



Growth, Housing and Environment

## Road Works and Events (Jersey) Law 2016

### Road Works Permit Fee Policy

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**Includes fees to be applied from 1<sup>st</sup> January 2021**



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## 1 Introduction

The Road Works and Events (Jersey) Law 2016 came into force on January 1st 2018. The Law creates for the first time a comprehensive framework for the control and management of road works on the Island's public roads.

Under the RWEL, the Island's 13 highway authorities (i.e. Government of Jersey's' Growth Housing and Environment and Parishes) have a 'network management duty' covering the 'expeditious' movement of traffic, safety, minimising inconvenience (having particular regard to people with a disability), the need to protect the structure of the road and apparatus in it.

'Article 13(1)' of the Law states:

*"A person who wishes to carry out [road] works shall apply to the relevant highway authority for a permit."*

Applications should be made for both original works and any follow-on works, such as final reinstatement works (i.e. if the original works involved an interim reinstatement) or making good works (i.e. if a reinstatement is found to be defective).

'Article 13(6)' of the Law states:

*"A person who makes an application [for a road works permit] shall pay such fee [to the relevant highway authority] as the Minister [for Infrastructure] may prescribe [by Order<sup>1</sup>]."*

'Article 16(4)' of the Law states:

*"An application [to vary a permit] .... shall.....be accompanied by such fee as may be prescribed."*

These fee provisions are intended to provide highway authorities with a means of recovering costs associated with the management and administration of road works. The introduction of road works permit fees will commence from 1<sup>st</sup> January 2019 and will apply to applications thereafter.

### **The management of road work permit fees**

The management of fees will be via the Island's road works management system 'Trafficworx', administered by Growth Housing and Environment. This policy document outlines the rules that the Trafficworx system will apply when calculating fees along with billing arrangements.

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<sup>1</sup> Road Works (Permit Fees) (Jersey) Order 2019

## 2 Types of work that will be charged a Permit Fee

The following road works types will be charged a permit fee:

- **Undertaker Works**: Works (other than emergency and urgent works – see Section 3) for or by a utility company, the drainage authority, or a private apparatus owner (working under a ‘Highway Law License’) in order to place, inspect, maintain, repair, replace or remove electricity, gas, telecoms, water and sewerage infrastructure (termed “apparatus”). Often this involves the ‘breaking up’ or ‘excavation’ of the road, which then requires reinstatement.
- **Specified Road Works**: Work activities (not undertaker works or highway authority works) which create an obstacle or potential hazard to road users. The list of controlled activities is set out in the ‘Road Works (Specified Road Works) (Jersey) Order 2018’. While some of them always need a ‘road works permit’ (and a fee), others only need one if, in the highway authority’s view, the particular circumstances require the closure of a road, or the use of temporary traffic control, or the closure of a footway. Details of the work activities and the circumstances under which a permit is required (and a fee payable) are set out in the table below:-

<b>Works that <u>ALWAYS</u> require a road works permit</b>
<p>a. constructing or modifying an entrance for vehicles (temporary or permanent)</p> <p>b. operating a mobile crane</p> <p>c. placing or removing scaffolding on or from a road (excluding mobile scaffolding)</p> <p>d. placing or using skips on a road</p> <p>e. road side stabilisation works such as netting, pinning, rock bolting, cutting and clearing on road side slopes, banks or rock faces</p> <p>f. storing building materials on a road</p>
<p><b>Works that <u>ONLY</u> require a road works permit if (in the highway authority's view) require a road closure, the use of Temporary Traffic Lights, Stop &amp; Go Boards, Give &amp; Take or similar, or the closure of a footway.</b></p>
<p>g. cleaning the exterior of premises (other than domestic premises)</p> <p>h. constructing or repairing a wall on the side of a road</p> <p>i. construction or maintenance work on a building (excluding the cleaning of the exterior of a building)</p> <p>j. loading or unloading scaffolding (excluding mobile scaffolding) for use other than on a road</p> <p>k. survey works for any activity falling within the definition “road works”</p> <p>l. using equipment to pump concrete</p> <p>m. using scaffolding on a road (excluding mobile scaffolding)</p> <p>n. tree felling other than hedge trimming and branchage</p> <p>o. using a mobile elevated platform on a road to carry out road works (including mobile scaffolding)</p>

### 3 Types of work that will Not be charged a Permit Fee

The following road works types will **not** be charged a permit fee:

- **Highway Authority Works**: Works for or by the highway authority in order to maintain or improve the road and its associated infrastructure, including road drainage.
- **Emergency [Undertaker] Works**: Works carried out by an undertaker to prevent, or put an end to, circumstances where danger to persons or damage to property exists or is imminent. Such works do not require a permit.
- **Urgent [Undertaker] Works**: Works carried out by an undertaker to prevent, or put an end to, an interruption of supply or service (along with any substantial financial loss). Such works do not require a permit.
- **Other Exempt Works**: The Minister for Infrastructure can prescribe by Order certain road works as exempt from the requirement to have a permit, provided they don't involve digging or closing a road, or the use of portable traffic signals. No exemptions have currently been made.

## 4 Standard Permit Fees

The following inflation adjusted (2.5%) permit fee structure was approved by the Government of Jersey's Treasury in November 2019 to apply from 1<sup>st</sup> January 2020 and includes three components:

1. Basic Fee
2. Variation Fee
3. Reinstatement Administration Fee

Table 1: Standard Permit Fees

Permit Variables	Traffic Impact Level	Duration	Fee £
		(calendar days)	
Basic Fee	Very High	>10	£273.16
		4 - 10	£252.15
		Up to 3	£231.14
	High	>10	£210.13
		4 - 10	£189.11
		Up to 3	£168.10
	Medium	>10	£147.09
		4 - 10	£126.08
		Up to 3	£105.06
	Low (most by-roads)	>10	£84.05
		4 - 10	£63.04
		Up to 3	£42.03
Variation Fee / Cancellation Fee			£36.78
Reinstatement Administration Fee	1 <sup>st</sup> 50m <sup>2</sup>		£105.06
	each additional 100m <sup>2</sup>		£52.53

NB: Fees for fixed scaffolding see 'Section 0' below.

## 4.1 Basic Fee

The ‘basic fee’ will be charged when a permit is approved by a highway authority. The fee is calculated by the Trafficworx system based on an assessment of the traffic impact of the works (see ‘Section 4.1.1’) and the permit ‘duration’ in calendar days. The permit duration will be taken to be the time between the permit’s start date (being the date specified in a permit on which the road works may start) and the permit’s end date (being the latest date specified in a permit on which the road works must be completed).

The basic fee will be recalculated whenever these two basic factors change, either by the highway authority approving a permit variation request (see ‘Section 0’), or on submission of a late ‘notice of completion’ (see ‘Section 4.3’).

### 4.1.1 Traffic Impact Assessment

The Traffic Impact Assessments (TIAs) carried out by the Trafficworx system are based on the assessment decision diagrams found in ‘Appendix 1’ (taken from the GHE document ‘Directions for the Control and Management of Road Works) for the two basic traffic management types:

- Type A: Road closures, one way systems and contra flows
- Type B: Road side restrictions, single file traffic and lane reductions (e.g. dual carriageways, etc.)

The assessment takes into account the traffic importance of the road affected, the required traffic management type, daily timing and whether the works are in school term time. Scoring is from very high, high, medium, or low.

### 4.1.2 Split Highway Authority Works

When a single works project affects roads administered by two or more highway authorities, for example works involving a Government main road and a Parish by-road, or two by-roads, only a single ‘basic fee’ will be applied and that income accrued to whoever is ‘Highway Authority 1’. The rules used by Trafficworx as to who is ‘Highway 1’ are set out below.

<b>Application Inputted by (IN System) Promotor</b>	<b>Application Inputted by Highway Authority</b>
A) HA1 = GHE if main road also selected, or B) HA1 = Parish with highest TIA assessment, or C) HA1 = Random selection	HA1 = HA that inputted application, <u>But</u> If a Government main road is also selected then GHE is able to ‘take control’ of application process.

### 4.1.3 Shared Working

There is no ‘automatic’ fee reduction for shared working, i.e. where one set of works occurs within the traffic management of another set of works (e.g. a road closure).

## **4.2 Permit Variation Fee**

Any requests to vary a work parameter requiring permit amendment (e.g. changes to traffic management, work timing or duration, etc.) will incur a set fee, subject to the variation being approved by the highway authority.

### **4.2.1 Split Highway Authority Works**

When a single works project affects roads administered by two or more highway authorities, only a single Variation Fee will be applied and that income accrued to whoever is 'Highway Authority 1' (see table in 'Section 4.1.2').

## **4.3 Notice of Completion (Basic and Variation Fees)**

A notice confirming completion of the works must be given as soon as it is reasonably practical after the works are cleared from the road. The notice should be given directly via the Trafficworx system, or Mobileworx app, if this is not possible then by calling or emailing the relevant highway authority.

The notice must be submitted to the highway authority no later than 10.30 am the next working day (i.e. Monday to Friday, excluding public and bank holidays) after the permit end date.

If the 'notice of completion' is submitted after this deadline then for the purposes of calculating the 'basic fee' the 'duration' of the works will be taken to be the period from the permit's start date until the date that notice is given. A 'variation fee' will also be charged (see 'Section 0').

## **4.4 Reinstatement Administration Fee (Undertaker Works)**

Works involving a road's surface to be 'broken up' will have added to the 'basic fee' (see 'Section 0') an additional sum to cover administration costs associated with the inspection of the road's reinstatement while under its guarantee period (3 years). The sum, which is based on the area of the reinstatement, will be calculated by the Trafficworx system on 'registration' of reinstatement details. This sum is separate to any permit fees that might arise due to 'making good works' being carried out by the work promoter, should a defect be identified following inspection.

**Further Information:** Under the RWEL's 'Article 31' when a road's surface has been 'broken up' to carry out works, it must be reinstated and the details of that reinstatement registered with the relevant highway authority within 5 working days of the work's completion. Registration should be carried out via the Trafficworx system, or Mobileworx app, if this is not possible then by emailing relevant details to the relevant highway authority. Unless the reinstatement is an 'interim' it will enter a 3 year performance guarantee period during which time the highway authority may carry out periodic inspections. Any defects identified during this period must be made good at the work promoter's expense.

#### 4.4.1 Split Highway Authority Works

When a single works project affects roads administered by two or more highway authorities (e.g. a main road and a by-road, or two by-roads), the 'reinstatement administration fee' will be calculated and charged per highway authority.

#### 4.4.2 Exemptions from Reinstatement Administration Fee

- Temporary and Interim Restorations: Will not be subject to a 'reinstatement administration fee'. The fee will apply to the permanent reinstatement works that follow.
- Iron Work: Replacement of frames or repair of immediate road surrounds will not be subject to a 'reinstatement administration fee'.
- Powers of relevant highway authority to carry out reinstatement or making good works: Where the highway authority serves notice under 'Article 35' of the RWEL that it will carry out reinstatement or making good works (and will therefore relieve the undertaker of their reinstatement duty or making good duty) then the 'reinstatement administration fee' will not apply.

## 5 Fixed Scaffolding Fees

Fixed scaffolding placed in or on a road will be subject to an amended version of the standard fee structure (see *Table 1: Standard Permit Fees*). The term ‘fixed scaffolding’ does not include the use of ‘mobile scaffolding’ or ‘mobile elevated platforms’ which is subject to the standard fee structure (see ‘Section 4’).

*Table 2: Fixed Scaffolding Fees*

<b>Permit Variables</b>	<b>In-situ Traffic</b>	<b>Duration</b>	<b>Fee £</b>
	<b>Impact Level</b>	<b>(calendar days)</b>	
Basic Fee	Very High	> 100	£273.16
		31 – 100	£252.15
		Up to 30	£231.14
	High	> 100	£210.13
		31 to 100	£189.11
		Up to 30	£168.10
	Medium	> 100	£147.09
		31 to 100	£126.08
		Up to 30	£105.06
	Low	> 100	£84.05
		31 - 100	£63.04
		Up to 30	£42.03
Variation Fee / Cancellation Fee			£36.78
In-situ Scaffold Administration Fee per 30 day period (or part thereof) in which all or part of the scaffolding is in place*	<b>Scaffold length (meters)</b>		
	Up to 10m		£21.01
	11m to 30m		£31.52
	31m to 100m		£42.03
	101m to 200m		£63.04
	>200m		£84.05

\*This currently applies only in the Parish of St Helier

With the exception of the following ‘fixed scaffold’ specific policy provisions, fees will be administered in accordance the standards fee structure (see ‘Section 4’), as applicable.

### **5.1 Basic Fee**

The ‘basic fee’ assessment for ‘fixed scaffolding’ is based on the traffic impact (see ‘Section 4.1.1’) of the ‘in-situ scaffolding’, rather than any traffic changes needed to install and dismantle the scaffolding. The permit duration will be taken to be the time between the permit’s start date (being the date specified in a permit on which the scaffolding may be placed in or on the road) and the permit’s end date (being the latest date specified in a permit on which the scaffolding may be in or on the road). Fees will be recalculated as per ‘Section 4’.

### **5.2 Monthly Scaffold Administration Fee**

Where (in the view of the Minister for Infrastructure) a sufficiently comprehensive periodic monitoring and recording regime is in place (currently this only applies to scaffolding inside the Parish of St Helier), then a monthly administration fee can be applied to the ‘in-situ’ scaffolding by the highway authority per 30 day period (or part thereof) in which all or part of the scaffolding is in place.

### **5.3 Alterations to In-Situ Fixed Scaffolding**

Any alteration works to ‘in-situ’ fixed scaffolding (placed in or on a road) that requires the use of additional space in the road or a change in traffic management to that authorized by the fixed scaffold’s original permit, may be subject to a further permit requirement (at the highway authority’s discretion) and applicable fees (see ‘Section 4’).

## 6 Waivers and Cancellations

### 6.1 Waivers

#### 6.1.1 Missed Deadlines by Highway Authority

The basic fee will not be charged if a highway authority fails to return a permit application decision within the response deadline, to either:

- approve or reject the application
- request more information
- make an alternative proposal

However, this waiver does not apply to 'late applications', when a promoter applies after the minimum notice period. See [Appendix 3: Minimum Application Periods and Deadlines](#)

#### 6.1.2 Refusal of Permit or Variation

When an application for a permit or variation is refused there will be no fee.

#### 6.1.3 Revocation of Permit

No fee will be charged for the revocation of a permit when the permit is revoked on the highway authority's initiative, except where the reason was due to any action or omission on the part of the promoter which would amount to a criminal offence under the RWEL.

#### 6.1.4 Variation of Permit at Highway Authority's Initiative

No fee is payable for permit variations initiated by the highway authority, unless, at the same time, the promoter seeks variations which are not the result of the circumstances causing the authority's action. In that case a variation fee would be payable.

#### 6.1.5 Suspension of Permit

There will be no change to the fee in circumstances where a permit is suspended, or subsequently varied by the Highway Authority.

#### 6.1.6 Highway Authority Discretionary Waivers

Provision is made for discretionary waivers where it is deemed appropriate by the relevant highway authority. The waiver and its reasons must be recorded in the Trafficworx system.

### 6.2 Cancellations

#### 6.2.1 When the permit has not yet been approved

No fees will be charged when an applicant cancels or withdraws an application prior to highway authority permit approval.

### 6.2.2 When the permit has already been approved

If the highway authority has already approved the permit (i.e. prior to the cancelation) then the following rules will apply:

#### *Works with a Traffic Impact Assessment that is 'Low or Medium'*

- If the cancelation occurs by 10.30am of the last working day (i.e. Monday to Friday, excluding public and bank holidays) proceeding the permit's start date then a 'cancellation fee' will be charged (and no other fee).
- If the cancelation occurs after 10.30am of the last working day (i.e. Monday to Friday, excluding public and bank holidays) proceeding the permit's start date then the 'basic fee' will be charged (and no other fee).

#### *Works with a Traffic Impact Assessment that is 'High or Very High'*

- The 'basic fee' will be charged (and no other fee).

### 6.2.3 When works have already started

Works that have already started may not be cancelled and should follow the normal 'notice of completion' (see 'Section 4.3') and reinstatement registration (see 'Section 4.4') procedures. All normal fees will apply.

## **7 Fee Billing and Settlement Arrangements**

### **7.1 Finalised Fee Calculation**

The Trafficworx system only calculates the total fees owed once the works are confirmed as completed and all relevant details are finalised. This happens when the work's promoter submits either a 'notice of completion' (see 'Section 4.3'), or if the work involved breaking up a road, then on subsequent 'registration' of the reinstatement (see 'Section 4.4s'). At this point, unless an exemption has been applied by the highway authority, finalised fees are put forward for invoicing in the next billing cycle, as set out in 'Section 7.2' below.

The total fee calculation will take into account all fee types applicable to the permit as set out above.

### **7.2 Billing Information Export**

At the beginning of every month the Trafficworx system will batch together all finalised fees associated with a particular work promoter, along with their total invoice amount. The system will then export to each highway authority a single encrypted CSV file with all relevant billing information for all works finalised in the previous month. In the case of the Government of Jersey, invoicing will be undertaken by the 'Accounts Receivable Team'. Parishes will produce and send their own invoices.

### **7.3 Who Will Be Billed?**

In the case of undertaker works (carried out under a statutory power) billing will be directed to the utility company, etc., even if the permit application is made by a third party (contractor) on their behalf. In the case of other forms of road work, billing will be directed to the permit applicant.

### **7.4 When a Highway Authority Delegates its Role**

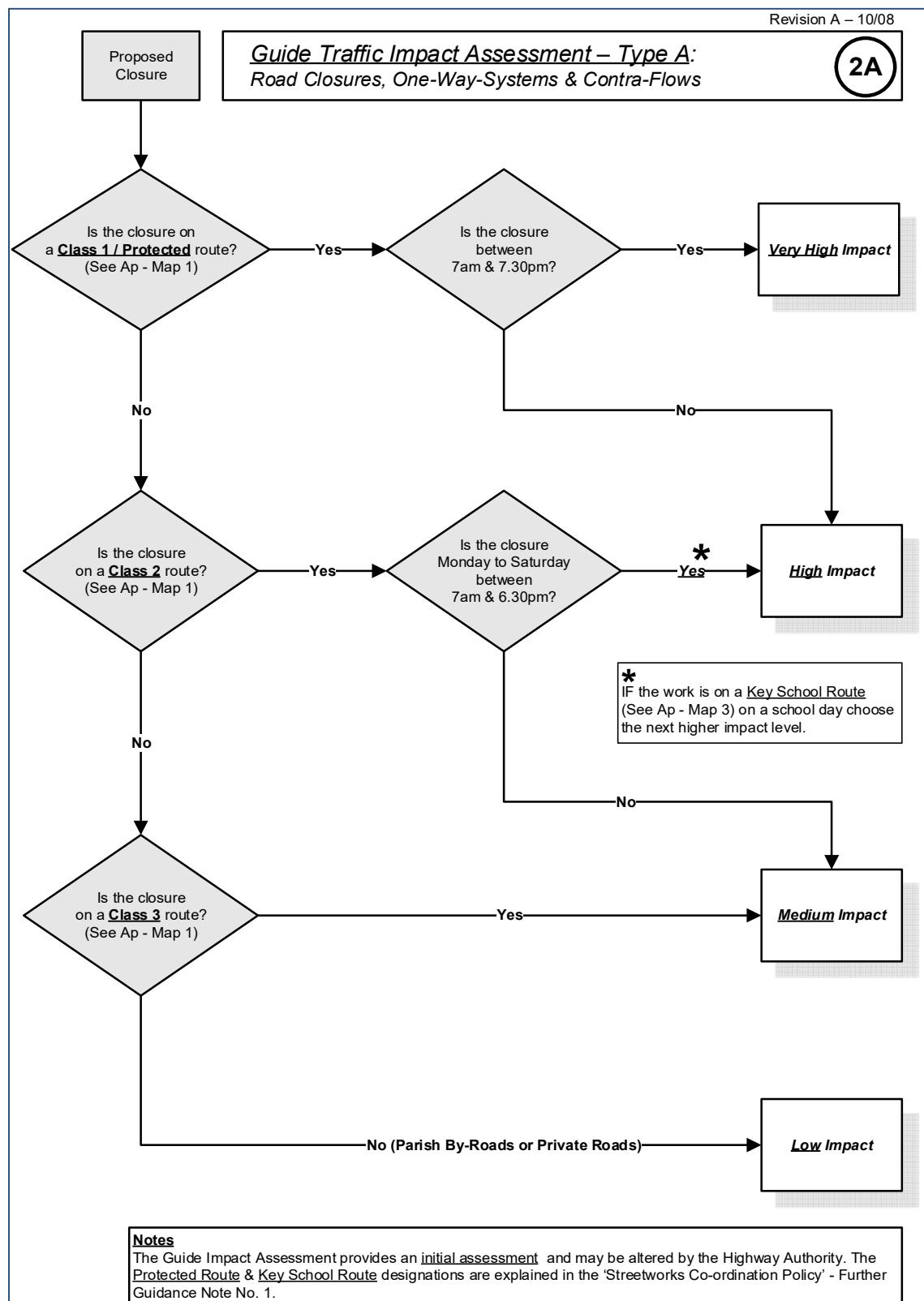
Under 'Article 3(4)' of the RWEL, when a highway authority has delegated a function to another highway authority, any fee otherwise accrued to the first highway authority will go to the second highway authority carrying out the delegated function. For example, the Government of Jersey have delegated the administration of skip and scaffolding permits in St. Helier to the Parish.

### **7.5 Annual Review of Permit Fees**

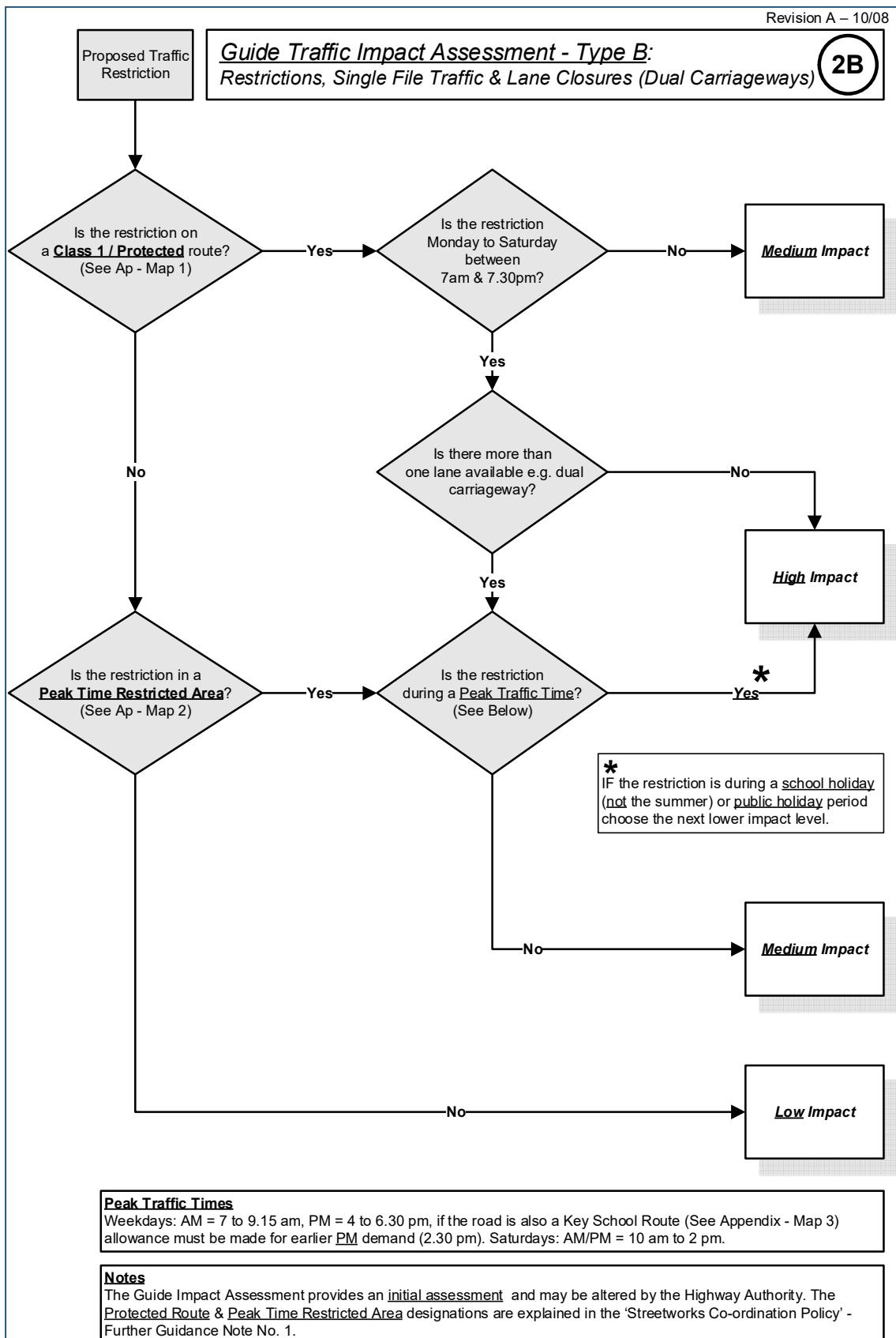
The Government of Jersey's Treasury have agreed that the income generated by the Island's highway authorities from road work permit fees will be recalculated at the end of each year to take account of cost changes, for example adjustments for inflation and road works activity level trends. A new Order under 'Article 13(6)' of the RWEL will be made incorporating such changes and will take effect from the beginning of January in the following year.

## 8 Appendix 1 – Traffic Impact Assessment

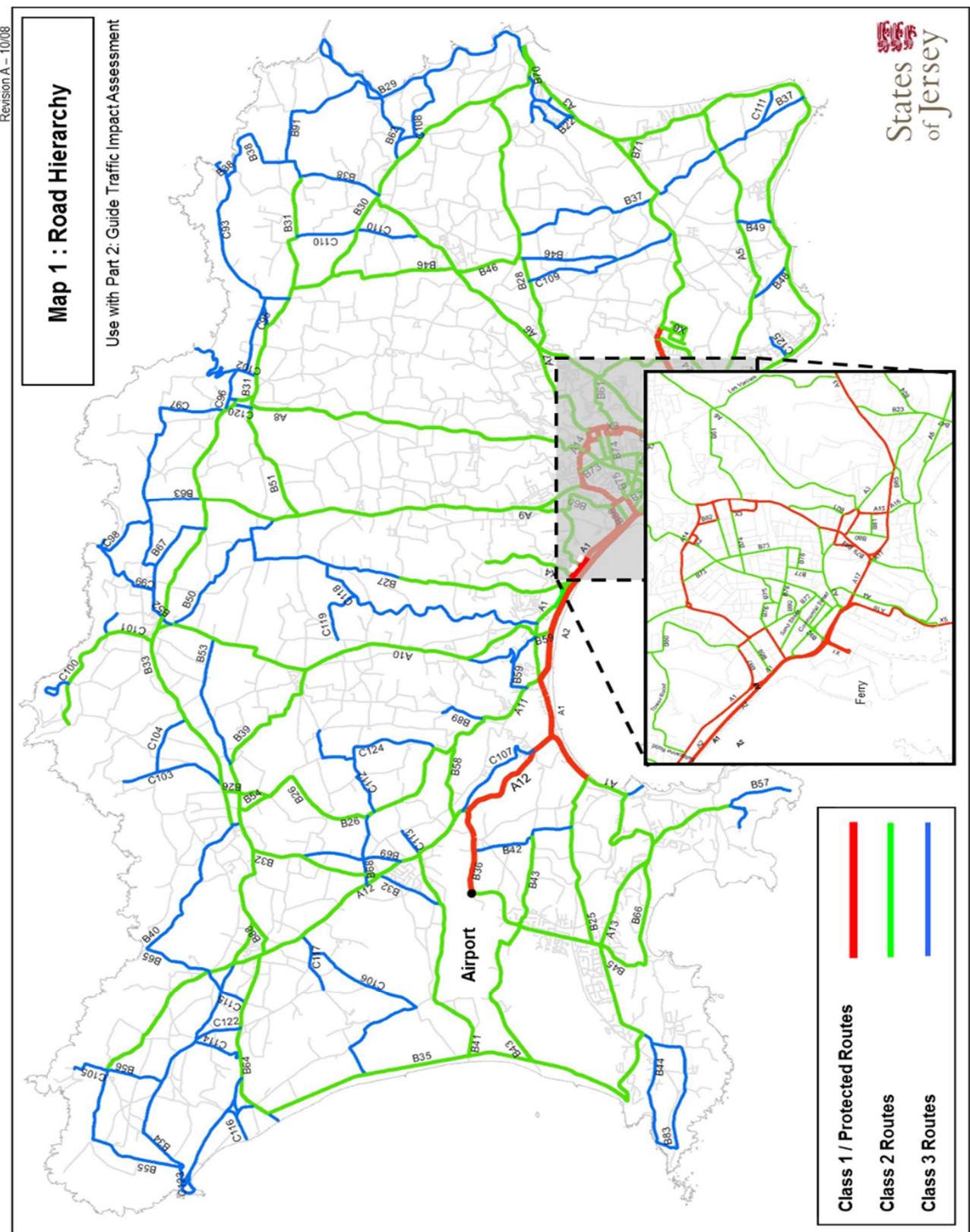
### 8.1 ‘Type A’ Traffic Management Assessment



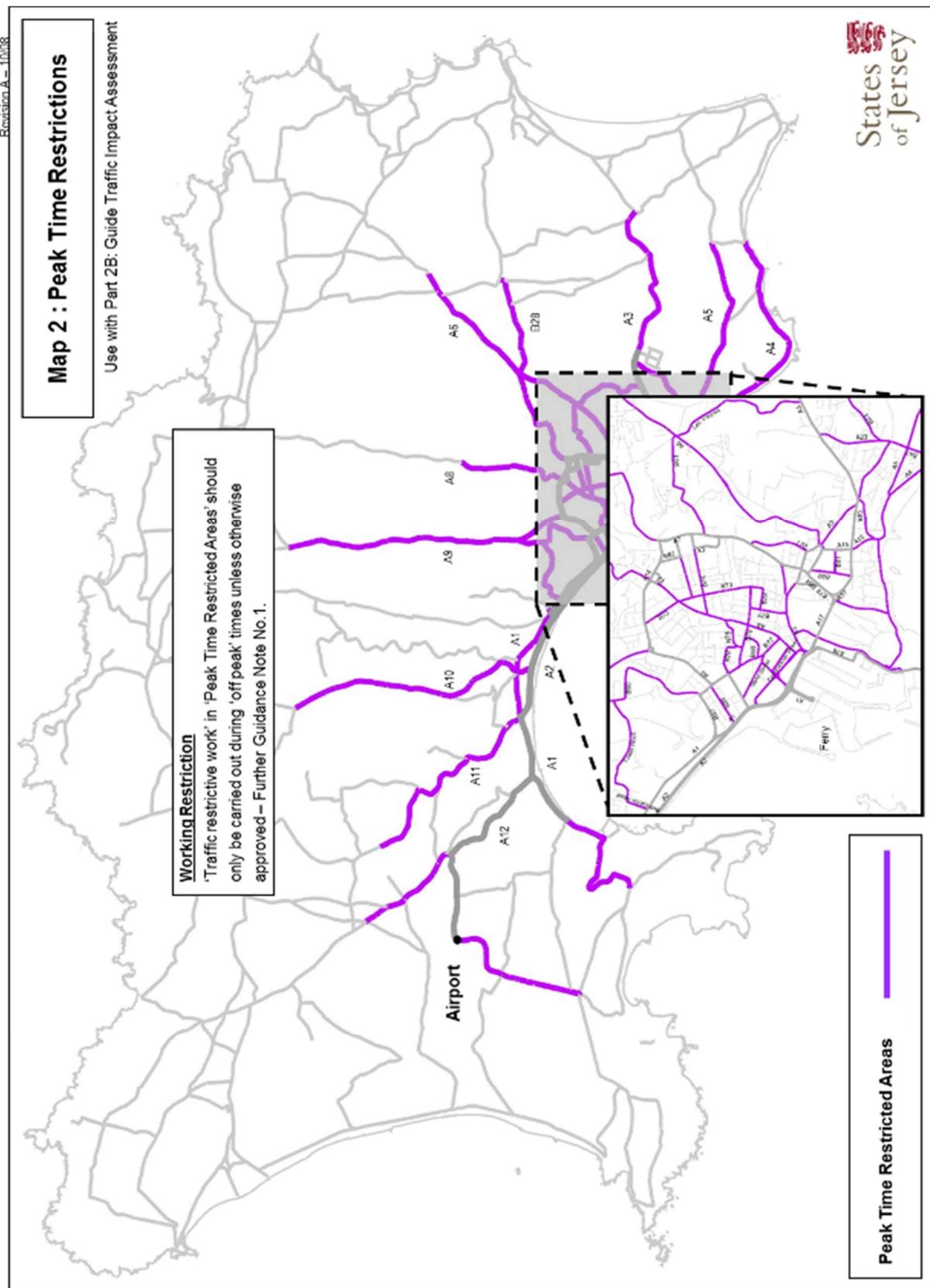
## 8.2 'Type B' Traffic Management Assessment



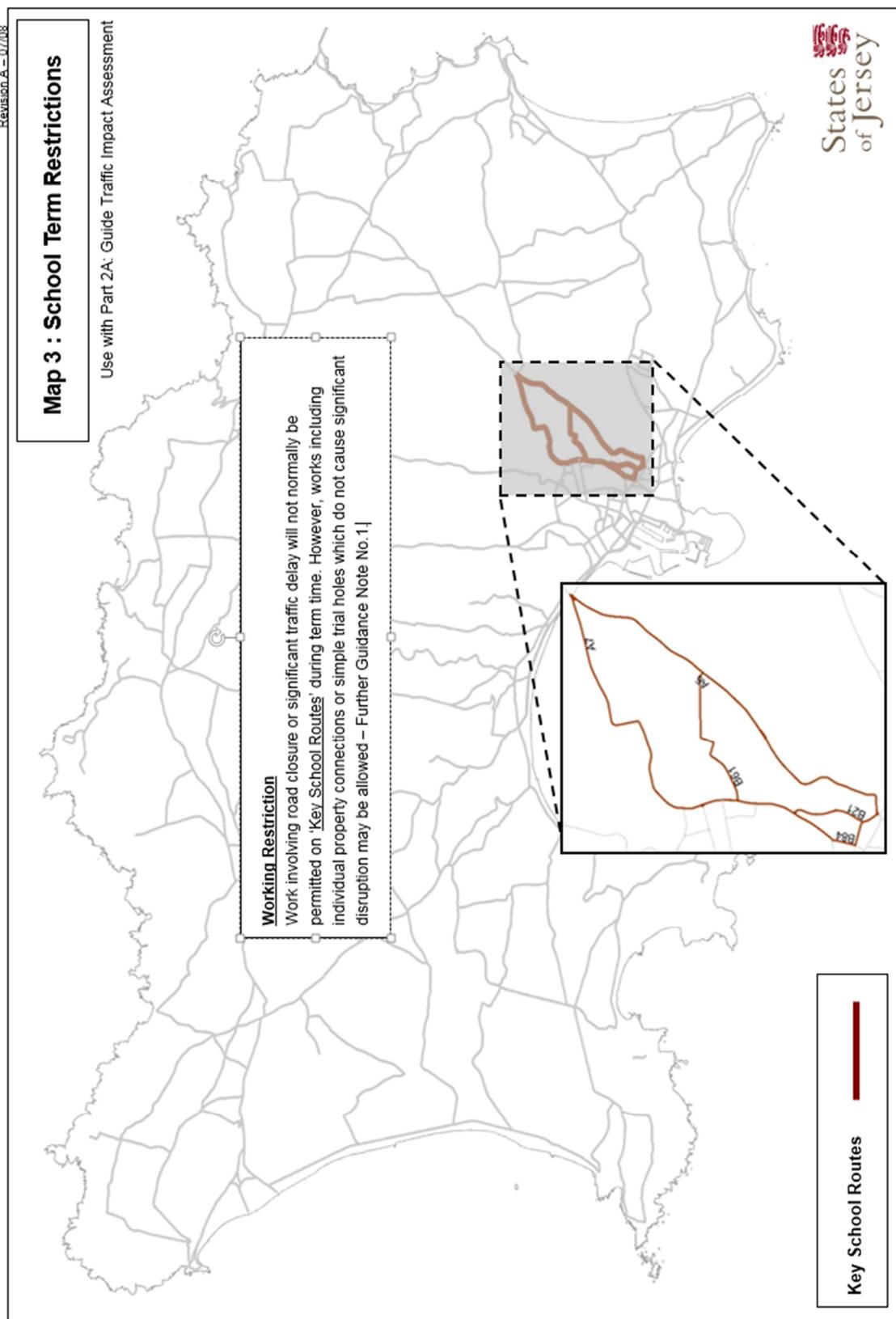
### 8.3 Map 1: Road Class Hierarchy



## 8.4 Map 2: Peak Time Restrictions



## 8.5 Map 3: School Term Restrictions



## 9 Appendix 2: Minimum Permit Application Periods and Deadlines

### 9.1 Promoter:

Minimum Application Periods for Non-Emergency / Urgent Works

Impact Level	Traffic Management Type		
	Type A: Road Closures, Road Closure One Way & Contra Flows	Type B: Portable Signals, Stop / Go Boards, Give & Take, Give Way & Dual Carriageway Lane Closures	Type C: Signing Only
Low Impact	2 Weeks	3 Working Days	3 Working Day
Medium Impact	3 Weeks	1 Week	NA
High Impact	6 Weeks	3 Weeks	NA
Very High Impact	12 Weeks	NA	NA

### 9.2 Highway Authority:

Guide Approval Deadline (period before activity starts)

Impact Level	Traffic Management Type		
	Type A: Road Closures, Road Closure One Way & Contra Flows	Type B: Portable Signals, Stop / Go Boards, Give & Take, Give Way & Dual Carriageway Lane Closures	Type C: Signing Only
Low Impact	3 Working Days	1 Working Day	1 Working Day
Medium Impact	8 Working Days	3 Working Day	NA
High Impact	13 Working Days	8 Working Day	NA
Very High Impact	4 Weeks	NA	NA

Note: The Highway Authority approval deadline will be set from the activity start date, less the period above.