

Society of Chief Officers of Transportation in Scotland (SCOTS) submission of 9 December 2022

PE1936/E: Remove Potholes from Scotland's Roads

Background

Roads authorities have a duty to maintain public roads by virtue of Section 1 of the Roads (Scotland) Act 1984. There is no statutory maintenance standard, however, there is a Code of Practice "Well-Managed Highway Infrastructure – A Code of Practice". This ACoP is published by the UK Roads Liaison Group. It sets out a series (36) of recommendations for highway/roads authorities in the UK.

Recommendation 1 therein states that the Code should be used as the starting point against which to develop, review and formally approve highway infrastructure maintenance policy and to identify and formally approve the nature and extent of any variations. A risk-based inspection and repair regime, including regular safety inspections, should be developed and implemented for all highway assets.

For many councils this guidance represents a step change in the way that safety defects are assessed, of which potholes are only one example. Taking a risk based approach, as per the above code of practice, means that there are NO prescriptive investigation or intervention levels to apply. The rationale for removing these is that the same defect will represent a different level of risk in a different context. In the past this has led to inappropriate and often unnecessary, costly, temporary repairs. Instead, by using a risk-based approach, councils can reduce such reactive interventions and target more of their scarce resources towards programmed work that in the longer term will lead to an overall improvement of road condition. This does however mean that it may take longer for councils to programme and carry out effective one-time permanent repairs for low risk defects.

The Society of Chief Officers of Transportation in Scotland (SCOTS) through the national Road Asset Management Project (RAMP) has produced practical guidance for local roads authorities on the development of risk-based asset management, road asset safety inspection strategies and road inspections. The aim being to support the

development of a consistent approach to road maintenance across the country. Many councils have now adopted the SCOTS approach to safety defect inspection and repair and Roads Authorities in Scotland generally follow this ACoP, however, individual authorities may not follow all of the recommendations within due to local environmental or organisational capacity and capability

In previous investigations into Scottish road maintenance issues Audit Scotland has investigated both local and trunk road maintenance matters on several occasions, as briefly summarised below:

Maintaining Scotland's Roads (Audit Scotland 2004): The first review into the condition of Scotland's roads conducted by Audit Scotland. Key findings were that 13% of Scotland's roads should be considered for repair now and 31% require further investigation. There was a maintenance backlog worth £1.7bn on local roads and £232m on trunk roads.

Maintaining Scotland's Roads: A follow-up report (Audit Scotland 2011): The condition of Scotland's roads continued to deteriorate following the first audit, with the percentage of all local roads in an acceptable condition falling from 70% in 2005 to 66% in 2010 and trunk roads in an acceptable condition falling from 84% to 78% over the same period. This obviously meant that the size of the maintenance backlog had increased.

Maintaining Scotland's Roads (2013) a brief update report on the implementation of previous Audit Scotland recommendations and the National Roads Maintenance review by local authorities. This found there had been a marginal improvement in the condition of local roads since 2010, despite falling investment. However, many of the recommended actions were yet to be implemented by some authorities.

Maintaining Scotland's Roads: A follow-up report (Audit Scotland 2016): This found that the condition of local roads had remained broadly stable since the last audit, with a slight fall in the proportion of trunk roads in an acceptable condition (90% to 87%) – all within the context of declining road maintenance budgets.

Scottish Government Action

In response to the findings of the 2011 Audit Scotland report, Transport Scotland, working with local authority partners, undertook a review of road maintenance in Scotland. The Scottish National Roads Maintenance Review (2012) (Summary) report set out 30 options for consideration and implementation by roads authorities, with a strong emphasis on the development of shared road maintenance functions amongst local authorities.

The office of the Scottish Road Works Commissioner was established through the Transport (Scotland) Act 2005, with the aim of improving the planning, coordination and quality of road works throughout Scotland. The powers of the Commissioner were extended by the Transport (Scotland) Act 2019, to allow the Commissioner to carry out independent inspections to establish whether an offence or breach of road works related duties has been committed and to undertake limited enforcement action where such breaches are found. The Office of the Scottish Roadwork Commissioner has a series of best practice guides for road works across the road network in Scotland, in an effort to improve consistency of approach by Roads Authorities and Statutory Undertakers. These are available at www.roadworks.scot

Further, the ability of the Commissioner to impose greater penalties, up to £100,000 on roads authorities, statutory undertakers and other persons as they see appropriate. This is outlined in Scottish Statutory Instrument: 2021 No. 431. *The Scottish Road Works Commissioner (Imposition of Penalties) Amendment Regulations 2021*. This came into force in February 2022.