



REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE ON 10 SEPTEMBER 2019

SUBJECT: ROAD ASSET SAFETY INSPECTION POLICY

BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT, PLANNING AND INFRASTRUCTURE)

1. REASON FOR REPORT

- 1.1 To inform the Committee of changes to the policy on road safety inspections to comply with the 'Well-Managed Highway Infrastructure - A Code of Practice' (October 2016).
- 1.2 This report is submitted to Committee in terms of Section III (F) (15) of the Council's Scheme of Administration relating to the function of the council as Roads Authority

2. RECOMMENDATION

- 2.1 **The Committee is asked to recommend, to the Policy and Resources Committee, the adoption of the Road Safety Inspection Policy to fulfil the requirements of the Code of Practice in implementing a risk based approach.**

3. BACKGROUND

- 3.1 The Roads (Scotland) Act 1984 states that a local roads authority shall manage and maintain all such roads in their area that are included in the list of public roads held by the authority. These are commonly referred to as "adopted roads" and the inspection policy referred to in this paper applies only to these.
- 3.2 The policy does not apply to Trunk Roads, which are the responsibility of the Scottish Ministers and currently maintained by BEAR Scotland.
- 3.3 The Council's current inspection policy, approved on 13 March 2012, was prepared in accordance with the previous guidance contained in "Well-Maintained Highways' the Code of Practice for Highway Maintenance Management" however the new "Well-Managed Highway Infrastructure - A Code of Practice" (October 2016) recommends a risk based approach to

managing all aspects of the road network which includes inspection and repair.

- 3.4 Within the new Code of Practice, one of the recommendations is that roads authorities should adopt a Risk Based Approach to all aspects of road maintenance. This policy specifically relates to a risk based procedure for conducting road safety inspections - the area of service that results in the greatest number of insurance claims against the Council.
- 3.5 A Risk Based Approach is also recommended by the Institute of Highway Engineers in their guidance on managing risk and liability, 'Well Managed Highway Liability Risk'
- 3.6 The policy for approval refers to the suite of guidance documents provided by The Society of Chief Officers for Transportation in Scotland (SCOTS) for the management and implementation of road safety inspections, which have been revised to accommodate the local context of Moray. These are:-
- Road Asset Safety Inspections - Strategy
 - Road Asset Safety Inspections – Operations Manual

Both documents can be viewed electronically on CMIS along with the electronic agenda and will be published on the Council's website once approval has been given.

- 3.7 SCOTS has also provided a reference document: SCOTS Rationale for guidance on a Risk Based Approach to Asset Management. This document outlines the approach and rationale for specific content within the guidance. It also details the competencies of those involved in its development.
- 3.8 Road Safety Inspections are designed to identify and make the necessary arrangements for the repair of any defects. This will minimise, as far as reasonably practicable, the exposure to danger or serious inconvenience to users of the road network or the wider community. Such defects include those that require immediate attention, as well as those where the defect locations and nature are such that longer periods of response are possible. Having a robust process for prioritising responses to identified defects is therefore crucial.
- 3.9 It is recognised by the Courts that having a robust inspection regime is the Council's first line of defence in relation to road safety defect claims.
- 3.10 One of the key fundamental changes in adopting a risk based approach is a move away from the prescriptive descriptions of defects (such as pothole depth < 40mm) in previous codes and the tendency for 'worst case scenario' thinking when assigning categories of response. The revised policy includes a risk assessment process whereby a defect is analysed with regard to the context in which it exists. Using a risk matrix tool to evaluate the hazard in terms of the likelihood of encountering it, and then the most probable consequence of doing so, the risk posed is objectively categorised and the corresponding required level of response determined.

- 3.11 As an example, consider two identically sized defects that exist on "Road A". One of those defects is in the centre of the footway, immediately outside the gate to a Primary School while the other defect is at the rear of the footway at the opposite end of the street which is solely residential and has low footfall. Under the current prescriptive regime both of those defects would be considered equal, so categorised with the same priority and allocated the same repair timescale. However, under this new risk based approach, the defect at the school would be assessed as being a greater risk and allocated an appropriate repair category, and the other would be a lesser risk and given a lower (but also appropriate) repair category.
- 3.12 The Council has finite resources for managing and maintaining the road network. As well as its critical safeguarding purpose, the implementation of this risk based approach will improve efficiency and provide greater value for money through more appropriate categorisation of defects and responses based on risk to road users. This is likely to lead to a reduction in the number of reactive repairs and an increase in the number of planned repairs, which are proven to be more cost effective. Adopting this policy should have a positive impact on network road condition in the longer term, assuming current levels of investment are retained.
- 3.13 The Road Safety Inspection methodology allows Councils to demonstrate that their legal responsibilities with regard to the inspection and maintenance of adopted roads are fulfilled. While the number of claims made against the Council may not necessarily be reduced, through the implementation of this risk based policy, the Council will be better placed to defend claims by demonstrating compliance with the current Code of Practice and being in line with SCOTS recommended practice.
- 3.14 The Road Authority must ensure that all Road Asset Safety Inspectors are competent in carrying out safety defect inspections. The policy adopts the SCOTS Risk-based Approach to Safety Defect Inspections Training and Assessment provision for this purpose. Road Asset Safety Inspectors will also receive Institute of Highway Engineers (IHE) accredited training.
- 3.15 Currently, the Council has an adopted road length of over 1,558km and over 599km of footways, footpaths and cycle tracks.
- 3.16 An effective inspection regime requires having an appropriate hierarchy to which the local network assets are categorised. Guidance on the appropriate hierarchy for carriageways, footways and cycle tracks is given in the Code of Practice which this policy adopts. Inspection frequencies are then set for each level of the hierarchy and, as a result, a programme of inspections is developed for the stated asset types.
- 3.17 Performance against set standards for repairing defects is currently reported to Committee. This will continue after the implementation of this policy.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Several objectives of these plans are influenced by the condition of the public roads network.

A Growing, Diverse and Sustainable Economy – the public road network is used by all sections of society, to access shops and services and to transport goods within and to and from Moray.

Building a better future for children and young people in Moray - encouraging active travel options of walking and cycling require well maintained facilities.

Empowering and connecting communities – the road and footway network provides an essential link between communities, and a robust inspection and maintenance regime is vital to its continued safe use.

(b) Policy and Legal

The Council is responsible for the maintenance of over 1558km of roads and over 599km of footways, footpaths and cycle tracks which have been adopted by the Local Authority in terms of the Roads (Scotland) Act 1984 onto the List of Public Roads.

The Act places a duty on the Local Authority to manage and maintain all roads entered on the List of Public Roads but does not prescribe the level of maintenance to be delivered.

The Well-Managed Highway Infrastructure Code of Practice identifies good practice and consideration has to be given to this advice.

(c) Financial implications

There are no financial implications as a result of this report.

(d) Risk Implications

Failure to adopt the proposals and operate in line with the current Code of Practice and the SCOTS recommended guidance would expose the Council to a higher level of risk

Safety defects that represent a medium to low risk to road users will be included in planned programmes. Defects of this nature are likely to remain visible for a longer period of time before repair, which may result in some negative public perception.

(e) Staffing Implications

There are no staffing implications as a result of this report.

(f) Property

There are no property implications as a result of this report.

(g) Equalities/Socio Economic Impact

There are no equalities implications as a result of this report.

(h) Consultations

The Corporate Director (Economic Development, Planning & Infrastructure), Legal Services Manager, Equal Opportunities Officer, Assistant FMS & Banking Manager (Insurance Team), Committee Services Officer (L Rowan) have been consulted and any comments taken into consideration.

5. CONCLUSION

5.1 The recommendations from the new national Code of Practice and guidance produced by SCOTS enables the Roads Maintenance section to implement a risk based approach for road safety inspections and categorise any necessary repairs identified. It is anticipated that this will:

- **minimise the exposure of danger or serious inconvenience to users of the network or the wider community,**
- **mitigate the Council's exposure to risk and enable a robust defence to claims of loss,**
- **ensure compliance with Statutory requirements and**
- **increase best value by reducing the number of defects allocated to the incorrect category/priority and potentially increase the number of planned repairs.**

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Background Papers:

Ref: