



مكتب التنظيم و الرقابة
Regulation & Supervision Bureau

The Streetworks and Access Regulations 2008

Regulations

December 2008

Ref ED/R01/014

www.rsb.gov.ae

water, wastewater and electricity sector of the Emirate of Abu Dhabi

The Streetworks and Access Regulations 2008

Issued by:

**The Regulation and Supervision Bureau for the Water,
Wastewater and Electricity Sector in the Emirate of Abu Dhabi**

www.rsb.gov.ae

December 2008

Contents

1.	Introduction	3
	1.1 Citation and commencement.....	3
	1.2 Purpose.....	3
	1.3 Scope, enforcement and disputes	3
	1.4 Facilities to be afforded to the Bureau	4
2.	Definitions.....	5
	2.1 Interpretation	5
3.	Preparation	8
	3.1 General duty of care	8
	3.2 Notice of Intent.....	8
	3.3 Permissions.....	9
	3.4 Access.....	9
4.	Planning.....	10
	4.1 Consultation	10
	4.2 Co-ordination.....	10
	4.3 Duration	10
	4.4 Impact of the Works.....	11
5.	Implementation.....	12
	5.1 Advance communication	12
	5.2 Identification of works.....	12
	5.3 Safety arrangements	12
	5.4 Courtesy and consideration of the public.....	14
	5.5 Protection of the environment.....	14
6.	Reinstatement	15
	6.1 Duty to Reinstat	15
	6.2 Materials and workmanship.....	15
7.	Emergency Works	16
	7.1 Notice of Emergency Works	16
8.	Records.....	17
	8.1 Duties and liabilities with respect to Apparatus.....	17
	8.2 Duty to inform.....	17
9.	Code of Practice Review Panel	19
	9.1 Introduction	19
	9.2 Panel Members.....	20
	9.3 Meetings.....	20
	9.4 Administration.....	21
	9.5 Amendments	21

1. Introduction

1.1 Citation and commencement

1.1.1 These Regulations shall be cited as the Streetworks and Access Regulations 2008.

1.1.2 These Regulations shall come into force on **1 January 2009**.

1.1.3 These Regulations are issued by the Regulation and Supervision Bureau through the powers vested in it under Article (62) of Law No (2) of 1998 as amended by Law No (19) of 2007 concerning the regulation of the water and electricity sector in the Emirate of Abu Dhabi and Law No (17) of 2005 concerning the regulation of the wastewater sector as amended by Law No (18) of 2007 and Law No (12) of 2008.

1.2 Purpose

1.2.1 The purpose of these Regulations is to provide direction that promotes the installation and maintenance of safe and efficient systems of work for undertaking Streetworks. These Regulations are neither intended to substitute detailed specifications for designers of installations nor intended to serve as instructions for untrained persons.

1.2.2 The purpose of these Regulations is to enable a Licence Holder to the extent that its licence so provides to:

- (a) carry out Streetworks; and
- (b) enter into or onto Premises belonging to, or occupied by, any person for the purposes of carrying out Streetworks.

1.3 Scope, enforcement and disputes

1.3.1 These Regulations shall apply to all Licence Holders involved in the installation, maintenance or operation of work in a Street and Access to any Premises or other places where there is a requirement for work to be undertaken by a Licence Holder of the water, wastewater and electricity sector of the Emirate of Abu Dhabi.

1.3.2 These Regulations are subject to modification or revocation by the Bureau at any time and from time to time.

1.3.3 Failure to comply with these Regulations, or any part thereof, shall be deemed as contrary to the Law. Such failures will be penalised by the Bureau in accordance with the Law.

1.4 Facilities to be afforded to the Bureau

1.4.1 In their execution of Streetworks, Licence Holders shall make available to the Bureau in a timely manner all access and information as required in the opinion of the Bureau for ascertaining whether they are complying with their duties under these Regulations.

2. Definitions

2.1 Interpretation

Words which are defined under this section are used in the Regulations beginning with capital letters.

Terms in common use are not defined here and normal dictionary definitions apply.

Words and expressions other than those described in this section, which are defined in the Law, shall have the meanings ascribed to them in the Law.

Words using the singular or plural number also include the plural or singular number, respectively.

2.1.1 **Access:** entering, exiting or right to approach, communicate with, or make use of Premises owned by others.

2.1.2 **Agent:** any company, contractor or person employed by or acting for a Licence Holder.

2.1.3 **Apparatus:** includes any structure for the lodging therein of Apparatus or for gaining Access to Apparatus owned and maintained by a Licence Holder.

2.1.4 **Bureau:** the Regulation and Supervision Bureau for the Water, Wastewater and Electricity Sector in the Emirate of Abu Dhabi, as established under the Law.

2.1.5 **Code of Practice:** the Streetworks and Access Regulations Code of Practice, which is a collection of rules, standards and other information describing acceptable practices and procedures to be followed when undertaking Streetworks.

2.1.6 **Competent Person:** a person who has acquired through training, qualification and experience the knowledge and skills necessary for undertaking any task assigned to them.

- 2.1.7 **Emergency Works:** any works and associated tasks whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property.
- 2.1.8 **Law:** Law No (2) of 1998 as amended by Law No (19) of 2007 concerning the regulation of the water and electricity sector in the Emirate of Abu Dhabi and Law No (17) of 2005 concerning the regulation of the wastewater sector as amended by Law No (18) of 2007 and Law No (12) of 2008.
- 2.1.9 **Licence Holder:** the holder of a licence issued in accordance with Article (82) of the Law.
- 2.1.10 **Network Licence Holder:** a Licence Holder who owns, operates on and maintains assets buried in the public highway, in the form of a transmission or distribution network.
- 2.1.11 **Notice of Intent:** is a document submitted to a Relevant Authority specifying the scope of works and requesting permission.
- 2.1.12 **Owner:** the legal owner of Premises in which a Licence Holder's Apparatus is installed.
- 2.1.13 **Panel:** the "Streetworks and Access Regulations Code of Practice Review Panel" with the functions set out in Chapter 9 of these Regulations.
- 2.1.14 **Pedestrian Routes:** any footpath, footway or pavement used or intended for use to carry pedestrian traffic.
- 2.1.15 **Premises:** any land, building or structure.
- 2.1.16 **Production Licence Holder:** a Licence Holder who is authorised by a licence granted under the Law to desalinate or generate electricity.

- 2.1.17 **Reinstatement:** this term includes making good the permanent Reinstatement of the road and shall include, in particular, the Reinstatement of features designed to assist people with a disability and extend, in the case of road works which involve breaking up or opening a sewerage system or tunnel under the road, to the Reinstatement of the sewerage system or tunnel.
- 2.1.18 **Relevant Authority:** for the purpose of these Regulations either:
- (a) Abu Dhabi Municipality – Roads Directorate; or
 - (b) Al Ain Municipality – Roads Directorate; or
 - (c) Abu Dhabi Police, Traffic and Patrols Department; or
 - (d) some other body responsible for the maintenance of Streets in the Emirate of Abu Dhabi.
- 2.1.19 **Street:** any road, branch road, service corridors, carriageway or highway and including Pedestrian Routes designed and installed to carry motorised and non-motorised transport including motorcycles and bicycles and all forms of pedestrian traffic. Where a Street passes over a bridge or through a tunnel, references to the Street include that bridge or tunnel.
- 2.1.20 **Streetworks:** any kind of planned or unplanned work in a Street, including but not limited to, the installation, maintenance, repair or alterations to water trunk mains, water mains, water plants, electric lines, electric plants or sewerage systems and all other works associated with or incidental thereto carried out in a Street (including but not limited to, opening and breaking up Streets, tunnels under Streets, tunnelling or boring and removing earth materials).
- 2.1.21 **Undertaker:** in relation to Streetworks, a Licence Holder by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable) to execute or undertake Streetworks.
- 2.1.22 **User:** refers to anyone using or referring to the Streetworks and Access Regulations Code of Practice to undertake Streetworks.

3. Preparation

3.1 General duty of care

3.1.1 An Undertaker must ensure, so far as is reasonably practicable, that the execution of Streetworks in a Street or Premises for which it is responsible:

- (a) is carried out safely;
- (b) causes minimal inconvenience to persons using a Street; and
- (c) due consideration is given to the structure of a Street and maintains the integrity of Apparatus in the Street.

3.1.2 In the execution of Streetworks, an Undertaker shall use its best endeavours to co-ordinate and co-operate with all relevant parties.

3.2 Notice of Intent

3.2.1 An Undertaker proposing to start and execute Streetworks involving the:

- (a) breaking up or opening of a Street, or any sewerage system or tunnel under it; or
- (b) tunnelling or boring under a Street;

shall give the prescribed advance Notice of Intent of the works to the Relevant Authority.

3.2.2 Different periods of notice may be prescribed for different descriptions of works by a Relevant Authority.

3.2.3 The notice shall contain such information as may be prescribed by a Relevant Authority.

3.2.4 After giving advance Notice of Intent, an Undertaker shall comply with such requirements as may be prescribed by a Relevant Authority. This includes the providing of information and other procedural steps to be taken for the purpose of co-ordinating the proposed works with other works of any description proposed to be executed in the Street.

3.3 Permissions

3.3.1 An Undertaker must obtain all relevant permissions from a Relevant Authority permitting the Undertaker:

- (a) to place, or to retain, Apparatus in a Street; and
- (b) thereafter to inspect, maintain, adjust, repair, alter or renew the Apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening a Street, or any sewerage system or tunnel under it, or tunnelling or boring under the Street).

3.3.2 The permissions obtained from a Relevant Authority must be:

- (a) written and documented with all the relevant information pertaining to the Streetworks; and
- (b) the Undertaker shall not start the works until written permission is obtained from a Relevant Authority.

3.3.3 An Undertaker must not assume that a no-reply by a Relevant Authority to the Notice of Intent to undertake the works is an implicit permission to start works.

3.4 Access

3.4.1 When an Undertaker requires Access to a Premises not belonging to it, it shall take all reasonable steps to inform the Owner of its requirements. In particular, the Undertaker is to:

- (a) consult with landowners, developers and affected businesses about the potential impact of the proposed work activity;
- (b) arrange a convenient time to enter the property to carry out the required work activity;
- (c) arrange regular co-ordination meetings with all interested parties; and
- (d) ensure that the provisions of these Regulations are met when an Undertaker's work activity extends into or onto another party's property.

4. Planning

4.1 Consultation

4.1.1 An Undertaker shall use its best endeavours to communicate and consult with various interested parties. This is to encourage improved co-ordination of the works.

4.1.2 An Undertaker will ensure that all relevant information is obtained and reviewed to improve health and safety and prevent the occurrence of damage and harm.

4.2 Co-ordination

4.2.1 An Undertaker shall co-ordinate and co-operate with other interested parties where equipment or Apparatus in a Street for which other parties are responsible is affected.

4.2.2 An Undertaker shall follow any directions given by a Relevant Authority as may be appropriate as to the times when the works may or may not be carried out.

4.2.3 An Undertaker shall not, in contravention of a restriction imposed by any permission given by a Relevant Authority, break up or open that part of the highway to which the restriction relates, except:

- (a) to execute Emergency Works;
- (b) with the further consent of a Relevant Authority; or
- (c) in such other cases as may be prescribed.

4.3 Duration

4.3.1 An Undertaker shall follow any directions given by a Relevant Authority, as may be appropriate, as to the times when the works may or may not be carried out.

4.3.2 Wherever possible the Undertaker must complete the works to a permanent Reinstatement standard in a single occupation of the Street.

4.3.3 The Undertaker of the works must discuss any works requiring more than one phase of work with a Relevant Authority. All Notices shall include the various phases of the works.

4.3.4 All works must be carried out as quickly as reasonably practicable with the minimum disruption to other Street users.

4.3.5 The Undertaker must ensure that any obstructions during the Streetworks should not extend for a longer period than reasonably necessary.

4.4 Impact of the Works

4.4.1 Where Streetworks are likely to affect other parties' equipment or Apparatus in a Street, the Undertaker shall take all reasonably practicable steps to:

- (a) provide the company to whom the equipment or Apparatus belongs reasonable facilities for monitoring the execution of the Streetworks; and
- (b) comply with any requirement made by other parties which is reasonably necessary for the protection of the equipment or Apparatus or for securing Access to it.

5. Implementation

5.1 Advance communication

5.1.1 An Undertaker shall ensure that relevant information is made available in advance of the works to the general public and shall communicate as necessary with residents, businesses and the travelling public who may be affected. In particular, it shall:

- (a) make provision for people with visual impairments and other disabled people;
- (b) consider access to buildings, shops, businesses and goods delivery; and
- (c) inform affected people by personal visits or written notification.

5.2 Identification of works

5.2.1 An Undertaker shall ensure that up-to-date information regarding the works is appropriately displayed providing information for the public regarding the works. The information shall include:

- (a) name of Undertaker;
- (b) description of the works;
- (c) start and end dates; and
- (d) emergency contact telephone number.

5.2.2 The information must be kept up-to-date.

5.2.3 Information boards must not obstruct the footway or other pedestrian routes or the carriageway.

5.3 Safety arrangements

5.3.1 An Undertaker shall ensure that suitable and sufficient temporary traffic management arrangements are in place as identified by a Relevant Authority.

- 5.3.2 An Undertaker shall ensure that traffic signs and signals are placed and maintained, and where necessary operated, as are reasonably required for the guidance or direction of persons using the Street.
- 5.3.3 An Undertaker shall ensure that the execution of the works is:
- (a) supervised by a Competent Person; and
 - (b) there is, on site (when any such works are in progress), at least one competent trained operative.
- 5.3.4 An Undertaker shall ensure that all operatives working on a Street are:
- (a) aware of their responsibilities for themselves and others; and
 - (b) aware of the dangers associated with working on the Street.
- 5.3.5 An Undertaker shall ensure that all operatives have and use suitable and sufficient personal protective equipment at all times when working on the Street.
- 5.3.6 An Undertaker shall ensure that, during the day-to-day execution of works on site, there is:
- (a) provision of all necessary signage, lighting and guarding that is in good working order before the work commences, during the progress of work and outside normal working hours;
 - (b) provision of suitable and sufficient employee welfare arrangements;
 - (c) provision of footway plates and ramps where appropriate;
 - (d) good on-site housekeeping;
 - (e) maintenance and regular inspections of works, outside normal working hours; and
 - (f) the removal of equipment, materials and signs from sites immediately after completion of the works.

5.4 Courtesy and consideration of the public

5.4.1 An Undertaker should, during its day-to-day activities, ensure that:

- (a) suitable and sufficient information is available to the public; and
- (b) a person is appointed as a designated point-of-contact to respond to public enquiries.

5.5 Protection of the environment

5.5.1 An Undertaker executing Streetworks shall as far as reasonably practicable ensure that it meets its duty to protect the environment through:

- (a) first-time permanent Reinstatement or Street repair where disruption will be minimised;
- (b) environmental awareness in the selection and use of resources, waste management and the avoidance of pollution;
- (c) avoidance of damage to trees and shrubs, particularly to roots, and verge damage by material storage; and
- (d) restoration of green spaces affected by the works.

6. Reinstatement

6.1 Duty to Reinstale

- 6.1.1 The Undertaker has a duty to effect Reinstatement of the Street for which it is responsible, subject to the requirements of the Relevant Authority.
- 6.1.2 Such Reinstatement shall begin, as soon as practicable, after the completion of any part of the Streetworks and be completed as soon as is reasonably practicable.
- 6.1.3 The Undertaker shall, before the end of the next working day after the day on which the Reinstatement is completed, inform the Relevant Authority that it has completed the Reinstatement of the Street. It shall state whether the Reinstatement is in accordance with the Street Authorities specifications.

6.2 Materials and workmanship

- 6.2.1 An Undertaker shall, in Reinstating a Street, comply with the specifications of materials to be used and the standards of workmanship to be observed, as required by a Relevant Authority.
- 6.2.2 The Undertaker shall ensure that the Reinstatement conforms to such performance standards as may be prescribed by a Relevant Authority:
- (a) in the case of temporary Reinstatement, until permanent Reinstatement is effected; and
 - (b) in the case of permanent Reinstatement, for the prescribed period after the completion of the Reinstatement.

7. Emergency Works

7.1 Notice of Emergency Works

- 7.1.1 Nothing in Regulation 3.2 (Notice of Intent) affects the right of an Undertaker to execute Emergency Works.
- 7.1.2 An Undertaker executing Emergency Works shall, if the Emergency Works are of a kind in respect of which notice is required by Regulation 3.2, give notice as soon as reasonably practicable to the persons to whom notice would be required to be given.
- 7.1.3 The notice is to be given within a period as may be prescribed by a Relevant Authority of the Emergency Works starting.
- 7.1.4 The Notice shall state the Undertaker's intention or, as the case may be, the fact that work has begun, and shall contain such other information as may be prescribed by a Relevant Authority.

8. Records

8.1 Duties and liabilities with respect to Apparatus

8.1.1 An Undertaker shall, except in such cases as may be prescribed, record the location of every item of Apparatus belonging to it as soon as reasonably practicable after:

- (a) placing Apparatus in a Street or altering its position;
- (b) locating Apparatus in a Street in the course of executing the works; or
- (c) being informed of the location of Apparatus under Regulation 8.2;

stating the nature of the Apparatus and (if known) whether it is for the time being in use.

8.1.2 The records shall be kept up-to-date and shall be kept in such form and manner as may be prescribed by a Relevant Authority.

8.1.3 An Undertaker shall make its public records available for inspection, at all reasonable hours and free of charge, by any person having authority to execute works of any description in the Street or otherwise appearing to the Undertaker of the works to have a sufficient interest.

8.2 Duty to inform

8.2.1 An Undertaker that finds telecommunication equipment or Apparatus belonging to other parties which is not marked, or is incorrectly marked on records made available to the Undertaker, shall:

- (a) as far as reasonably practicable, inform the owners to whom the telecommunication equipment or Apparatus belongs, of its location; and
- (b) so far as appears from external inspection, determine its nature and whether it is in use.

8.2.2 Where an Undertaker finds equipment or Apparatus which does not belong to it and is unable, after taking such steps as are reasonably practicable, to ascertain to whom the equipment or Apparatus belongs, shall:

- (a) note on the records kept by it under Regulation 8.1 (in such manner as may be prescribed) the location of the equipment or Apparatus found and its general description; and
- (b) inform the Relevant Authority of the location and general description of the equipment or Apparatus found.

9. Code of Practice Review Panel

9.1 Introduction

9.1.1 A Streetworks and Access Regulations Code of Practice Review Panel (the Panel) shall be established to:

- (a) develop and produce a documented Code of Practice to ensure the Regulations are met;
- (b) keep the Code of Practice and its implementation under review;
- (c) review all suggestions for amendments to the Code of Practice which the Bureau or any User may wish to submit to the Panel from time to time; and
- (d) publish recommendations as to amendments to the Code of Practice that the Panel feels necessary or desirable and the reasons for the recommendations.

9.1.2 The Panel shall consist of:

- (a) a chairman;
- (b) a representative appointed by the Bureau;
- (c) one representative from each of the Network Licence Holders; and
- (d) two persons representing all the Production Licence Holders.

9.1.3 The Bureau will chair the Panel during its first year. In the following years the Panel will be chaired on a two-year rotation, by a representative from the Network Licence Holders.

9.1.4 The chairman will provide secretarial support, but the secretary will not be a member of the Panel.

9.1.5 The Panel shall establish and comply at all times with its own rules and procedures relating to the conduct of its business, which shall be subject to approval by the Bureau.

9.2 Panel Members

- 9.2.1 The Panel shall review the make-up of the Panel at least once a year to ensure the appropriateness of its members.
- 9.2.2 The Panel will not alter the make-up of the Panel without the prior written agreement of the Bureau.
- 9.2.3 Any member shall be entitled to nominate a substitute to attend a Panel meeting. Such a substitute shall have full power and authority to agree and undertake such actions as deemed necessary by the Panel in accordance with the Codes of Practice and the obligations and duties of the Panel.
- 9.2.4 Should the above provisions be met, the substitute shall have full rights, duties and obligations of a member. Any commitment or undertaking made by the substitute shall be construed as having been by the member.
- 9.2.5 The absence of a member or substitute shall in no way preclude the Panel from carrying out its obligations and duties.
- 9.2.6 To constitute a meeting, a minimum of five members, including at least two members from the Network Licence Holders and the member from the Bureau, must be present.
- 9.2.7 Additional persons may, upon approval of the chairman, attend meetings, or parts of the meetings as observers or to provide expert or additional resources or advice.

9.3 Meetings

- 9.3.1 The Panel shall meet not less than four times a year, and shall meet at a frequency of not less than once every four calendar months.
- 9.3.2 Meetings may be called when the Panel chairman has referred an unforeseen circumstance to the Panel for its consideration. These meetings shall be held as soon as possible but within seven working days of a referral and at such time that is acceptable to the majority of the Panel members.

9.4 Administration

- 9.4.1 The Panel will establish its own management arrangements and procedures for administering the Panel which will be subject to the approval of the Bureau.
- 9.4.2 The cost/expenses of Panel members and all costs related to or on behalf of the Panel shall be met by the individual Panel member or the company they are representing.

9.5 Amendments

- 9.5.1 The Panel will establish its own procedures for any revisions and amendments to the Code of Practice and associated documents which will be subject to the approval of the Bureau.
- 9.5.2 The Panel chairman shall be responsible for ensuring that the most recent copy of the Code of Practice and associated documents is kept and circulated to all Users as appropriate and in accordance with any guidance given in the Code of Practice.