

## **Utility work on the highway**

The following are helpful Q&As relating to the process for granting permission and what control Hampshire Highways have over utility works on the roads.

### **Q: What is the HCC Highway's role?**

A: The Highways team is responsible for the coordination of all works and events on the public highway in order to minimise traffic disruption. The Streetworks team also monitors utility Co's activities on the public highway and checks active work sites and reinstatements for compliance with National specifications.

### **Q: Can utility companies legally work on the public highway?**

A: Yes, they have legal duties and rights to install and maintain apparatus on the public highway. However, they have to comply with National Specifications and obtain a permit from the County Council for planned works.

Legislation gives them legal rights to install cabinets and masts (up to 15m high) on the public highway without planning permission.

### **Q: Can HCC stop a utility company from working on the public highway?**

A: No, except under very specific circumstances, for example: where a utility company wants to install new apparatus on a highly important and strategic road that has been specifically designated, by law, as a protected street.

### **Q: What conditions can be placed on works on the public highway?**

A: The County Council can place conditions on any permit application. Conditions are used to try to minimise traffic disruption. The conditions available as part of the permit scheme are not 'free form' and are restricted to controls over works timing, works area, traffic management type and stakeholder engagement. Conditions have to be reasonable and be able to be met by the works promoter.

### **Q: Who decides what type of traffic management (TM) to use?**

A: The works promoter is entirely responsible for selecting the most appropriate type of TM. They are the experts in the works they are undertaking and what the risks are. In selecting the TM type they must consider the risks to the workforce, passing traffic (including pedestrians) and relevant legislation and Codes or Practice.

### **Q: Who decides what diversion routes to use when road closures are needed?**

A: The works promoter is entirely responsible for selecting an appropriate diversion route. Best practice is to ensure that the diversion route uses similar roads to those closed. Unfortunately, the existing networks don't always permit this. Diversion routes are not enforceable.

### **Q: Who is responsible for the information provided on the permit?**

A: The works promoter is ALWAYS responsible for the information they supply. The County Council must assume that it is correct when assessing the permit and determining what conditions to apply.

### **Q: Does granting a permit mean that the County Council approves of the works/installation?**

A: No, the permit relates ONLY to the works and its impact on traffic. Approval for installing apparatus is given either by a utility company's legal rights or via the local Planning Authority.

**Q: I've seen a utility leave a blacktop reinstatement in a flagstone surface. Is this allowed?**

A: Yes, utility companies are allowed to use a temporary reinstatement in order to re-open a road quickly or to give them time to source specialist materials. Normally temporary reinstatements are allowed for up to 6 months, the utility company has to reinstate the original surface within that time.

**Q: How long is a utility company responsible for its reinstatement?**

A: Legislation states that a utility company is liable for any 'reasonable' repairs for two years.

**Q: How much notice does the County get for works?**

A: Legislation requires all works promoters to submit permit applications between 3 working days and 3 months ahead of works starting.

For 'Immediate works' (relating to safety or loss of service) there is no advance warning. Works are started and the County Council is alerted within 2 working hours.

**Q: Can penalties be applied for non-compliance?**

A: Yes. There are a range of penalties open to the County Council where works promoters do not comply with permit conditions.

**Q: How well do utility companies comply with specifications and permit conditions?**

A: Very well. In 2022 Over 95% of site signage and 96% of reinstatements complied with the National specifications. 97% of utility sites comply with permit conditions. 99% of utility sites were completed on time, or early.

**Q: How can I see what works are planned in the County?**

A: The County Council handles all permits via a National IT system. This system automatically publishes all permits on the [one. network](#) website.

**Q: How many utility works are undertaken on the County's Road network?**

A: In the 2021/2022 financial year we processed 52,000 permit applications/changes from utility companies which resulted in 36,000 works being undertaken.

19<sup>th</sup> May 2023