

## **2.8. Deputy J.A.N. Le Fondré of the Minister for Transport and Technical Services regarding the re-opening of road works on recently improved roads:**

Given the significant work presently being performed in improving Route de la Haule and the related disruption, would the Minister confirm whether the department will be ensuring that the road is not dug up for a considerable period of time after the completion of that work, and what, if any, is the maximum period of enforcement and what powers can the department use to ensure that this is enforced?

### **Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):**

Transport and Technical Services Department and the Parish's power to prevent the breaking-up of a recently resurfaced road by a utility company is currently provided for by the Public Utilities Road Works (Jersey) Law 1963. The Law allows a 12-month post-resurfacing embargo to be imposed by the Highway Authority subject to a number of constraints. However, there is a corollary in the sense that the embargo does not apply to emergency works carried out by utility companies and should a utility company apply to the Highway Authority to consent to break a road up under the embargo, consent should not be unreasonably withheld. The T.T.S. (Transport and Technical Services Department) believes the current embargo period of 12 months gives insufficient protection to its roads, in particular key traffic routes. Therefore, in line with developments in other jurisdictions, T.T.S. is seeking to bring legislation before the States next year to enable the post-resurfacing embargo period to be increased to 3 years and its administration to be made more effective. However, despite current limitations and its powers, the Transport and Technical Services Department is actively seeking to achieve an effective minimum embargo period of 3 years to its current capital resurfacing programme, including La Route de la Haule. This will be achieved in 2 ways; first through the voluntary support of utility companies where it is generally recognised that the proposed law changes will have public and political support, particularly in respect of high profile projects. Therefore when the department indicated to companies our intention to apply a 3-year embargo that proposal was not challenged in respect of all current projects. Secondly, we are developing better co-ordination. The current steady State funding has allowed the department to develop a long-term resurfacing programme extending up to 2009, which is being issued to all utilities companies, and this programme has been developed with their full consultation to ensure that all planned utility and Transport and Technical Services Department works involving excavations are completed prior to any resurfacing.

### **2.8.1 Deputy J.A.N. Le Fondré:**

The first thing that springs to mind is, is the Law only applicable to utility companies? And the original question I was proposing to ask as a supplementary was; is the main cause of the degradation of roads due to trenching by utility companies or is it, for example, commercial developers, or are there any other main reasons? But what I would personally like to know; is the Law only enforceable against utility companies and if somebody else comes along and wants to dig it up you have no powers?

### **Deputy G.W.J. de Faye:**

Sorry, I am only in the position to inform the Deputy that the information I have is that the Law applies to what are called statutory undertakers. I think that does restrict it to utility companies. I could not give him a clear indication as to, in effect, who causes the most trenching works because there are obviously a whole variety of situations where trenching works are carried out.

### **2.8.2 Deputy A.D. Lewis of St. John:**

I wonder if the Minister could advise us as to whether utility companies having dug up the roads and damaged them, do they have to then fund the resurfacing of those roads?

### **Deputy G.W.J. de Faye:**

Yes, they do.

### **2.8.3 Deputy R.G. Le Hérissier:**

What number of complaints has the Minister, or his department, had as to improper remediation of roads once utility works have been undertaken, and what is the attitude of his department towards these kinds of complaints?

### **Deputy G.W.J. de Faye:**

I have had no such complaints put to me since I have been in the role of Minister, however the department keeps a watching brief on all resurfacing works carried out either by utility companies or by ourselves and the quality of the work is monitored.

### **2.8.4 Connétable T.J. du Feu of St. Peter:**

While we are on the roading question at Route de la Haule, everyone is aware of the programme of arrangements which has had to be put in place to enable that work to take place. There has been one or 2 little hiccups along the way, but bearing in mind on the balance of the whole exercise I would like to say a very big thank you and appreciation to the Minister and his team for the way and manner which they have carried out the actual duties, and also the way that they have expressed concern with all the residents and kept them informed every step of the way. It is all very well to hear the constant criticism but I think when credit is deserved it should be accorded.

### **Deputy G.W.J. de Faye:**

I am very grateful to the Connétable of St. Peter for his very kind remarks and I will certainly extend his comments to those people involved directly in getting the project co-ordinated. I would simply say that one of the reasons that things do appear to be going smoothly is that now, following changes made earlier in my period of administration, a number of things have occurred. One is that we now push out the road works signage much further than was previously undertaken, and we also carry out very detailed and comprehensive analysis of the road traffic management arrangements. I am very pleased to understand that things are going well and are appreciated. Obviously I am also indebted to the Connétable for the assistance we have had from the Parish and his Honorary Police as well as the other Parishes involved in this road works. However, it is not over yet, so touch wood.

### **2.8.5 Connétable M.K. Jackson of St. Brelade:**

Notwithstanding what the Constable of St. Peter has just said, and with which I entirely concur I have to say, in view of the proposed development of Bel Royal and the proposed pumping station in the car park on the other side of the road, would the Minister confirm that the newly resurfaced road will have to be opened up to achieve this?

### **Deputy G.W.J. de Faye:**

I anticipated this question when I saw the original question from Deputy Le Fondré and all I can say is that a chill ran down my spine when I first looked at it, but on making inquiries I am informed that a drain effectively already exists as a conduit under the road so that with respect to any future pumping arrangements that may or may not take place with regard to the Goose Green development my understanding is that the road will not have to be interfered with.