

Scottish Government submission of 22 November 2023

PE2059/A: Ensure pedestrian crossing cannot be disabled without an equivalent safety measure in place

Bodies undertaking road works are already required to consider the needs of pedestrians when carrying out works, and must agree appropriate alternate provision with the roads authority before works take place.

The form the alternate provision takes is a matter for the roads authority responsible for the road at that location, in line with their duty of care to the road. The decisions on how to deal with situations where pedestrian crossing facilities must be temporarily suspended is a matter for roads authorities, through powers conferred by the Road Traffic Regulation Act 1984 and the Roads (Scotland) Act 1984. These Acts also establish the duty of care that roads authorities have for the networks they are responsible for, and that specific decisions on operational and maintenance matters lies entirely with Scottish roads authorities.

For those undertaking the works, there is national Code of Practice for safety at road works, "Safety At Street Works And Road Works; A Code of Practice 2013" which outlines the requirements for these situations. This Code has always been mandatory for utility firms working in Scotland, and became mandatory for Scottish roads authorities in 2021. Under this Code, authorities must directly approve the suspension of permanent lights, and agree their requirements for alternate provision before works take place.

Bodies, such as utility firms, undertaking works are required to take specific consideration of the needs of pedestrians and in particular "the needs of those with small children, pushchairs and those with reduced mobility, including visually impaired people and people using wheelchairs or mobility scooters". The site must also be risk assessed in line with guidance on the needs of pedestrians and other road users, and are required to provide a 'safe route' around the works. Where a body fails to do so, the roads authority has existing powers to inspect the works, and if required, to rectify the site on a rechargeable basis.

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