

DPTAC Response to the Consultation by the Department for Transport on the review of the Code of Practice on Safety at Streetworks and Roadworks

Introduction

1. Street and road works can have a seriously adverse effect on pedestrians and the potential effect for disabled people is even greater. DPTAC therefore welcomes this early opportunity to influence the direction and content of the review of the code of practice and we note that it will have a statutory basis.
2. There are various issues on which we would wish to comment. But before dealing with these, we note the indication that sub groups are likely to be established to consider specific issues. We would suggest that disability issues are one such area for which a sub Group would be appropriate.

Comment

3. The current document comprises over 50 pages of text and diagrams. The Foreword says that in planning and carrying out roadworks, particular attention should be paid to the needs of blind and disabled people. However, the Code was published in 2002 well before the passing of the Disability Discrimination Act 2005 and the introduction of the Disability Equality Duty for highways authorities (and other public bodies). This in itself would be a good enough reason to establish a sub Group on disability issues.
4. The current Code starts with the key question “**Will someone coming along the road or footway from any direction understand exactly what is happening and what is expected of them?**” This is a good starting point which we note is followed by a set of 14 short paragraphs relating to good practice under the heading of **Safe Works – Basic Principles**. These begin with “Who does what” and ending with “Clearing up after the works are completed”.
5. Only some of these make direct reference to the interests of disabled people. The paragraph headed “Fix Signs properly”

for example, indicates that where signs have to be placed on the footway, they should be positioned so as to minimise inconvenience or hazard to pedestrians. However, there is no further guidance on how that is to be achieved or any discussion of minimum footway widths to be maintained – though there is later in the document in relation to the provision of temporary footways.

6. Other paragraphs that would have relevance for the interests of disabled pedestrians are references to keeping signs, lighting and barriers clean and correctly placed for the duration of the works; to ensuring that appropriate adjustments are made to signs, lighting and barriers where site and traffic conditions change; and to the need to ensure that on completion of the works, that all plant, apparatus, materials, signs, lighting and barriers are removed promptly.
7. However, the impression is that the whole code has been written from the point of view of the safety of the contractor/operative with no mention of the need for liaison with local road user groups. Under the Disability Equality Duty, liaison with and indeed the involvement of disabled people in the planning and execution of works is now essential.
8. Much of the rest of the current Code is then taken up with details of signs and suggested traffic coning layouts to deal with various “hole in the road” scenarios. We believe that four aspects are, however, worth highlighting as far as the interests of disabled pedestrians are concerned.
9. All four come in the section on works on footways. The first of these is the statement (page 21) that contractors “*must take into account the needs of children, elderly people and people with disabilities, having particular regard for visually impaired people*”. It continues by saying that safe routes must be provided for pedestrians and these “*should always provide a minimum unobstructed width of 1 meter increased where possible to 1.5 meters or more*”. It is important that operatives understand what is meant by the term unobstructed minimum width and realise that this means, for example, that the feet of barriers must not intrude into this width. The alternative routes must also be well lit.

10. This is followed by a statement on scaffolding (page 23) where it is indicated that any scaffolding erected in the highway must be licensed by the highways authority. Interestingly, this is a subject where DPTAC was recently contacted by the Guide Dogs Association. This is not a subject we have previously discussed but the issues raised by the Guide Dogs Association were such that we believe the DfT need to provide much more explicit guidance in any revised Code of Practice. Our advice to the Guide Dogs Association is attached as an Annex to this response.
11. The third aspect is the comment (page 24) regarding the provision of temporary ramps where a section of footway is closed and pedestrians including wheel chair users and users of scooters are diverted on to the roadway. It is important to bear in mind that the ramp arrangements have to be practical for use by a wheelchair user or scooter user and that means having suitably sized landing areas at top and bottom of the ramps. While the text is correct as far as it goes, it would be so much easier to understand if it were also accompanied by diagrams. Note too that when pedestrians are diverted on to the roadway, gulley gratings can be a particular hazard for users of sticks and wheelchairs.
12. There is reference to the use of tapping rails but little practical guidance on what is appropriate. Again this is an area where a diagram would be useful.
13. The fourth aspect relates to the use of what are referred to as footway boards to bridge excavations. There is reference to chamfering of leading edges to prevent tripping (what about wheelchairs?) and to the need for fencing on each side (edge strips to prevent wheelchair wheels from slipping off?)
14. On page 32 there is reference to work at formal pedestrian crossing points. While there is detail about what should be done if a crossing is temporarily taken out of use, this concentrates on the physical side and does not include the need for advance information and contact with local disability groups so that disabled users know in advance what to expect and can plan their travel arrangements accordingly .

15. The next section on works at junctions concentrates entirely on the traffic aspects and makes no reference to pedestrian needs at all. We believe this is a serious omission in the current Code.
16. The section dealing with works near tramways and railway crossings makes brief reference to pedestrians in general but there is no guidance explicit to the needs of disabled pedestrians.
17. We note there is no section on disruption to bus services which are the more common public transport mode. It is vital that where bus stops are displaced, the alternative facilities are accessible for disabled people and that they are within reasonable walking distance.
18. The section with the title Reminder, though indicated as not being part of the Code, in fact potentially provides a very useful checklist. It needs to be amended in the light of the comments above – such as the need for contact and liaison with local disability groups before and during works.

Recommendations

19. The nature of the Disability Equality Duty introduced by the Disability Discrimination Act, 2005, is such that highways authorities should now be involving disabled people in the planning and execution of road works. The Duty also applies to the Department for Transport both as a highways authority in its own right and as a public body issuing advice to local authorities and others.
20. We would ask that the review group be made aware of our concerns. We would press urgently for the setting up of a sub Group on accommodating the needs of disabled people in road works and DPTAC would be very happy to assist with and contribute to this. Finally, we would be pleased to elaborate on any of the points above as required.

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Annex on Scaffolding on the Highway and Footway

Scaffolding is not a subject that has previously been discussed in any detail by DPTAC. Our understanding, however, of the legal situation is that under Section 169 of the Highways Act 1980, anyone wishing to erect scaffolding over a public highway or footway must obtain a licence from the local highway authority. Most authorities apply their own conditions to any permission that they may grant. Typically these will deal with:

- the need for safety of pedestrians during the erection or dismantling period;
- a requirement for illumination during hours of darkness;
- pedestrian walkways to be maintained either within or around the scaffold area;
- no trip hazards, no projecting tubes or fittings,
- poles to be highlighted visibly with appropriate colour contrast;
- minimum headroom and passageway widths;
- a requirement for a contact name, address, office telephone number and “out of hours” emergency telephone number to be prominently displayed on a sign fixed to the scaffolding;
- a need for pedestrian routes to be swept and maintained in good order; no danger or injury to the public or otherwise.

Some of these requirements are drawn from official guidance on public safety relative to scaffolding. This can be found from two main sources - the Health and Safety Executive (HSE) and the Department for Transport (DfT).

The guidance from the HSE to which some highways authorities make reference is HSG 151 "Protecting the Public – Your Next Move". We do not have a copy of this publication (which unfortunately does not seem to be available for download) so we can not comment on its relevance or adequacy. The document however appears to cover construction sites in general and is not exclusive to scaffolding but the HSE website does identify keywords such as Scaffolding and The Disabled. The document can be ordered using the following link

http://www.hsebooks.com/Books/product/product.asp?catalog_name=HSEBooks&category_name=&product_id=3042

Relevant DfT guidance is scattered over a number of publications such as Inclusive Mobility; guidance issued under Section 18 of the Traffic Management Act 2004 that applies to Local Traffic Authorities (effectively local highways authorities) when exercising their network management duty and Chapter 8 of the Traffic Signs Manual “Traffic Safety Measures and Signs for Road Works and Temporary Situations” published on 30 June 2006.

Chapter 8 of the Traffic Signs Manual Chapter 8 indicates:

“O3.26 SCAFFOLDING

O3.26.1 Where scaffolding or other type of temporary structure shall be erected on or adjacent to a roadway or highway, a risk assessment should be conducted to consider whether impact protection should be provided, particularly if part of the scaffold is on the carriageway or edge of the footway (see Section O4.11 for guidance on types of barriers). The site of the structure shall be suitably signed and guarded in accordance with the appropriate principles of the design document and the safety clearances described in Section O3.2 should be adhered to at all times.

O3.26.2 Where scaffolding or other type of temporary structure is erected on or adjacent to a footway, or any other part of a roadway or highway, it is essential that its presence is made clear to visually impaired people as required by the Highways Act 1980 (Roads (Scotland) Act 1984) and Chapter 43 of the Disabled Persons Act 1981. Each tubular support should be provided with a white band, 150mm in depth, the lower edge of the band being about 1.6m above ground level. Temporary close-boarded structures delineating a footway should be provided with a continuous white band of the same depth and at the same height above the ground level in the immediate vicinity. Scaffolding and temporary structures adjacent to a footway should be lit during the hours of darkness.

O3.26.3 A scaffolding licence or other appropriate licence will need to be obtained from the local highway authority (or roads authority in Scotland) and the structure should display an emergency contact telephone number.”

There is a brief reference to scaffolding in the current Code of Practice on Safety at Street Works and Road Works issued under the New Roads and Street Works Act 1991. The review of the Code is related to the provisions of the Traffic Management Act 2004 which amends the Highways Act 1980 to allow the Secretary of State to provide statutory guidance for works by both highway authorities or their contractors and utilities (under NRSWA) in the future.

With the basic statutory duty regarding licensing of scaffolding coming under highways powers, DPTAC believes that the DfT should be setting a strong lead on the issues they affect the interests of disabled people

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