



**ROADS AUTHORITIES & UTILITIES COMMITTEE**  
**(SCOTLAND)**

**ADVICE NOTE 20**

**PROCEDURE FOR**  
**EMBARGOS ON ROAD WORKS**

**Version 1.0**

**October 2009**



# PROCEDURE FOR EMBARGOS ON ROAD WORKS

## Version History

<b>Version</b>	<b>Date</b>	<b>Notes</b>
1.00	Oct 2009	1 <sup>st</sup> Draft by John Gooday. Approved by RAUC(S) on 2 September 2009.

# Roads Authorities & Utilities Committee (Scotland)

## Advice Note 20

### PROCEDURE FOR EMBARGOS ON ROAD WORKS

#### INTRODUCTION

Some roads authorities consider that at particular times of the year, it is beneficial, that specific roads are kept clear of road works. Historically some roads authorities have issued lists of embargoed roads e.g. covering the Christmas and New Year period, during Easter and summer holidays or, for specific events such as the Edinburgh Festival.

Whilst roads authorities are free to decide when and where to place embargoes on their own works for road purposes, they are limited in their powers to prevent utility companies from undertaking road works.

#### THE STATUTORY POSITION

Section 118 of the New Roads and Street Works Act 1991 (NRSWA) requires roads authorities “... to co-ordinate the execution of works of all kinds .... in the roads for which they are responsible in the interests of safety and to minimise the inconvenience to persons using the road ....”

Section 115, NRSWA also provides roads authorities with “**the power to give directions as to the timing of works**” but only where such “...proposed road works **are likely to cause serious disruption to traffic** and that the disruption would be avoided or reduced **if the works were carried out only at certain times or on certain days**”.

Given the nature of the powers set out in the NRSWA, RAUC(S) considers that there are two possible forms of embargo on road works, statutory embargos and voluntary embargos.

#### STATUTORY EMBARGOS

- For statutory embargos, a roads authority would use the power to give directions as to the timing of works under section 115 of NRSWA.
- In such cases a roads authority would be stating that any works on a specified road during the specified period would be likely to cause disruption to traffic which would not be caused were the works to be carried out at another time or date.
- Any such embargo should clearly state the start and end dates. The period specified should be no longer than is absolutely necessary.
- There would need to be clear evidence that the roads on which the embargo would be placed would be subject to additional traffic pressures during the period of the embargo. (For example, during the festive period this could include specific roads around shopping areas. During the summer there may be higher traffic flows on roads in the vicinity of airports or railway stations.) This additional traffic could be pedestrian traffic.
- In such cases the roads authority would be expected to be able to produce historical traffic data as evidence to support its case.
- The list of embargoed roads with associated start and end dates should be provided to the utility companies at the earliest possible date. It is suggested that this be provided a minimum of 3 months before the date of commencement of the embargo

to bring it into line with the statutory periods for advance notice that are prescribed to enable co-ordination to take place.

- The list of embargoed roads should also be taken to the local co-ordination meeting for discussion.
- The earlier proposals are brought forward, the greater the opportunity for utility companies to plan their works accordingly.

## **VOLUNTARY EMBARGOS**

- RAUC(S) is aware that historically roads authorities have developed lists of embargoed roads because of commercial pressures from businesses served by such roads.
- Although there is no statutory backing for embargos, the Commissioner would have no objection to roads authorities seeking voluntary embargos from utility companies.
- Roads authorities need to ensure that their proposals are balanced and proportionate. As well as taking into account the commercial interests of local businesses, roads authorities need to bear in mind the statutory rights which they are asking the utility companies to forego and the commercial interests of those utility companies.
- The list of roads proposed for a voluntary embargo should be prepared and provided to the utility companies at the earliest possible date. It is suggested that this be provided a minimum of 3 months before the proposed date of commencement of the embargo to bring it into line with statutory periods for advance notice to enable co-ordination to take place.
- The proposal should also be taken to the local co-ordination meeting for discussion and agreement.
- In developing their proposals, roads authorities should limit the period covered by the proposed embargo to the minimum time required and should limit the number of listed roads to those where there is genuine potential for economic impact.
- Where proposed embargos cover reasonable periods and geographic areas, the Commissioner would expect that utility companies treat such requests sympathetically.
- Again, the early production of such lists would allow utility companies to plan their works around any embargoed period.

## **USE OF THE SCOTTISH ROAD WORKS REGISTER**

Historically, roads authorities have entered their lists of embargoed roads onto the SRWR as news items. This makes it onerous for utility companies when planning their works as they have to trawl through these lists. It is therefore suggested that roads authorities only enter a Non-Works Disruption notice against each road to which the embargo applies stating the start and end dates. Within the description box a suitable wording could be placed e.g. "Xmas Embargo – no works allowed during this period". This would mean a utility company entering a notice would be alerted of a potential conflict.

## **EMERGENCY AND URGENT WORKS**

Any emergency or urgent works would be exempt from any embargo.