

Utilities Working on the Network

Health & Safety Requirements

Key Legislation & Guidance

- New Road & Street Works Act 1991
- EToN 6 – Technical Specification on Notification and Advanced Planning
- Health & Safety at Work etc. Act 1974
- CDM Regulations 2015

Notification Process

- All utilities companies working on the network have a duty to notify planned works
- This is done electronically
- Most works are subject to the standard notice periods – major works requiring 90 days notice are unusual
- Even emergency works require notice
- Utilities work will need to be accommodated with other routine maintenance work and on major projects

Notification Periods - NRSWA

| Works Category | Minimum | Notice | Periods |
|----------------|------------|------------|------------|
| | Section 54 | Section 55 | Section 57 |
| Major | 3 months | 10 days | |
| Standard | | 10 days | |
| Minor | | 3 days | |
| Urgent | | 2 hours | |
| Emergency | | | 2 hours |

Process for Stand Alone Utilities Work

- Road space is booked with Highways England and permission given for the work to be undertaken on the network
- Relevant Service Providers and DBFO companies are advised of works booked
- Highways England are **not the client**
- If there are health and safety concerns with any works being undertaken this can be escalated to the Utility Company directly **OR** via the Service Provider or DBFO Company as they have an overarching duty of care to **manage, monitor and co-ordinate health and safety on the network**

Standard Process Involving Utilities in NDD and Major Projects Schemes

- During pre-construction phase for maintenance, improvement works or major projects any service clashes are identified by the PD
- PC contacts Utilities to advise & informs Highways England
- Highways England instructs Utilities to carry out enabling works
- Highways England are the **client and must discharge client duties**
- **However, the PC retains a duty of care to plan, manage, monitor and co-ordinate health and safety on site**

What are Highways England's client responsibilities?

- Standard design and client responsibilities:
- Duty holders appointed – Principal Contractor and Principal Designer
- Adequate time and resources allocated
- Adequate H&S arrangements in place
- Information provided to duty holders
- Confident that the PC and PD can carry out their duties
- Welfare arrangements organised

Key Safety Points Operationally

- Site induction and site rules adhered to
- RAMS in place and implemented
- Appropriate traffic management
- Service avoidance
- Safe excavations
- Safe plant and people interface
- Utilities works co-ordinated with other road construction activities where relevant
- If you are visiting site and you see something you are concerned about you have a duty to follow it up and ask questions – H&S Business Partners are available to support you, just get hold of your local contact



H&S Business Partner Actions

- Review of all accidents, high potential near misses, service strikes etc. involving utilities to ensure that lessons are learnt
- Engagement with supply chain partners and associated local utilities to improve safety arrangements
- Rolling out Raising the Bar documents within NDD works as well as Major Projects to support Aiming for Zero
- Increased focus on safety audits by Highways England H&S Business Partners
- Supporting Project Sponsors locally to resolve any safety issues

Useful Raising the Bar Documents

- R t B 1 – Plant & Equipment
- R t B 2 – Traffic Management Entry and Exit
- R t B 3 – Man Machine Interface
- R t B 9 – Service Avoidance
- R t B 10 – Communication of Risks
- R t B 13 – Excavation Protection – Access and Egress
- R t B 23 – Site Inductions
- Link to Raising the Bar:
- <https://www.gov.uk/government/collections/health-and-safety-for-major-road-schemes-raising-the-bar-initiative>

When it goes wrong ... A31/A34/M40

- Following an inspection by the HSE the PC received a Notification of Contravention (a formal letter) for failure to comply with CDM Regulations – Duties of PC
- A Supervisor for Morrison Utilities Ltd was seen in an excavation whilst an excavator bucket operated in front of him to remove made up ground. The excavation did not have any supports and had not been battered back.
- The system of work was inherently unsafe – the trench was liable to collapse and the bucket of the excavator was liable to strike the Supervisor.
- Further work on this excavation was ceased.

Photograph Detailing Contravention



Duties of Principal Contractors

- All PCs MUST plan, manage and monitor the construction phase in a way which ensures so far as is reasonably practicable, it is carried out without risks to health or safety
- This duty extends to supervising the activities of contractors
- In this instance the Supervisor from Morrison Utilities agreed with the Inspector on site that he had no need to enter the unsupported trench – he could have used a piece of timber to measure the depth of the excavation without entering it
- After this incident the excavator being used was fitted with mirrors and a warning beacon
- Fortunately for the PC no statutory notices were served but remember HSE interventions are now charged for at £124 per hour!

All Inspectors and Sites are Different

- A contractor working on the A61 near Barnsley was served with a Prohibition Notice following an HSE inspection
- Workers were observed working in an unsupported trench of over 1 m where there was a risk of collapse
- Again CDM Regulations were contravened and listed on the notice
- Plus the Inspector sited failures under the Health & Safety at Work Act section 3 (1) duties to other persons not in the contractors direct employment
- A charge for HSE's time was also issued – a Fee for Intervention Notice

Summary

- Highways England as an exemplar client needs to be sure that utilities companies are operating safely on the network
- Utilities are experts in their own technical spheres but clearly there have been some serious safety issues experienced in the last 6 months primarily with unsafe excavations and plant operation
- Closer focus on safe arrangements with utilities is needed and lessons learned shared across the organisation
- Excavations should only be entered where they are supported and where there is an absolute requirement to enter them
- Plant operation in close proximity to people needs to be minimised and controlled where it is unavoidable by having a Safe System of Work. This might include the use of signallers, ensuring a level of competency training, improved crew communication, mirrors, proximity sensors etc.
- For further guidance contact your H&S Business Partner