

**New Roads and Street Works Act 1991 and
Traffic Management Act 2004**

Code of Practice for Permits

Volume 2:

Appendices F-L

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WORKS AT OR NEAR LEVEL CROSSINGS

F.1 Purpose

Safety precautions for street and road works carried out in the vicinity of Network Rail level crossings are described in several separate Acts of Parliament and Regulations. These guidelines have been developed in the light of experience gained following incidents where collisions occurred from traffic tailing back across level crossings, even though the work sites were a considerable distance away. The available advice has been brought together in this appendix to provide comprehensive guidance for all those carrying out street and road works at or near to level crossings.

F.2 Scope

This appendix specifies requirements for the execution of all works at or near Network Rail level crossings. Crossings should be identified in the NSG. The requirements apply equally to undertakers, highway authorities and other promoters who execute works at or near level crossings. Access to, or work within, other Network Rail property is subject to separate safety requirements, details of which can be obtained from the normal Network Rail contact.

It applies to works that take place within the boundary of the level crossing, in the highway immediately in the vicinity, or some distance away where traffic may tail back across the level crossing as a result of the traffic management system employed during the works.

It does **NOT** apply to:

- a) railways not owned by Network Rail. However, the advice is equally applicable to other railway authorities and promoters planning works at or near such railways. It is strongly recommended that these principles be incorporated into appropriate arrangements for works at level crossings on railways not owned by Network Rail.
- b) non-public road level crossings e.g. farm access.

All relevant legislation should be taken into account when processing these works (see paragraph F3.).

For example, promoters may have particular powers under their enabling legislation and way leave or easement agreements may apply in a particular case.

Promoters must ascertain what requirements apply before discussing their proposed works with Network Rail.

- c) street running tramways.

A working party representing the Highway Authorities and Utilities Committee (HAUC(UK)) and Network Rail plc prepared these guidelines. Network Rail is responsible for procuring the maintenance of all infrastructure assets and for the day-to-

day management of operations on the railway. The provision of train services and associated activities are the responsibility of individual train operating companies.

Regional HAUC Committees should be the first point of contact for any queries relating to policy matters or interpretation of this appendix. It is intended to post the addresses of Secretaries of Regional HAUCs on the HAUC (UK) website (www.haucuk.org).

F.3 Legislation

For street works at a level crossing, those undertaking the street works must comply with the reasonable requirements of Network Rail made under section 93 of NRSWA, as amended by the Traffic Management Permit Scheme (England) Regulations 2007. For street works near a level crossing, all parties concerned must comply with the reasonable requirements of Network Rail made under the Health and Safety at Work, etc Act 1974 (HASWA) and its associated Regulations (in particular the Construction (Design and Management) Regulations 1994 (CDM)). The relevant legislation in relation to this Code of Practice includes Part 3 of the Traffic Management Act 2004, and the Traffic Management Permit Scheme (England) Regulations 2007, as well as the NRSWA provisions.

F.4 Special Features of Level Crossing Work

F.4.1 Work at or near level crossings

Works at or near level crossings may impact upon one or more of the following:

- * safety of road users, railway passengers and personnel,
- * train operation,
- * structural integrity of the permanent way and other railway structures,
- * railway overhead traction cables, electrified third-rails and feeder or continuity cables,
- * railway underground apparatus serving the railway and running parallel to it.

Promoters carrying out works have a duty to co-ordinate their activities and to follow the special safety precautions which apply at level crossings. Risk Assessments with continuous monitoring are essential to safe operation of works at or near to level crossings.

F.4.2 Safety of road users, railway passengers and employees

Risk assessments must be carried out both before and during works at or near to level crossings in order to minimise the risk, safe systems of work must be in place and maintained during the works. Risk Assessments are further described in Section F.7.

Traffic stopping or moving slowly over a level crossing causes potential danger to road and rail users alike. Advice on traffic control is further described in Section F.7.3.

Particular attention must be paid to situations where works which, although they may be a considerable distance away from the crossing, may cause traffic tail backs over the crossing.

F.4.3 Other safety issues

When work is being carried out in the vicinity of overhead traction cables, electrified third rails and feeder or continuity cables, great care must be taken to avoid danger from electrocution. This is considered further in Section F.8.

Electronic pipe and cable location equipment can potentially interfere with railway signalling apparatus and must not therefore be used within railway land without express permission from Network Rail, who will advise on the circumstances and type of equipment which apply at each level crossing.

F.4.4 Network Rail's Responsibility

Network Rail will decide, on the basis of the information received from those proposing to execute works, whether the works are likely to affect train operations and advise of the arrangements made. Network Rail's Special Requirements are further described in Section F.8.

For works at a level crossing, those undertaking the works must comply with the reasonable requirements of Network Rail made under section 93 of NRSWA. In view of the requirements of the Rail Regulator, timing directions given under section 93 may entail considerable delays to the project, and therefore it is recommended that consultation with Network Rail take place at the earliest possible opportunity. For works near a level crossing, all parties concerned must comply with the reasonable requirements of Network Rail made under the Health and Safety at Work etc, Act 1974 (HASWA) and its associated Regulations (in particular the Construction (Design and Management) Regulations 1994 (CDM)).

The whole of Network Rail's rail network is a continuous site for the purposes of CDM, with the local maintenance contractor assuming the role of Principal Contractor. When work is being planned to take place on or in the immediate vicinity of a level crossing, and in order for permission to be given for any works to commence, Network Rail will require details of the works and the competence of those employed to carry out the works, and will advise contact details for the Principal Contractor.

Network Rail must assess the possible effects of works on the permanent way (the railway track, sleepers, ballast or other foundation material) or adjacent Network Rail land, the level crossing surface, overhead catenary supports, signalling equipment and underground railway apparatus etc. and advise on the adoption of any additional measures required.

F.5 Designation

In order to assist promoters in fulfilling the obligations set out herein, the location of level crossings, and where applicable an associated Precautionary Area, where special controls will apply, shall be identified and publicised by Network Rail using the NSG and ASD. Network Rail should instigate a joint assessment to be carried out by them and the appropriate highway authority of each of the relevant sites.

Highway authorities should cooperate with Network Rail in following the designation procedure set out below, in order to identify each level crossing and to establish an initial footprint of streets that will comprise the Precautionary Area.

Works promoters should recognise that NRSWA, the TMA and HASWA require them to consider the implications of their works and identify the effects on traffic in the vicinity of level crossings. They should therefore co-operate in the initial establishment of the Precautionary Area and its development over time.

F.5.1 Identification of the Precautionary Area

Network Rail must identify individual level crossings together with their proposals for the Precautionary Area and create an ASD entry, indicating the position of the crossing, its type and whether the barriers are manually or automatically controlled.

Network Rail, using the authorities' local knowledge and in co-operation with them and other local promoters, will examine each crossing to identify those streets associated with it which are likely to cause traffic tailbacks to the level crossing arising from works carried out in the highway. The exercise should identify: -

- (1) each street falling wholly or partly within 50 m of each crossing when following a route from the crossing; and
- (2) each street falling wholly or partly within 200 m of each crossing when following a route leading from the crossing but not falling beyond the second junction encountered on this route but not including junctions which consist simply of a change of street name. Junctions counted in this way should require a turning movement to or from another route.

The whole or part of each street identified above will become part of the Precautionary Area, subject to special controls, as described below. Minor modifications may be made at this stage, for example, the exclusion of one-way streets with traffic flowing towards a level crossing.

Streets identified above, being within 50m of a level crossing will also be subject to controls on portable traffic light signals, as described in section F.7.3.

F.5.2 Monitoring the Precautionary Area

The initial footprint of the Precautionary Area should be kept under review.

F.6 Consultation

Authorities have a duty to co-ordinate all kinds of works in the street. Where this duty extends to works that are likely to affect a level crossing, Network Rail must be included in the co-ordination exercise.

F.6.1 Co-ordination Meetings

Network Rail may be expected to attend Co-ordination meetings when they are promoting works. Network Rail may also be expected to attend when advised of proposed works that may affect level crossings.

F.6.2 Advance Consultation with Network Rail

Any planned works which will take place at or near to a level crossing, or works which are likely to affect the crossing because of traffic tailbacks (usually referred to by Network Rail as "blocking back"), must be advised to Network Rail as early in the planning process as possible, but no later than one month in advance. The form shown in Annex A must be used for this purpose.

Upon receipt of advance advice of proposed works Network Rail should respond as soon as practicable in order to meet with the promoter to agree the special requirements to be included in the Health and Safety Plan for the works. This meeting may take place at a co-ordination meeting or separately, depending on the nature and complexity of the proposed works.

Confirmation of the agreed arrangements will be given to Network Rail in writing one month before the works are intended to start. Network Rail should then give its approval of the works, or otherwise, within 10 days of receipt of the confirmation and a copy of such approval, including details of the agreed arrangements, should be given to the authority.

Permit applications are required by all works promoters and these should be copied to Network Rail, as required in the permit regulations. Where the level crossing has been designated on behalf of Network Rail under NRSWA as a Street with Special Engineering Difficulty, promoters may be required to accompany the advance advice described above, with a plan and section drawing showing details of their proposed works.

F.6.3 Notification to Network Rail where a Permit Scheme is in operation

The permit applications for any works on the highway are given to the permit authority running a permit scheme under Part 3 of the TMA 2004 at the time in advance of the start of works as specified in the relevant permit scheme order. This will normally follow the times set out in the Statutory Guidance. The activity promoter must copy the application to Network Rail and advise them of any possible impact on their level crossings, as for works carried out under NRSWA. Works carried out in this fashion, which include works for road purposes carried out by the highway authority, should comply with all the requirements of this appendix.

F.6.5 Minimum Notice Periods

This Code of Practice strongly urges that permit application periods are treated as the minimum periods and, wherever possible, earlier applications should be made. In any event early discussion, even before applications are made, will help ensure that the most appropriate arrangements can be made for carrying out the works. This is particularly important in the case of level crossings, where Network Rail may have to make special arrangements ranging from the provision of railway safety cover to complete closure of the rail route and rearrangement of rail services while the works take place.

F.6.6 Immediate Works

Where it is necessary to carry out immediate works at a level crossing it is vital that the street authority and local Network Rail office is contacted immediately and work is not commenced until the undertaker has been assured that all necessary safety precautions are in place.

If it is necessary to use undertaker's personnel who have not been trained in Personal Track Safety to deal with the emergency, they must not be allowed to enter the track area until Network Rail nominated personnel have arranged appropriate protection and confirmed that it is safe to do so (see Section F.8).

F.6.7 Street works licences

Those without a statutory right to carry out works must be authorised by the street authority (i.e. the highway authority or street managers) by means of a licence before works may commence. In addition, licensees may have to comply with the requirements of other relevant authorities or owners of apparatus affected by the work. In some case it may be necessary to settle a plan and section. It is recommended that specific reference to this guidance should be made within licences for works in the vicinity of railway level crossings. Network Rail, as the street manager at the level crossing, will similarly ensure that the requirements of this guidance are followed when licences or permissions are issued.

F.7 Risk Assessments and Traffic Control

F.7.1 Codes of practice and other advice

The Code of Practice *Safety at Street Works and Road Works* issued under section 65 of NRSWA is based on the Traffic Signs Manual (Chapter 8) and is a statutory requirement for promoters' works. It specifies the basic requirements for signing, lighting and guarding and traffic control at works.

Chapter 8 of the Traffic Signs Manual also gives advice on traffic control at railway level crossings, which is repeated below, with the exception of consultation and notification procedures, which are dealt with in Section F.6.

F.7.2 Risk Assessments

Risk Assessments are a requirement of the Management of Health and Safety at Work Regulations 1999 and it is particularly important that they are carried out at railway level crossings. Arrangements made as a result of Risk Assessments should then be continuously monitored so that appropriate measures can be taken quickly if required.

Risk assessments should take into account the distance of the crossing from the proposed works and the volume of traffic using the road. Particular attention must be given to the possibility of traffic congestion tailing back over a level crossing at any time during the duration of the works, for example during an all-red traffic light period imposed to allow difficult operations to take place at the work site. There have been instances where this situation has also arisen from works that have been a considerable distance from the level crossing and this possibility should always be borne in mind during works.

F.7.3 A Summary of Traffic Control Measures at or near Railway Level Crossings

The following paragraphs repeat the advice for Traffic Control at Railway Level Crossings given in paragraph D5.15.7 in Part 1 of Chapter 8 of the Traffic Signs Manual, modified to use terminology consistent with this guidance.

There are three very important points to be remembered about work on or near any railway level crossing:

1. Under no circumstances should portable traffic light signals be used at works that straddle a crossing, nor to control road traffic within 50m of level crossings equipped with twin red flashing traffic signals.

For works taking place close to the level crossing or up to 50m away from it, traffic control should be by means of 'STOP/GO' signs. Portable traffic light signals may be used for works more than 50m away from the level crossing but must be under manual control so that the operator can maintain the all-red period for sufficient time to allow the train to pass. If it is considered that road traffic may block back to the level crossing, the requirement of 2 must apply.

2. Operators must never stop road traffic on the crossing.

Where works are near to, but not on the crossing, operators should ensure that traffic does not block back and stop on the crossing: care must therefore be exercised in the traffic control arrangements. If there appears to be danger of traffic blocking back, the traffic control should be moved immediately to a point on the side of the crossing opposite the works (so that traffic can be stopped before reaching the crossing). Network Rail should then be informed from the crossing or the nearest available point.

3. Whatever method of traffic control is used, it should be ensured that the crossing's own road signals are clearly visible to approaching vehicle drivers.

Work or any associated equipment should not obscure permanent traffic signals or advance warning and informatory signs.

At automatic crossings with or without barriers, works that may give rise to congestion will normally require the special appointment by Network Rail of a crossing attendant. All train drivers will be instructed to approach the crossing with caution and the crossing attendant will ensure that the crossing is clear before any train passes over it.

When works necessitate the provision of a crossing attendant, the traffic control arrangements described in the following paragraph should be adopted if one-way working is required. Even works that do not encroach for any great distance upon the carriageway may obscure the approach barrier or the signals controlling the crossing. Traffic control will always be required in these cases.

Where the works are wholly on one side of the crossing, but within 50m of it, or wherever the build-up of waiting traffic is likely to extend from the works to the crossing,

the whole of the side of the carriageway from the obstruction to the far side of the level crossing should be coned off and two manually operated 'STOP/GO' sign assemblies provided. No cones, signs or signals may be placed on the crossing. The control signs should be operated in the following manner:

- when the crossing is open to road traffic, the signs should be operated together to control traffic along the length of one-way working;
- when advised by the crossing attendant that a train is approaching, both signs should show 'STOP' to traffic coming towards the crossing. The attendant will, where practicable, operate the crossing's own traffic signals (and at automatic half barrier crossings lower the barriers);
- when the crossing attendant advises that road traffic may pass over the crossing, normal alternate one-way working should be resumed. Any vehicle held in the one-way section should be allowed to clear first.

When the obstruction is on the left-hand side of the road approaching the crossing, the 'STOP/GO' sign assembly on the exit side should be sited at least 25m beyond the crossing. This is to ensure that the crossing signals are not obscured and also to allow sufficient space for vehicles to return to the left-hand side of the road beyond the crossing.

When advised by Network Rail that it is not necessary for a crossing attendant to be provided, the 'STOP' signs should be shown in both directions, as described above, as soon as the amber lights in the road traffic light signals at the crossing show. Normal alternate one-way working may be resumed as soon as the red road traffic signals have stopped flashing.

Works at level crossings with manually controlled barriers or gates do not normally require a specially appointed crossing attendant. The barriers and gates and, where provided, associated road signals are controlled by a Network Rail employee, either in an adjacent cabin or remotely located and controlling the crossing with the aid of closed-circuit television. The temporarily manually operated 'STOP/GO' signs must show 'STOP' in both directions as soon as requested by the Network Rail employee controlling the crossing, or as soon as the amber lights at the crossing first show. Normal one-way working may be resumed as soon as the gates are opened or barriers lifted and, where provided, the road traffic signals extinguished.

Trains are required to approach most open crossings at a slow speed. The highway approaches to open crossings are signed with 'GIVE WAY' signs and Open Level Crossing Plates. Telephones are not normally provided. If works have to be undertaken very close to such a crossing and 'STOP/GO' signs are used, the operators must keep a constant watch and stop all road traffic whenever a train approaches. They must ensure that road traffic is never stopped on the crossing. Care must be taken to ensure that the works do not obstruct the 'GIVE WAY' signs. Even though positive control of traffic at the works is required, road users will still be required to observe the permanent 'GIVE WAY' signs. Care must therefore be taken to ensure that no ambiguous instructions are given to road traffic.

F.8 Network Rail's Special Requirements for All Works Affecting The Permanent Way

Network Rail's Special Requirements must be followed in all cases where works are to take place at a level crossing and should be included in any contract let in connection with the works. The current version of this document may be obtained from Network Rail, who will also be able to give advice during the planning of works.

Network Rail has established a robust safety regime to ensure that personnel working on or near the railway do not come into any danger from train movements. Where access will be required closer than 3 metres from the rails of a railway which is open to rail traffic (as will inevitably be the case at level crossings), it will be necessary for each individual to have been trained in personal track safety in accordance with Network Rail's requirements. While on site they must be in possession of a current Certificate of Competence in Personal Track Safety. In exceptional circumstances it may be permissible for staff who do not possess a Competence Certificate to work within the confines of a level crossing (see paragraphs F.6.5 & F.6.6).

Network Rail may decide where it is necessary to arrange the provision of certificated 'Lookouts' and a 'Controller of Site Safety' to be present on site for the duration of the street works.

There is no provision in NRSWA for the recovery of costs for special arrangements such as those described and costs incurred by each party will therefore lie where they fall.

F.8.1 Controller of Site Safety

Network Rail will appoint a suitably qualified person as the Controller of Site Safety. It is his responsibility to establish a safe system of work for personnel with regard to railway risks. He will decide which risk category applies at the particular site, how many Lookouts may be necessary and whether or not personnel working at the site are required to possess Certificates of Competence in Personal Track Safety.

Work must not commence until the Controller of Site Safety is present and has given permission for it to do so, unless alternative arrangements have been agreed with Network Rail in advance. All personnel employed on the works must obey his instructions with regard to railway safety.

F.8.2 Certificate of Competence in Personal Track Safety

When a railway is open to rail traffic, a level crossing inevitably falls into the highest risk category - a "red zone". Personnel working in a "red zone" must hold a current certificate of competence in Personal Track Safety, issued in accordance with Network Rail's requirements.

If a railway has been closed specifically for the works to be carried out, it may be declared a "green zone" by Network Rail, in which case Personal Track Safety Certificates may not be required.

F.8.3 Temporary Speed Restrictions

In some instances it may be necessary to impose a temporary speed restriction on trains. Temporary speed restrictions take time to arrange, so discussions with Network

Rail should take place as early as possible, before any formal notice is given for the street works. Where a temporary speed restriction may already have been arranged for other purposes, the works promoter should consider rearranging the timing of its works so as to be able to make use of it, thereby minimising disruption to rail traffic.

F.8.4 Trench less construction

Where trench less construction is to be employed beneath the railway track, the method must be approved by Network Rail. A temporary speed restriction may be imposed on trains and Network Rail may require oversight of works in progress. Pipe bursting techniques will require special consideration by Network Rail, due to possible effects on the permanent way.

F.8.5 Works on railway land which do not affect the structure of the permanent way

These are works which do not affect the track or its surrounding land, such as works at a manhole, erection of poles and wires, pressure testing of pipes which do not pass under the track or excavations several metres away from the track.

The Controller of Site Safety will categorise the site, as described in paragraph F.8.1 above, and advise of any necessary precautionary measures.

F.8.6 Works outside the confines of a level crossing, using existing ducts which pass beneath the railway.

These works may proceed without special early notification to Network Rail. However, Risk Assessments and Traffic Control as described in Section F.7 must be followed.

F.8.7 Use of mechanical excavators and cranes near the railway

Network Rail will advise of any necessary precautionary measures whenever cranes, mechanical excavators, vehicles or other construction plant is to be operated close to railway traffic. The purpose is both to protect trains from accidental contact with the plant and to protect operators from the likelihood of death or serious injury arising from contact with live traction equipment and trains on the railway.

Network Rail may require the submission of plant operating diagrams and/or method statements, prepared by the plant operator and approved by the undertaker, highway authority or other person carrying out the work, to enable it to decide the magnitude of any potential problems. These diagrams and method statements should take into account the possible results of machine failure, structural failure or uncontrolled operation of the plant.

F.8.8 Electrification continuity cables

In areas where the railway is electrified using the third rail system particular care must be taken to ensure that continuity cables, which connect the ends of the live rail to maintain electrical continuity, are not damaged whilst excavations are being undertaken. In most cases these will be laid parallel to the rails at, or just below, the adjacent ground level.

F.9 Reinstatement of the Road at Level Crossings

Because of the interaction with the permanent way, special requirements may apply to the reinstatement of roads and road structures at or near level crossings. Network Rail must therefore be consulted and a specification agreed, which may be carried out under their control. It is possible that there may be an arrangement already in place with the local street authority.

F.10 New Works Near Level Crossings

When promoters are proposing to install new supplies, routes should wherever possible avoid traversing level crossings. Where avoidance is not possible, trench less methods of installation should be considered.

SAMPLE PROFORMA FOR ADVICE OF WORKS

ADVICE OF INTENDED WORKS AT OR NEAR A RAILWAY LEVEL CROSSING

To: (Name) From: (Name)
 (Company) (Company)
 (Address) (Address)

Tel No: Tel No:
Fax No: Fax No:

Date: Sender's Ref No:

PRELIMINARY ADVICE

Works are proposed at/near the level crossing at:

.....(street/road name, railway line)

Details of the works are given in the attached description/ plan and section. (delete as appropriate)

Intended start date of works

Likely duration of works.....

ACKNOWLEDGEMENT OF RECEIPT OF ADVICE (by Network Rail)

Details of proposed works, Ref No:..... have been received.

The person dealing with the proposal is:

(Address) Tel No:

Fax No:

The proposal has been given the Network Rail Ref No:

(delete as appropriate)

The works may proceed.

The works may proceed subject to receipt of a 7 day Notice confirming the start date.

The works may proceed subject to Network Rail's Special Requirements attached.

The works are not yet approved and we will contact you again by (date).....

Signed for Network Rail.....Date.....

APPENDIX G: WORKS NEAR HIGHWAY STRUCTURES

G.1 Introduction

This appendix has been modified from a document prepared by the County Surveyors' Society (CSS) in consultation with HAUC (UK). It is addressed to promoters; also contractors, engineers, developers, planners and others involved in excavating the highway, particularly for the installation and maintenance of underground apparatus in the street in close proximity to highway structures, but would apply equally to any other engineering structure that might be affected by the works. It reiterates the importance of prior local liaison and consultation as a means of avoiding subsequent problems. Although this appendix has been prepared by the CSS primarily for the protection of structures owned by highway authorities, the same principles apply to structures owned and maintained by other authorities, such as Network Rail, London Underground, the British Waterways Board and others, and therefore all references in this appendix to "highway structures" should be deemed to apply equally to structures associated with the highway but owned by other authorities.

G.1.1 Purpose

The purpose of this appendix is to recommend ways in which the risk of damage to highway structures from works may be averted, firstly by providing information on how to identify structures, then to advise on safety measures to avoid damage occurring. It also seeks to promote uniformity of approach amongst street and bridge authorities and promoters towards the provision of services across or alongside highway structures. It reminds promoters of the special statutory arrangements already in place for many of these structures and draws attention to the presence of others which may nevertheless be at risk of damage and require special care to be taken during works in the street.

In order to avoid damage to highway structures, personnel engaged in works should be able to:-

- (a) appreciate the likelihood of highway structures being affected by works, the need for special care to be taken and the damage which can easily result from a moment's carelessness or ignorance.
- (b) recognise types of highway structure and be aware of the problems and damage that can arise if the correct procedures are not followed and also be able to recognise parts of the structure that may be exposed by excavation during works.
- (c) be aware that highway structures designated as being of Special Engineering Difficulty (SED) are subject to special statutory arrangements which set down the procedures which permit and street authorities and undertakers and other promoters need to follow before works begin.
- (d) be aware that other highway structures which may not have been designated as in (c) above, nevertheless require special care and consultation during street and highway works.
- (e) be aware that traffic management arrangements during works may redirect traffic onto weak areas of a structure.

G.1.2 Scope

This appendix should be considered when new services are to be provided or when apparatus is to be exposed or maintained in proximity to any existing highway structure.

G.1.3 Background

Highway structures form an essential part of the highway infrastructure that require special consideration and care when work is undertaken in the street.

Society expects the provision of services (electricity, gas, water, sewerage, telecommunications etc) each of which requires an extensive distribution network.

Space is often very restricted in and adjacent to highway structures and services may have to share a congested service bay within the structure. In order to satisfactorily install, operate and maintain services in such situations, the needs of the structure owner, street authority and promoters must be jointly understood and appropriate precautions taken to minimise the risk of damage.

As with all guidelines, the interpretation and application of this appendix should be tempered at all times by good engineering judgement. The emphasis throughout is on the need for local liaison and consultation.

G.2 Highway Structures

Highway structures may be of various different forms, sizes and degrees of importance. They all need great care to be taken by those executing street works in their vicinity. They may be composed of a variety of materials, e.g. brick, stone, concrete, steel, wrought or cast iron, timber or a combination of these and other materials.

They include, inter alia: -

bridges (road, rail), flyovers, underpasses, subways, viaducts, aqueducts, culverts, cattle-creeps, cellars, sign-gantries, tunnels, pipes, corrugated steel pipes, footbridges, safety barriers, retaining walls, high mast lighting columns and reinforced earth structures.

Highway structures are expensive and intricate, requiring great care and attention on the part of those installing services or repairing apparatus in their vicinity. What might appear to be minor and insignificant damage to a vital structural element may affect its safety and durability and thus substantially reduce the serviceable life of the structure. Such minor damage may remain undetected for years, but the consequences and the ultimate cost of repair could be severe.

Modern highway structures have a design life of 120 years. Most are unique, though a large proportion of structures will fall into one of a small number of structural types. Using a few basic principles and working methods will help to safeguard their structural integrity and preserve them from damage. Annex 1 shows typical structure types and restricted zones that may be designated by the owning authority.

Many are either scheduled ancient monuments or listed buildings, having protection under Acts of Parliament against unauthorised street works that may damage their archaeological importance or special architectural or historic interest. See Section G.4.

Particular care must be taken with the reinstatement of 'high amenity surfaces' on or adjacent to highway structures designated as scheduled ancient monuments or listed buildings or located in a conservation area where their contribution to the special architecture or historic interest may be very significant. The HAUC Specification for the Reinstatement of Openings in Highways gives the reinstatement requirements for high amenity surfaces.

Some structures are protected by a waterproof membrane to combat the effects of corrosive de-icing salts which may penetrate the road surface. The membrane may be mastic asphalt, rubber or polymerised sheet or a thin spray-on layer. Even minor damage to this during installation of a service can have serious consequences to the integrity of the structure e.g. through corrosion and rusting of reinforcement or steel sections.

Similarly many structures have movement joints either at or below the carriageway surface to accommodate expansion and contraction. There are many different types of joint: some buried, some exposed, some open and some sealed to prevent ingress of water. Minor damage to these can also have serious long-term consequences to the integrity of the structure.

During the installation of services and maintenance of apparatus, the type of plant and equipment used for excavation and breaking out may potentially be very damaging to structures and their components unless operated with extreme caution.

During construction of a new bridge or major maintenance work to an existing bridge, effective planning and liaison between street and permit authorities and undertakers and other promoters will often prevent future disruption and possible damage if additional ducts are incorporated within the structure at an appropriate stage. Such arrangements are likely to be in the interest of all parties and are in accordance with the principles embodied in the HAUC Code of Practice *Measures Necessary Where Apparatus is Affected by Major Works (Diversionary Works)*.

When planning a traffic management scheme for works at or adjacent to a highway structure it is important to discuss signing, lighting and guarding arrangements with the street authority. Apart from following the requirements of the Code of Practice *Safety at Street Works and Road Works*, it is important to ensure that diverted traffic is not directed onto weak parts of the structure. It may also be necessary to erect screens to avoid debris falling through or over bridge parapets. It is also important to ensure that cables linking sets of temporary traffic signals used in connection with the works are not allowed to sag over parapets and touch live overhead rail traction cables.

G.3 Prior Consultation

Section 88 of NRSWA imposes an obligation on an undertaker proposing works affecting the structure of a bridge to consult the bridge authority concerned (which may not necessarily be the street authority) before applying for a permit and to comply with the reasonable requirements for safeguarding the structure. Annex 2 provides an example of a suitable consultation form and shows the information the bridge authority may require.

G.4 Ancient Monuments and Listed Structures

Many highway structures are scheduled ancient monuments or listed buildings and protected against unauthorised works that may damage their archaeological importance or special architectural interest. They range from milestones and mileposts to extensive medieval causeways and bridges. Great care is needed to avoid damage to these structures and almost invariably specific consent is required before work on them may be undertaken.

In some cases, from the nature of the structure, its listed status will be reasonably apparent, in others the undertaker may know of it from previous experience. Additionally, except in those cases where prior notice is not required, notification will provide the street authority with the opportunity to advise the undertaker of the presence of a listed structure. These cases highlight the merit of early liaison and consultation between all parties in order to avoid delays and the possible contravention of the legislation.

G.5 Specification for the Reinstatement of Openings in Highways

Undertakers are under a duty to carry out their works to prescribed standards. The HAUC Specification for the Reinstatement of Openings in Highways provides guidance on excavation, backfilling and reinstatement of the highway. Highway authority promoters will also have specifications they are required to meet.

G.6 Responsibility for Damage

Under section 82 of NRSWA an undertaker must compensate a street authority, other undertaker or any other relevant authority for loss caused by the execution of street works. This obligation is subject to the proviso that the authority itself has not, by negligence or misconduct, contributed to the loss. These provisions should encourage all parties to liaise and co-operate fully in all cases where it is known that sensitive structures may be at risk from street works.

G.7 Recognition of Structures

Vigilance is required in the planning and execution of work. In the case of streets formally designated under section 63 as having special engineering difficulties the Regulations require details to be recorded by the authority in the register. Where there is no designation, the undertaker may be aware of a structure from previous experience or local knowledge. In such instances he will be aware of the need for care in carrying out the street works and can advise operatives and contractors accordingly.

Many highway structures are large and easily recognisable but a great number are not apparent to the casual observer. Cellars, culverts and tunnels are frequently not visible from the road or verge and it is not unknown for excavation to damage underpasses or bridges without operatives becoming aware.

A highway authority should be able to provide the location of highway structures in its ownership of which it is aware. It may also be able to provide sources of other information held on privately owned structures. Reference may also be made to other

available information such as Ordnance Survey plans and records of previous installations.

It is important that notification procedures are correctly followed. Unclear or inaccurate notices may mean that the street authority is unable to spot a potential risk to a structure or, at best, unable to determine how a structure may be affected by the proposals.

Features to look for include coalholes, lower ground floors, basement accesses, light wells, manholes, or gardens at a lower level than the road. In rural situations, low points may indicate probable culvert locations where watercourses pass under the highway. In hilly terrain, retaining walls may be found which both support the road and adjacent land higher than the highway.

Promoters are reminded of their responsibility to recognise when their proposed street works will affect a structure and to consult the bridge authority before giving notice.

G.8 Damage to Highway Structures

This appendix sets out the procedures and precautions that should be taken in order to avoid damage to highway structures during street works. It also stresses the fact that apparently minor and insignificant damage to a vital structural element may substantially reduce its serviceable life and seriously affect its safety.

Even after taking all procedures and safety precautions into account, there may be occasions when damage nevertheless occurs. When this happens it is absolutely essential that the authority owning the structure is advised of the damage without delay so that timely repairs may be carried out. Minor damage can sometimes remain undetected for years, whilst the serviceable life and safety of the structure will deteriorate and repairs, when they are finally made, will undoubtedly prove very much more extensive and costly than if carried out immediately.

ANNEX 1

Typical Structure Types and Restrictions

1. Figures 1 to 11 show some common types of highway structures that may be encountered, the terminology used, a typical Restricted Zone that may be designated by the owning authority, typical locations of bridge waterproofing membranes and some of the constraints that the authority may place on the installation of services within it. These are not exhaustive but purely indicative.
2. Figure 1 shows a typical Restricted Zone that may be designated by a bridge authority. It will normally cover the entire width of the street and its length will extend 2 metres beyond each end of the parapet or rail. However, the extent of a designated Restricted Zone is subjective and all parties should adopt a flexible approach when considering individual circumstances to reduce the risk of damage to the structure during street works.
3. All dimensions in Figs. 1 to 11 are in millimetres.

These figures are currently being amended by the CSS but whilst this is being done please refer to the ones in the 2nd edition of the Coordination Code

Size and Type

.....

..

Proposed depth of excavation

.....

Proposed depth of cover to service on completion

.....

Expected start of works

.....

BRIDGE AUTHORITY RESPONSE

File Ref

.....

Please contact Tel No

.....

Consent to proceed granted/not granted subject to*

.....

.....

Trial Holes required YES/NO*

Other.....

Additional details required (eg Plans, Sections, Method Statements):

.....

.....

.....

.....

.....

*Delete as appropriate

Signature

Bridge Authority to respond within 7 working days of receipt

Date.....

Appendix H: Co-ordination Schedules

This schedule indicates the contents to be used in a commonly produced spreadsheet for the transfer, by an attachment to an email, of advance information of activities on the highway. The headings below will need to be changed into the normal horizontal format in a communally used spreadsheet.

It is preferable that the information is provided in the order shown below although it is possible for the highway authority to reorder prior to converting into a CSV file for entering into the separate section of the street works register where this information should be kept.

	Guidance Notes. (Do not include Guidance Notes in spreadsheet)
Street Authority	
Operational District	
Works Promoter	
Date of last Update	If Applicable
Works Promoters Reference	If Applicable
Town	
Locality	
USRN	
Street Name	
Road Number	
Grid Reference (Easting)	Approximately the centre point of the proposed works
Grid Reference (Northing)	Approximately the centre point of the proposed works
Works Promoter Contact Name	Name of person who can answer queries regarding the works.
Works Promoter Contact Number	Telephone number of above
Works Description	
Works Position	When Known. Carriageway = C. Footway = F. Verge = V.
Traffic Management Type	When Known
Length of Works	When known
Width of Works	When known
Notes	

Appendix J: Central Registers

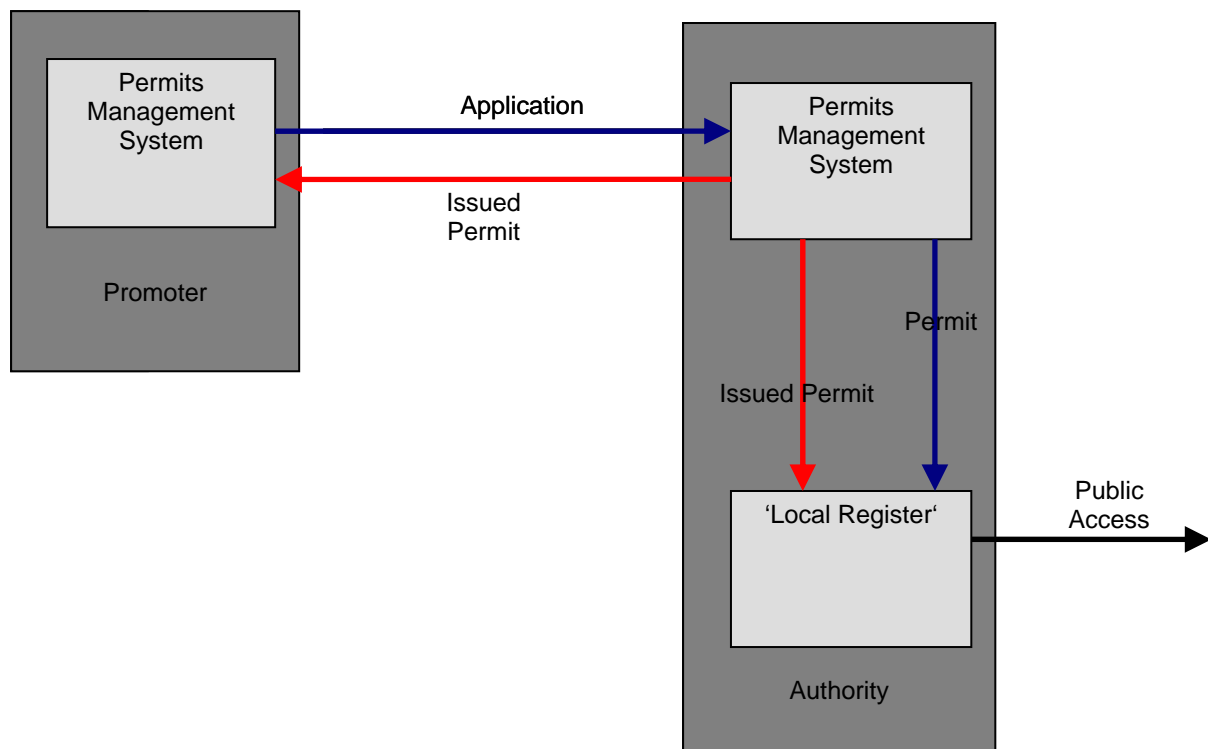
Contents

J.1 Data Formats

Permit regulations allow authorities to create a single combined (or central) register. In choosing to combine their permit registers, authorities would also combine their street works registers under s53 of NRSWA, which needs to be retained and run in parallel. In such circumstances, the format of data transferred to a central register from a participating authority is as described in the EToN Technical Specification i.e. the files sent to the register authority will be an exact copy of the file received or sent by the permit authority from or to a permit applicant, or sent by the street authority from or to an undertaker. The information will include both undertakers and highway authorities own works, which are both subject to permits, as well as street works licences and such other information required by the relevant regulations and as may be included within the relevant permit order. It should be noted that the permits management system will be operated in parallel with the NRSWA notices management system within authorities and the associated registers will be closely linked or even part of the same database. Similar linking or integration of registers is anticipated where a central register is operated.

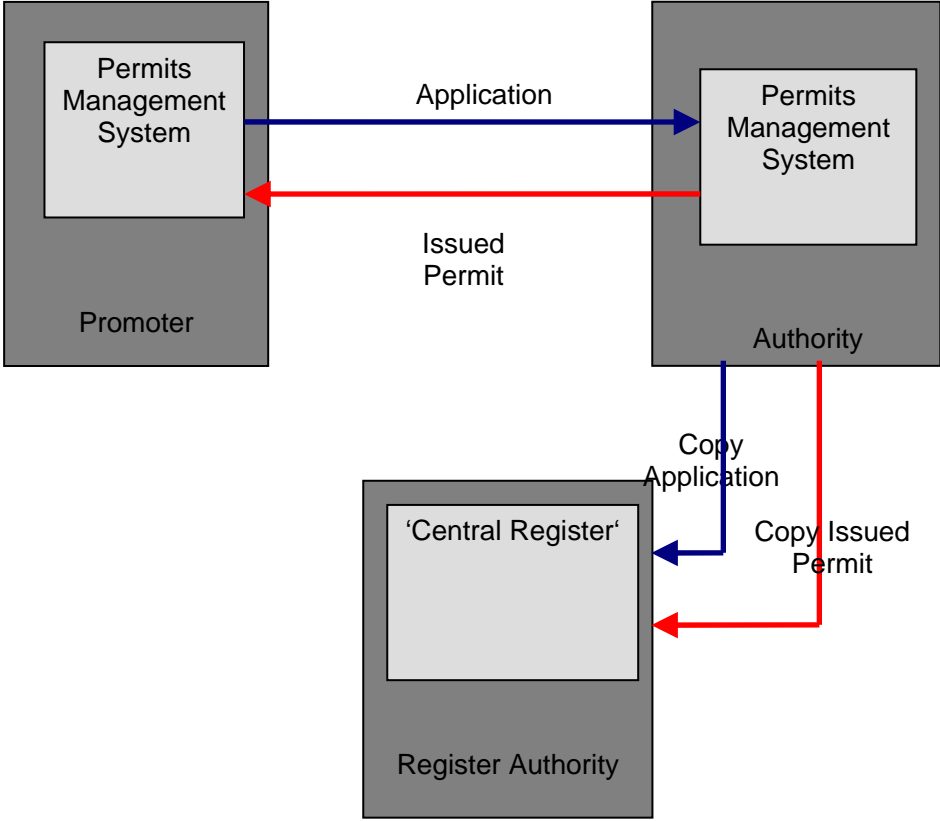
J.2 Data Transfer Arrangements - Local Registers

The following diagram describes the flow of information where a local register is in operation.



J.3 Data Transfer Arrangements – Central Registers

The following diagram describes the flow of information where a central register is in operation.

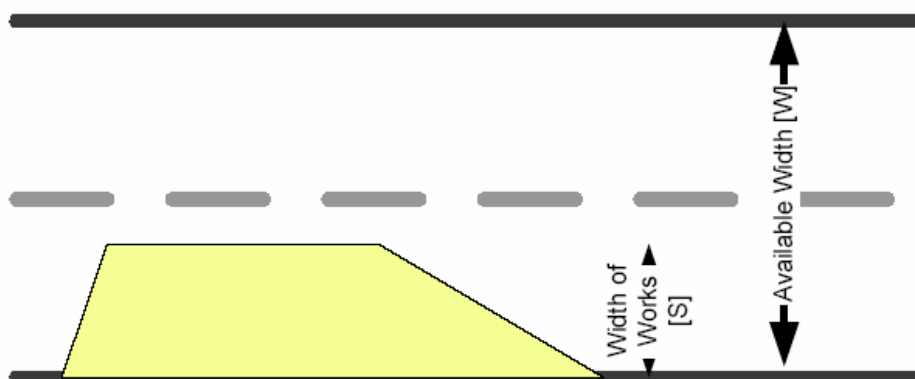


APPENDIX K: DERIVATION OF DISRUPTIVE EFFECT SCORE

K.1 Input Factors

The disruptive effect score is based on the reduction in capacity resulting from an activity on the highway. The reduction in capacity may be calculated using an algorithm that requires the entry of a number of simple factors. These factors are as follows:

Factor	Description
[P]	The daily traffic flow, measured as an average am/pm peak hour flow in PCUs per hour, so that it takes account of HGV percentages. Source: Highway authority
[W]	The total width in metres of the carriageway (or the width of both carriageways for a dual carriageway road). Source: Ordnance Survey mapping using GIS tools
[S]	The width in metres of the activity occupying the carriageway, or in the case of activities on the footway, this would be the width in metres of the carriageway occupied by attendant vehicles and associated traffic management, as well as the width needed for any incursion of pedestrians, cyclists and horse riders into the carriageway. Source: Established as part of the works planning process



K.2 Calculation of Disruption Effect Score

The following algorithm is used to calculate the Disruption Effect Score:

$$\text{Disruption Effect Score} = [(P \times 100) / (1600 \times (W - S) / 3.65)]$$

K.3 Use of Disruptive Effect Score

The disruptive effect score has a number of specific uses including:

- i) Derivation of the Traffic Impact Assessment,
- ii) Objective based prioritisation of activities for co-ordination, and,
- iii) Performance indicators.

However, this is not a mandatory requirement.

K.4 Impact Assessment

The impact assessment is a broad indicator of the potential disruption that could arise from an activity on the highway.

K.4.1 Impact on General Traffic

The impact assessment for general traffic is derived directly from the daily disruption effect score for the activities, as follows:

Disruption Effect Score	Impact
Greater than or equal to 75	Severe
Greater than or equal to 50 and less than 75	Moderate
Greater than or equal to 25 and less than 50	Slight
Less than 25	None

K.4.2 Impact on Buses

The impact assessment for bus traffic is assessed for defined bus routes only and is derived as follows:

Disruption Effect Score / Factor	Impact
Greater than or equal to 75	Severe
Dedicated bus lane closed	Severe
Greater than or equal to 50 and less than 75	Moderate
Dedicated bus lane diverted	Moderate
Greater than or equal to 25 and less than 50	Slight
Less than 25	None

K.4.3 Impact on Pedestrians

The impact assessment for pedestrian traffic is derived as follows:

Factor	Impact				
	Footway Hierarchy Category				
	1a	1	2	3	4
Closure	Severe	Severe	Severe	Severe	Moderate
Complete Diversion	Severe	Severe	Severe	Moderate	Slight
Partial Diversion	Severe	Severe	Moderate	Moderate	Slight
Narrowing >50%	Severe	Severe	Slight	Slight	None
Narrowing <50%	Severe	Moderate	Slight	None	None

A 'complete diversion' of a footway is where a new route for pedestrians has been established, for example where there is a requirement to cross the road to use the opposite footway.

A 'partial diversion' of a footway is where the route for pedestrians is diverted around the activity's site but remains on the same side of the road.

In addition, the impact of any activities on footways associated with urban transport facilities will be considered as 'severe'. For the purposes of this section these are any activities on footways that are within 100 metres of an entrance to a bus, tube, railway or tram station.

APPENDIX L: FIXED PENALTY NOTICES FORMS FOR NRSWA OFFENCES

This Appendix provides details of how offences under NRSWA are to be treated in a permits scheme area.

Table L1: Fixed Penalty Offences

Offence	Brief description	Duties and obligations
An offence under s.54(5)	Failure to comply with duties under s.54	<p>In certain cases prescribed in regulations prescribed periods of advance notice must be given to a street authority by an undertaker proposing to execute street works.</p> <p>Each notice must state the date on which it is proposed to begin the works and contain the information prescribed in regulations.</p> <p>After giving advance notice under s.54 an undertaker must comply with the requirements prescribed in regulations, or imposed by the street authority, as to the providing of information and other procedural steps to be taken for the purpose of co-ordinating the proposed works with other works of any description proposed to be executed in the street.</p> <p>If an undertaker who has given advance notice under s.54 has not, before the starting date specified in the notice, given to the street authority a notice under s.55 in respect of the works, he must within such period as may be prescribed in regulations give to that authority a notice containing prescribed information.</p>
An offence under s.55(5)	Beginning to execute works in contravention of s.55	<p>In relation to certain types of street works an undertaker must give prescribed periods of advance notice stating the date on which it is proposed to begin the works and containing the information prescribed in regulations.</p> <p>This notice must be given to the street authority, to any other relevant authority and to any other person having apparatus in the street which is likely to be affected by the works.</p> <p>The undertaker must not begin the works without notice or before the end of the notice period without the consent of those to whom notice is required to be given.</p>
An offence under s.55(9)	Failure to give notice in accordance with s.55(8)	<p>If the notice of starting date ceases to have effect, the undertaker must give a further notice containing such information as may be prescribed in regulations and within the prescribed period.</p> <p>This notice must be given to the same people to whom the notice of starting date was required to be given (<i>see above</i>).</p>
An offence under s.57(4)	Failure to give notice in accordance with s.57	<p>Where emergency works are of a kind which either do or would, but for certain provisions in Schedule 3A NRSWA, require a notice of starting date under s.55, an undertaker executing such works must give notice stating his intention or, as the case may be, the fact that he has begun to execute the works.</p> <p>The notice must also contain such other information as may be prescribed in regulations.</p> <p>The notice must be given as soon as reasonably practicable, and in any event within two hours (or such other period as may be prescribed), to the persons to whom a notice of starting date would be required to be given under s.55 (<i>see above</i>).</p>
An offence under s.70(6) consisting of a failure to comply with subsection (3) or (4A)	Failure to comply with requirements to give notice of completion of reinstatement	<p>S.70(1) imposes a general duty on the undertaker by whom street works are executed to reinstate the street.</p> <p>He must before the end of the next working day after the day on which the reinstatement is completed inform the street authority that he has completed the reinstatement of the street and state whether the reinstatement is permanent or interim.</p> <p>He must within ten working days from the date on which the reinstatement is completed give notice to the street authority of that completion. The notice must state whether the reinstatement is permanent or interim and give such other information about the reinstatement as may be prescribed in regulations.</p> <p>In the case of an interim reinstatement, he must, within ten working days from the date on which the permanent reinstatement is completed, give notice to the street authority of that completion, giving such other information about the reinstatement as may be prescribed.</p>

<p>An offence created by regulations made under s.74(7B)</p>	<p>Failure to give a notice required by regulations under s.74 (charge for occupation of the highway where works unreasonably delayed)</p>	<p>The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2007 create a criminal offence in respect of any failure to give a notice required by the regulations.</p> <p>An undertaker executing street works (other than minor works) in a highway to which these regulations apply must, not later than the end of the day following the day on which the works begin, give the highway authority an “actual start of works notice” confirming in writing the beginning of the works and specifying by reference to the nationally consistent street gazetteer the street or streets in which the works are to be carried out.</p> <p>When an undertaker has completed interim reinstatement he must give a written “works clear notice” to the highway authority not later than the end of the day following the day on which the highway was returned fully to public use.</p> <p>An undertaker who has completed permanent reinstatement must give the highway authority a written “works closed notice” not later than the end of the day following the day on which the highway was returned fully to public use.</p> <p>If an undertaker believes that the duration of works will exceed the prescribed period, a notice shall be given to the highway authority containing an estimate of the likely duration. For works in connection with the initial placing of apparatus, this should be given with the application for a licence, for other works (not emergency) this should be given with the s.55 notice and for emergency works it should be given as soon as practicable after the works are begun. This is assumed to be agreed by the authority unless they give notice in writing to the undertaker within 2 days of receipt, containing the authority's estimate of a reasonable period for the duration of works.</p> <p>If the duration of the works is likely to exceed the prescribed period, is likely to exceed the period stated in a previous estimate or is likely to exceed the period agreed or determined under s.74(2) to be a reasonable period, the undertaker shall give a notice in writing containing an estimate or a revised estimate. This is assumed to be agreed by the authority unless they give notice in writing to the undertaker within 2 days of receipt, containing the authority's estimate for the duration of works.</p>
<p>An offence created by regulations made under s.74A (11)</p>	<p>Failure to give a notice required by regulations under s.74 A (charge determined by reference to duration of works)</p>	<p>The Street Works (Charges for Occupation of the Highway) (England) Regulations 2001 create a criminal offence in respect of any failure to give a notice required by the regulations.</p> <p>An undertaker executing street works (other than minor works) in a highway to which these regulations apply must, not later than the end of the day following the day on which the works begin, give the approved highway authority an “actual start of works notice” confirming in writing the beginning of the works and specifying by reference to the nationally consistent street gazetteer the street or streets in which the works are to be carried out.</p> <p>When an undertaker has completed interim reinstatement he must give a written “works clear notice” to the approved highway authority not later than the end of the day following the day on which the highway was returned fully to public use.</p> <p>An undertaker who has completed permanent reinstatement must give the approved highway authority a written “works closed notice” not later than the end of the day following the day on which the highway was returned fully to public use.</p>

Table L2: Guidance on completing the form

In generating the FPN, the Street Authority may choose to incorporate their 4 digit Data Capture Code

* <i>(* Insert Street Authority name)</i>	FIXED PENALTY NOTICE NEW ROADS AND STREET WORKS ACT 1991 (Section 95A and Schedules 4A and 4B)	FIXED PENALTY NOTICE Number:
PART A		
Contact Tel No.	Works Ref No. * Street Authority No. * <i>(*To be left blank where the offence relates to works in respect of which no notice has been given.)</i>	
TO:	DATE OF THIS NOTICE: dd mm yy	
ADDRESS:	Undertakers are asked to provide, where possible, an electronic address as well as the postal address. If the undertaker fails to provide a postal address then the fixed penalty notice should be served in accordance with the options set out in the regulations	
OFFENCE CODE: <i>(See Part B) (NB: Only one offence code per fixed penalty notice)</i>	Insert relevant offence code from Part B	
LOCATION:	Actual location of works	
DATE OF OFFENCE:		
DETAILS OF OFFENCE:		
This box needs to specify reasonable particulars of the circumstances alleged to constitute the offence and should be expanded if required		
<p>1. I am giving you this notice, in accordance with section 95A of, and Schedule 4B to, the New Roads and Street Works Act 1991, to offer you the opportunity of discharging any liability to conviction for this fixed penalty offence by payment of a penalty.</p> <p>2. This means that no legal proceedings will be commenced for the offence if, subject to paragraph 3, the penalty of £120 is paid <i>(See Part B for instructions on methods of payment)</i> within the period of 36 days beginning with the date of this notice. <i>(NB: The street authority may extend this period in any particular case if they consider it appropriate to do so (See paragraph 4(3) of Schedule 4B)).</i></p> <p>3. Instead of paying the amount referred to in paragraph 2, liability to conviction for the offence may also be discharged if the discounted amount of £80 is paid within the period of 29 days beginning with the date of this notice. <i>(NB: If the last day of this period does not fall on a working day, the period for payment of the discounted amount is extended until the end of the next working day (See Paragraph 5(3) of Schedule 4B)).</i></p> <p>4. If the discounted amount is not paid within the period set out in paragraph 3, as extended where relevant, liability to conviction for the offence may only be discharged thereafter by payment of the penalty of £120 within the period set out in paragraph 2, as extended where considered appropriate. If you then fail to pay the penalty within that period, legal proceedings for the offence may be commenced against you.</p> <p>5. Any representations that you wish to make in relation to this notice may be addressed to at identifying the fixed penalty notice number stated above.</p>		
NAME OF AUTHORISED OFFICER <i>(in block capitals):</i>		
DATE:		

These should be different officers.

Representations in writing should be made to this officer. The authority should provide full contact details.

This must correspond to the number given in Part A

PART B

*	<u>INSTRUCTIONS ON METHODS OF PAYMENT</u>	FIXED PENALTY NOTICE Number:
<p>(* Insert Street Authority name)</p>		
<p>ELECTRONICALLY – by the Bankers Automated Clearing Services (BACS). Payment should be made to _____, Sort Code _____, Account Number _____. Payment must be supported by the timely submission of a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number.</p>		
<p>“ON LINE”- please visit our web site at _____</p>		← 'N/A' to be inserted if this method of payment is not available
<p>BY POST - by making your cheque payable to _____ and sending it to _____. Payment must be accompanied by a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number. A receipt will be sent on request.</p>		
<p>IN PERSON – to _____ at _____ between 9.00am and 4.30pm on any day on which the office is open for business. Any cheque should be made payable to _____. Payment may be made by debit or credit card if the card is one that is accepted by the Street Authority in accordance with its standard procedures. Payment must be accompanied by a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number. A receipt will be provided on request.</p>		
<p>BY TELEPHONE – by contacting _____ at _____ on _____ between 9.00am and 4.30pm on any day on which the office is open for business. Payment may only be made by using a debit or credit card that is accepted by the Street Authority in accordance with its standard procedures. You must state the fixed penalty notice number of each notice in respect of which payment is being made and the amount being paid in relation to each number. A receipt will be sent on request.</p>		

OFFENCE CODES AND DESCRIPTION

(By reference to the New Roads and Street Works Act 1991)

CODE	OFFENCE	BRIEF DESCRIPTION
01	An offence under s.54(5).	Failure to comply with duties under s.54 (advance notice of certain works, etc.).
02	An offence under s.55(5).	Beginning to execute works in contravention of s.55 (notice of starting date).
03	An offence under s.55(9).	Failure to give notice in accordance with s.55(8) (notice to be given on s.55 notice ceasing to have effect).
04	An offence under s. 57(4).	Failure to give notice in accordance with s.57 (notice of emergency works).
05	An offence under s.70(6) consisting of a failure to comply with subsection (3) or (4A).	Failure to comply with requirements to give notice of completion of reinstatement.
06	An offence created by regulations made under s.74(7B).	Failure to give a notice required by regulations under s.74 (charge for occupation of the highway where works unreasonably delayed).
07	An offence created by regulations made under section 74A(11).	Failure to give a notice required by regulations under s.74A (charge determined by reference to duration of works).

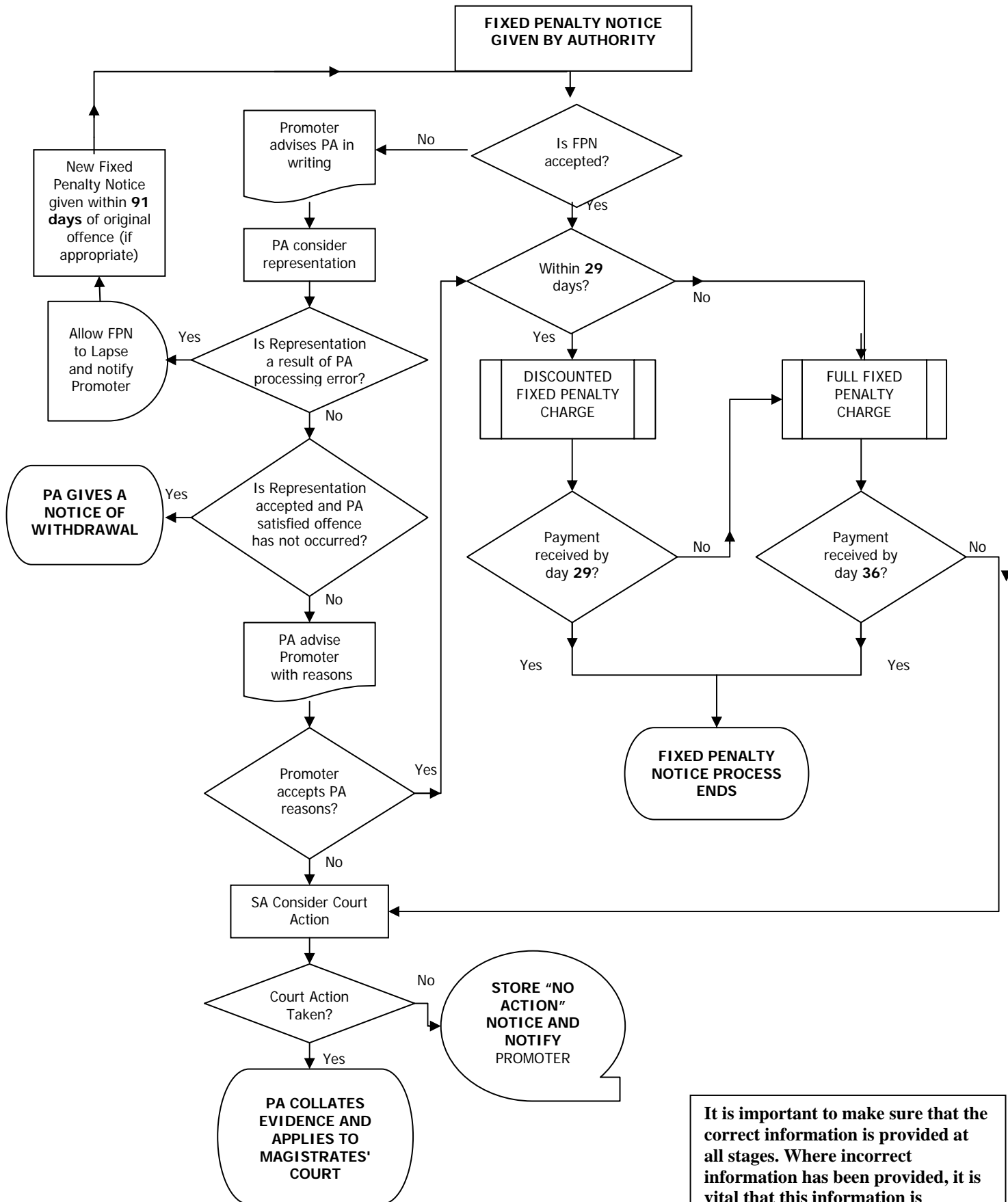
Table L3: Guidance on withdrawing a FPN.

This number must be the same as the one given on the FPN form

*	NOTICE WITHDRAWING FIXED PENALTY NOTICE NEW ROADS AND STREET WORKS ACT 1991 (Section 95A and Schedules 4A and 4B)	FIXED PENALTY NOTICE Number:
---	---	---


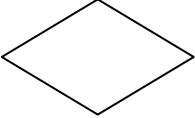





TAKE NOTICE that the fixed penalty notice numbered as above is hereby WITHDRAWN .	
NAME OF AUTHORISED OFFICER (<i>in block capitals</i>)	
DATE	

Fixed Penalty Notice process diagram



It is important to make sure that the correct information is provided at all stages. Where incorrect information has been provided, it is vital that this information is corrected so that the works can be efficiently co-ordinated.

Explanation of chart

'Allow FPN to lapse'.	If the representations made by the promoter are on the grounds that the PA had made an error on the FPN but the SA still believes that the grounds for giving the FPN were valid, the SA can allow the 36 day period to pass causing the FPN to 'lapse'. A PA is not able to give two FPNs for the same offence. The PA can then consider giving the FPN with corrected details provided that 91 days have not elapsed since the commission of the offence.
'Store "No Action" Notice'.	If the promoter refuses to pay the penalty but the PA decides not to commence proceedings in the Magistrates' Court, the PA should file the FPN as a "No Action" notice.
	Process
	Decision
	Document
	Delay
	Predefined process
	Sequential storage
	Terminator

*	FIXED PENALTY NOTICE NEW ROADS AND STREET WORKS ACT 1991 (Section 95A and Schedules 4A and 4B)	FIXED PENALTY NOTICE Number:
PART A		
Contact Tel No.	Works Ref No. * Street Authority No. * (*To be left blank where the offence relates to works in respect of which no notice has been given.)	
TO:		DATE OF THIS NOTICE: dd mm yy
ADDRESS:		
OFFENCE CODE: (See Part B) (NB: Only one offence code per fixed penalty notice)		
LOCATION:		
DATE OF OFFENCE:		
DETAILS OF OFFENCE:		
<p>1. I am giving you this notice, in accordance with section 95A of, and Schedule 4B to, the New Roads and Street Works Act 1991, to offer you the opportunity of discharging any liability to conviction for this fixed penalty offence by payment of a penalty.</p> <p>2. This means that no legal proceedings will be commenced for the offence if, subject to paragraph 3, the penalty of £120 is paid (See Part B for instructions on methods of payment) within the period of 36 days beginning with the date of this notice. (NB: The street authority may extend this period in any particular case if they consider it appropriate to do so (See paragraph 4(3) of Schedule 4B)).</p> <p>3. Instead of paying the amount referred to in paragraph 2, liability to conviction for the offence may also be discharged if the discounted amount of £80 is paid within the period of 29 days beginning with the date of this notice. (NB: If the last day of this period does not fall on a working day, the period for payment of the discounted amount is extended until the end of the next working day (See Paragraph 5(3) of Schedule 4B)).</p> <p>4. If the discounted amount is not paid within the period set out in paragraph 3, as extended where relevant, liability to conviction for the offence may only be discharged thereafter by payment of the penalty of £120 within the period set out in paragraph 2, as extended where considered appropriate. If you then fail to pay the penalty within that period, legal proceedings for the offence may be commenced against you.</p> <p>5. Any representations that you wish to make in relation to this notice may be addressed to _____ at _____ identifying the fixed penalty notice number stated above.</p>		
NAME OF AUTHORISED OFFICER (in block capitals):		
DATE:		

PART B

*	<u>INSTRUCTIONS ON METHODS OF PAYMENT</u>	FIXED PENALTY NOTICE Number:
(* Insert Street Authority name)		
<p>ELECTRONICALLY– by the Bankers Automated Clearing Services (BACS). Payment should be made to _____, Sort Code _____, Account Number _____. Payment must be supported by the timely submission of a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number.</p>		
<p>“ON LINE”- please visit our web site at _____.</p>		
<p>BY POST - by making your cheque payable to _____ and sending it to _____. Payment must be accompanied by a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number. A receipt will be sent on request.</p>		
<p>IN PERSON – to _____ at _____ between 9.00am and 4.30pm on any day on which the office is open for business. Any cheque should be made payable to _____. Payment may be made by debit or credit card if the card is one that is accepted by the Street Authority in accordance with its standard procedures. Payment must be accompanied by a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number. A receipt will be provided on request.</p>		
<p>BY TELEPHONE – by contacting _____ at _____ on _____ between 9.00am and 4.30pm on any day on which the office is open for business. Payment may only be made by using a debit or credit card that is accepted by the Street Authority in accordance with its standard procedures. You must state the fixed penalty notice number of each notice in respect of which payment is being made and the amount being paid in relation to each number. A receipt will be sent on request.</p>		

OFFENCE CODES AND DESCRIPTION

(By reference to the New Roads and Street Works Act 1991)

CODE	OFFENCE	BRIEF DESCRIPTION
01	An offence under s.54(5).	Failure to comply with duties under s.54 (advance notice of certain works, etc.).
02	An offence under s.55(5).	Beginning to execute works in contravention of s.55 (notice of starting date).
03	An offence under s.55(9).	Failure to give notice in accordance with s.55(8) (notice to be given on s.55 notice ceasing to have effect).
04	An offence under s. 57(4).	Failure to give notice in accordance with s.57 (notice of emergency works).
05	An offence under s.70(6) consisting of a failure to comply with subsection (3) or (4A).	Failure to comply with requirements to give notice of completion of reinstatement.
06	An offence created by regulations made under s.74(7B).	Failure to give a notice required by regulations under s.74 (charge for occupation of the highway where works unreasonably delayed).
07	An offence created by regulations made under section 74A(11).	Failure to give a notice required by regulations under s.74A (charge determined by reference to duration of works).