highways.
4. That the authority provides and exchanges relevant contact details with activity promoters.

5. Provide promoters with the authorities out of hours and any specific fast track procedures (refer to national process Guidance Notes 5 and 6).
6. Explain any specific local arrangements regarding unique reference numbering and electronic signature provisions.
7. Advise promoters of what their authority position is with regard to any arrangements to operate a system of general prior approval for the exceptional circumstances permitted by Direction 53(2) of TSRGD 2002 (national process Guidance Note 4 refers).
8. If an authority intends to operate the provisions of Direction 53(2) it is recommended that the authority would require that promoters are advised to apply to the authority for this arrangement by using the same Section C Application for Formal Authorisation process form. The promoter should provide the relevant details to clarify that they are seeking approval to operate these relevant provisions. The authority will need to confirm if they are prepared to accept this general application and what conditions will operate, period of the arrangement(s), operational / organisational areas, activity types etc. Any such agreements should be continually reviewed and renewed as appropriate.
9. Any issues or queries relating to the national process may be referred back to either Graham Eaton or myself. Resolution of any issue will be notified as appropriate.

Yours sincerely

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

Peter Goode
Chair
National Street Works Highways Group