

## CABINET

18 September 2012

<b>Title:</b> Highways Investment Programme 2012 - 2014	
<b>Report of the Cabinet Member for Environment</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> Yes
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<b>Accountable Divisional Director:</b> Robin Payne, Divisional Director of Environment	
<b>Accountable Director:</b> Darren Henaghan, Corporate Director of Housing and Environment	
<p><b>Summary:</b> The Council has made a firm commitment to improving the public realm of the borough through localised schemes to improve shopping parades, road safety schemes and most significantly through the Highways Investment Programme (HIP).</p> <p>In 2009 the Highways Investment Programme invested £22million over three years improving road and footway condition in 9 geographic areas. The impact on highway condition and the look and feel of these areas has been very positive.</p> <p>Nevertheless the investment coincided with three of the most severe winters on record. This extreme weather resulted in faster deterioration of road condition across the highways network, especially in areas of heavy traffic use.</p> <p>An assessment of highway condition shows that we now have a number of roads which will require urgent investment over the next 2years. These are roads that currently have a Highway Condition Index of 70+ or are anticipated to deteriorate to this condition in the next 2 Years. The Highway Condition Index is used by highway authorities to assess the need for repair. Values of 70+ show that there is a requirement for significant work to be undertaken. We do not have sufficient Capital funding available to programme in the resurfacing of every carriageway. We have £6 million allocated from Capital between 2012 and 2014 to fund resurfacing of the carriageways most in need of reconstruction or repair. Based on this information we have therefore prioritised the worst roads and established a programme to implement the resurfacing works. This will not result in the entire highway being brought up to standard but it will impact on areas borough wide.</p>	
<b>Recommendation(s)</b>	
The Cabinet is recommended to agree:	
(i) The allocation of £6 million to deliver priority highway maintenance works during 2012/13 and 2013/14 to the carriageways listed in Appendix A to the report; and	

- (ii) That the Corporate Director of Housing and Environment, in consultation with the Cabinet Member for Environment, be authorised to amend the priority list if other roads in the Borough deteriorate to such an extent as to be considered appropriate for inclusion.

**Reason(s)**

The Council has a responsibility to maintain the Public Highway Network. A Capital budget of £6million has been allocated to manage a resurfacing programme for the next 2 years.

By preparing a programme of major works between 2012 and 2014 the highway condition will be improved. The Highways Asset Management database will be reviewed to reflect these improvements and improve the Councils response to major defects in terms of temporary and/or localised repairs.

**1. Introduction and Background**

- 1.1 The Council has made a firm commitment to improving the public realm of the borough through localised schemes to improve shopping parades, road safety schemes and most significantly through the Highways Investment Programme.
- 1.2 In 2009 the Highways Investment Programme invested £22million over three years improving road and footway condition in 9 geographic areas. The impact on highway condition and the look and feel of these areas has been very positive.
- 1.3 Nevertheless the investment coincided with three of the most severe winters on record. This extreme weather resulted in faster deterioration of road condition across the highways network, especially in areas of heavy traffic use.
- 1.4 The Council is responsible for the condition of the Principal Road Network. These roads can be considered as the main roads through the Borough but exclude the A13, A406 or A12 which are trunk roads and the responsibility of the Department of Transport/ Transport for London. Transport for London allocates funding each year to maintain their roads. This is managed through the Local Implementation Plan.
- 1.5 Due to successful bids for funding from Transport for London over many years, our Principal Road Network is amongst the best in London. This means that the Council very rarely uses Council funding on these roads – and there are no plans to do so in the near future.
- 1.6 An assessment of highway condition shows that we now have a number of roads which will require urgent investment over the next 2 years. These are roads that currently have a Highway Condition Index of 70+ or are anticipated to deteriorate to this condition in the next 2 Years. The Highway Condition Index is used by highway authorities to assess the need for repair. Values of 70+ show that there is a requirement for significant work to be undertaken.

**2. Proposed programme**

- 2.1 As well as carriageways there is a number of footways borough-wide that would benefit from reconstruction. However, the £6 million capital allocation we have been

given would not allow us to cover the same distance in footways as we can for carriageways. Reconstructing a footway is more expensive than carriageway resurfacing. The risk of insurance claims from not reconstructing footways is mitigated through a cyclical programme of safety inspections which identify and rectify any footway defects that pose a safety hazard. Reactive repairs to footways are funded from the highways reactive budget.

- 2.2 A programme of work has been created and is attached at Appendix A. The selection of carriageways was from the intelligence we have gained from safety inspections. These are carried out on a cyclical programme. The inspections showed roads that were in need of resurfacing following several attempts to patch them. Further patching would not be cost effective. Roads close to schools were given priority; these also tend to be very heavy traffic areas. Finally the construction of the road surface was considered. Our highways are constructed differently and using different materials depending on when the houses and infrastructure were built. For example in some areas where the carriageway is of concrete construction the life can be prolonged by sealing the cracks in the concrete and this reduces further deterioration. In turn this allows us to manage the Capital allocation over a wider area of the borough's highways.
- 2.3 The programme breaks the roads down by ward so that it is clear how the allocation of capital is being spent in each area of the borough. Appendix A outlines the programme in order of the works to be carried out. It outlines the costs involved per road but it should be noted that some roads span two wards. Costs are based on quotes calculated from the schedule of rates with the term contractor for planned highways maintenance. They are a worst case scenario as a true cost cannot be agreed until the work on each location begins. All work carried out will be project managed by the Capital Delivery Unit and actual costs will be monitored through the Capital Programme Management Office (CPMO). The quotes include the cost of the project management and traffic management.
- 2.4 It should be noted that each year in November the items within the term contracts schedule of rates will be inflated in accordance with the Baxter's increase. The Baxter's increase is the annual government uplift in fuel and oil costs that the industry applies to contracts so that schedules of rates are adjusted. Therefore, the costs will increase over the two year programme but this has been taken account of.
- 2.5 The specification for works is a 100ml plane off and a resurface with an appropriate surface course and binder course where necessary. All carriageways are anti-skid. In some cases the carriageways may need less of a plane and this will reduce costs and allow us to review the programme. To ensure we achieve value for money and to cut down on maintenance costs, there are no plans to use Redmack (red tarmac) as was used in the previous Highways Improvement Programme (HIP) programme. Redmack is more expensive to lay and then subsequent maintenance is more costly.
- 2.6 In order to make the best possible use of the capital investment and to ensure the area is uplifted additional works will take place as part of the programme. For example we will consult residents in roads that have speed humps to gain their thoughts on replacing them and won't simply assume they are needed. We will also increase road safety by implementing road markings, parking bays, parking

restrictions i.e. double yellow lines. We will also seek to reduce street clutter by marking on the carriageway speed limits e.g. 20 MPH and ensure that other street furniture is in a good condition as part of the works. Additional work to the programme such as creating parking capacity will be explored and funding will be sought e.g. parking on housing land funded from HRA.

- 2.7 The CPMO panel will have to give agreement to the programme before finance will allocate cost codes. The CPMO then monitor the budget monthly. Regular updates will be brought to the portfolio holders meeting so that progress is updated. A governance structure will be established so that the programme is properly managed. Once the programme is agreed with Members a delivery schedule will be agreed with our term contractor for planned highways. We aim to start work as soon as there is the appropriate agreement in place.
- 2.8 A communications project will run in tandem with the programme to describe the works underway in a wider context and to demonstrate the Councils commitment to invest in the highway. There will also be storyboards on display when contractors are working to give information to residents and visitors on the work that is underway.

### **3. Options Appraisal**

#### **3.1 Option 1 - Prioritise the roads in the worst condition**

This option means that every ward in the borough is considered for the programme based on the criteria set out for highway condition surveys. It is a fair method for allocating the spend and ensures that areas residents complained about most are dealt with. The down side of this option is there is insufficient funding to resurface every road so some will remain in a poor condition although the worst will be put right. This is the preferred option.

#### **3.2 Option 2 – Pick areas of the borough regardless of condition**

This option means that a ward or geographical area is invested in to bring the highways (foot and carriageways) to the same standard and to the same look and feel. This option is liable to have a greater impact on some neighbourhoods but would be liable to leave some of the worst roads in the borough in a dangerous condition.

#### **3.3 Option 3 – Do nothing**

This is not really an option as the Council as the Highways Authority has a duty to maintain its highways to a certain standard. To knowingly leave a highway in a poor condition would leave the Council liable to insurance claims from motorists and residents.

### **4. Consultation**

- 4.1 Consultation has taken place with the Cabinet Member for the Environment, Cllr McCarthy over a period of weeks. All options for spending the Capital award were considered and the list refined to reflect the worst roads throughout the borough adjacent to schools.

## 5. Financial Implications

Implications completed by: Jo Moore, Finance Manager

- 5.1 The Highways Improvement Programme has already been approved by Cabinet for 2012-14 to spend a total value of £6m (£3m per year). The budget is to invest in planned maintenance of resurfacing and reconstruction works on the roads in the borough that are in the worst condition. The £6m budget is to be funded from corporate borrowing.
- 5.2 Appendix A is a list of the detailed programme of prioritised works which need to be carried out. The total value of the works to be agreed should not exceed the allocated £6m although the report requests flexibility in terms of which roads are given priority based on their conditions. About 50% of the works is proposed to be carried out in 2012-13 (£3m), with the highest value schemes accounting for about £2.8m over the two years on both needy roads and those ready for intervening preventative treatments that extend their structural life.
- 5.3 The term contractor for planned highways had been appointed in November 2011, and the contract is expected to run until May 2014 at which point the council will have the option to extend the contract or re-procure. The contract allows for an annual indexation of the schedule of rate costs based on the Baxter's index. The estimated expenditure at Appendix A is based on a historic average Baxter's annual indexation and there is a risk that the actual indexation is higher. However, the estimated costs are based on worst case cost scenarios which should offset any indexation risk. If actual costs are higher than those estimated at Appendix A then subsequent schemes may need to be revised.
- 5.4 The total investment required for roads which have a Highway Condition Index of 70+ or are anticipated to deteriorate to this condition in the next 2 years, will not be available until a full survey has been done and a Highways Asset Management Plan (HAMP) is created. It is not possible therefore to provide any financial information as to total investment requirement compared to budget available.
- 5.5 LBBD contributes £392k revenue funding every year into reactive maintenance of the roads under a third party contract (currently with our term reactive highways contractor). Approximately 1/3 of this is for localised carriageway repairs and 2/3 for footpath repairs, maintenance and improvements.
- 5.6 In addition to this the Council has an in house reactive highways team (DLO) which also undertakes highways and footways repairs. The DLO budget is currently £ 300k and currently around 5% of their time is spent on highways repairs and 20% on footpaths. This equates to around £15,000 and £60,000 respectively.
- 5.7 In previous years, the council has benefited from additional emergency revenue funding from Department for Transport (£199k in 11-12) for winter maintenance which has enabled additional works to be carried out in terms of reactive maintenance. Department of Transport has not confirmed if similar funding will be made available in 12-13 or in the next two years.

## 6. Legal Implications

Implications completed by: Paul Field, Senior Lawyer

- 6.1 The Council is a Highways Authority under the Highways Act 1980 ("Act"). Section 41 of the Act places a duty on the Council to maintain the highways for which it has a responsibility. In addition the common law expects the Council to ensure that the highway is in a safe condition. The Highways Investment Programme is a vital element of satisfying the duty.
- 6.2 As there are a great many miles of highway and footpath in the borough potentially there is a risk that there may develop at least in part road surfaces which present a danger. To minimise this risk highway inspections are carried out and plans of works are devised. The Act at section 58 provides a statutory defence to claims of failure to maintain if a Highways Authority can show it has taken such care as is reasonable so as to ensure that the part of the highway where a claim has been made was not dangerous.
- 6.3 In determining whether the Council has taken reasonable care; courts will consider the character of the highway, the traffic which uses it; the standard of maintenance appropriate for that highway; the state of repair in which a reasonable person would have expected to find the highway and whether the highway authority knew, or could reasonably have been expected to know, that the condition of the highway was likely to cause danger. If it is not possible to repair that part of the highway immediately warning signs are expected to be displayed.
- 6.4 It is therefore of vital importance to have systems for inspections and prioritisation of repairs and maintenance which is one of the key purposes of the Highways Improvement Programme (HIP), as without managing the condition of the highway network there could be an increase in insurance claims that could not be defended.

## 7. Other Implications

- 7.1. **Risk Management** - A risk log will be considered as part of the CPMO process for managing the Capital project. All risks associated with the delivery of the project will be considered and mitigating actions will be applied and presented to the panel.

However if the preferred option is not taken then there is an increased likelihood that claims resulting from poorly maintained highway will rise in number and the ability to defend those claims will be reduced as we had not prioritised on condition.

- 7.2. **Contractual Issues** - The works will be carried out by the term contractor for planned works Marlborough Highways. This contract was awarded on the 1<sup>st</sup> November 2011. It is due to expire in 2014 but there is provision to extend for a further 2.5 years or to procure another contract under the Pan London project with East London Solutions.
- 7.3 **Staffing Issues** - There are no implications for staff. Management of the programme will come from the existing resources in Highways and Capital Delivery Unit.
- 7.4 **Customer Impact** - The impact on customers is around the disruption to residents whilst work is underway on the carriageways. This will be managed through a

communications plan which will ensure residents are given adequate notice and information on the planned works. The footpaths will not be affected for pedestrian access but we will ensure there is adequate traffic management put in place in accordance with Chapter 8 New Roads and Street Works Act to maintain the safety of residents.

- 7.5 **Safeguarding Children** - The programmed works are all around school sites. This will ensure the safe passage of children and parents into school and will mean less risk of potholes occurring that can lead to accidents if left to grow.
- 7.6 **Health Issues** - The programmed works on the carriageway will be beneficial to residents, businesses and visitors to the borough. The resurfacing of carriageways will ensure the safe passage of vehicles and pedestrians and will mean less risk of potholes occurring that can lead to accidents if left to grow. Through consultation the possible effects of not repairing footways was raised as a concern given pedestrians can be subject to trips and falls from pavement defects. 560 people were admitted to hospital last year after having a fall outside the home. At least 70 of these were known to be a fall on a street or highway. Many more falls will have occurred in people who may have sought medical care but were not admitted. Not only is this a cost to the individual but there may be wider societal costs in the form of loss of employment, litigation and ongoing care needs.

The issue of footway parking was also raised as this affects the available space for pedestrians to move freely along the highway i.e. those with prams or who use wheelchairs, motor scooters etc. and can cause damage to footway structure. Conversely, the work undertaken in Barking Town Centre and the Heathway to put in place assessable footways has already made improvements for those members of the community less mobile or blind / partially sighted.

- 7.7 **Crime and Disorder Issues** - The programme of works on the carriageway will not directly affect crime and disorder. However, the visual impact on the perception of an area being well maintained and therefore a safer place to be in can be factored in as a benefit.
- 7.8 **Property / Asset Issues** - The highway is a Council asset and as such this programme of capital funding will impact on the maintenance of that asset.

#### **Background Papers Used in the Preparation of the Report:**

- Highways Act 1980
- Well Maintained Highways – Code of Practice for Highway Maintenance Management

#### **List of appendices:**

Appendix A – Programme of works