

PROVIDING GUIDANCE TO MANUFACTURERS AND USER COMMUNITIES

GUIDANCE ON THE PROCUREMENT AND SUPPLY OF TRAFFIC MANAGEMENT SIGNAGE TSRGD 2016 & BS 8442



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Introduction

ARTSM is the trade body for companies that manufacture and supply traffic products for the UK Highways. Its members are committed to following all the relevant national and European standards. A priority for the Association is to ensure safety is always paramount. ARTSM heads up the NHSS9 Committee for the design, manufacture, assembly, and installation of permanent and temporary signs.

A brief review of the law

All products on UK roads are required to be fit for purpose and tested to specified standards under the terms of the Traffic Signs Regulations and General Directions 2016.

All manufacturers, suppliers and users of products have a contractual duty of care. In addition, all employers have a Health & Safety at Work Act 1974 duty of care to employees and others.

We have been aware that there are inconsistencies and often a lack of knowledge when procuring and supplying products for the purpose of traffic management and we are concerned to ensure that all involved in any aspect of supply and use are aware AS FULLY AS POSSIBLE of the requirements that must be applied.

Safety First – the price you pay

We are all aware that safety comes at a price. We are also all aware that lack of it comes at a higher price. According to figures produced for 2018 the number of incidents occurring at locations involving traffic management is still a concern.

Why does safety matter. Everyone has a common law as well as any additional statutory duty of care. Not merely to those who are the first point of contact, but also to those within reasonably foreseeable likelihood.

So, if you sell a product and it is foreseeable that such a product is going to be used for the purpose of road safety, then regardless of whether you have specifically been requested to provide X and Y for that product, you still have a duty of care to ensure you are supplying the correct standard of product. How? By providing details of the express limitations of your products.

A few examples from HSE for reflection:

....the unsafe execution of streetworks with significant risk to public safety. The work areas was not properly signed and guarded and the wrong traffic management methods have been used. A fine of £90,000 was imposed plus additional court costs

...a major contractor fined £1.8 million after a worker was killed during resurfacing

...death of a roadworker led to a fine of £500,000 Could have been prevented had Implemented the correct safety measures including **signage**

... a council failed to ensure arrangements for managing some roadworks were suitable ... sought to delegate responsibilities to the contractor ... the contractor failed to ensure

HSE stated **IT IS NOT UNREASONABLE TO EXPECT THOSE WHO REGULARLY ENGAGE IN THIS TYPE OF CONSTRUCTION WORK SHOULD BE WELL AWARE OF THEIR ROLES AND RESPONSIBILITIES.**

Being involved in street works is not limited to those using the products but also those who manufacture and those who supply them as fit for purpose. Do you know where you get your signs?

The Standard Requirements

The standard for temporary road signs is BS 8442:2015. Some specific things to note:

Clause 15 NOTE 1 – The purchaser should be made fully aware of the conditions under which the product performs adequately – **the specifier shall choose from the following performance**

requirements for retroreflective material and/or sign faces and classes of retroreflective performance:

Add what these are

Reflectivity Class	Types of works	Requirements	Life span
RA1 R1	Urban and rural roads including unlit (not including motorways or dual carriageways)	BS 8442 BS EN 12899:2007 Chapter 8 Part 2 – O4.6.3	Minimum two years based on natural weathering tests for temporary signs
RA2 R2	All roads	BS 8442 BS EN 12899:2007 Chapter 8 Part 2 – O4.6.3	Minimum two years based on natural weathering tests for temporary signs
R3C R3B	Motorway network – gantry signs	BS 8442 BS EN 12899:2007 Chapter 8 Part 3 – U2.8.3	

(Note : Information provided from BS EN 12899:2007 National Annex; BS 8442:2015; Chapter 8 Traffic Signs Manual Part 2; Operations; Part 3; Update)

Training Requirements

Under Chapter 8 Traffic Signs Manual it makes it clear that those checking in the temporary signage must have appropriate qualifications to do so. Training is available under NHSS 12A and through IHE although it does not appear to explicitly cover reflectivity.

The Law

The Safety at Street Works and Road Works Code of Practice (2013) (The Red Book) states in the Foreword **“Failure to comply with this Code is evidence of failing to fulfil the legal requirements to sign light and guard works.”** And further **“Failure to comply with this Code is a criminal offence and may lead to criminal prosecution in addition to any civil proceedings.”**

All Traffic Management procedures fall within the requirements of the Red Book and/or Traffic Signs Manual. In addition, National Highways Sector Schemes, specifically 12A, B, C, and D are applicable on projects that call up MCHW and other schemes where indicated.

All traffic sign manufacture falls within the requirements of TSRGD and the standards called up therein BS EN 12899 and BS 8442. In addition, National Highways Sector Schemes, specifically 9A, B, and C are applicable on projects that call up MCHW and other schemes where indicated.

Under the Health & Safety at Work Act 1974 employers and employees have a duty of care to ensure the safety of their staff and others such as visitors and volunteers and, indeed, trespassers. Under this duty you must ensure that you have carried out the correct procedures when placing safety equipment on site and that such equipment is fit for purpose.

The Construction Design & Management Regulations (2015) places additional legal duties on clients, designers and contractors to plan, co-ordinate and manage health and safety and risks which are under their control and throughout ALL stages of the project alongside the Management of Health & Safety at Work Regulations 1999. Thus, provision of the correct specification of sign for potentially high risk activity to minimise risk to operatives and the public.

This duty of care is expressly identified in the Red Book and Traffic Signs Manual Chapter 8 : Highways authorities, statutory undertakers, and contractors should give due attention and identifies a **personal responsibility** (in addition to employer/employee and vicarious liability).

It is your responsibility to

- **ensure necessary equipment has been identified**
- **ensure that the work team understands all key safety issues**

Where does this guidance fit in?

A key safety issue is to ensure that the equipment you are supplied is not only of the size, shape and **design** required but also that it meets the requirements for placement at the site and that it is fit for purpose.

Specifically, when a temporary traffic sign has been made with a retroreflective sign-face to the standard of RA1 **IT IS NOT fit for use** where the site requires RA2.

Under the requirements of BS 8442, the standard called up in TSRGD for temporary traffic signs, testing must be undertaken to comply with the standard and such tests must be evidenced on request.

Since a sign manufacturer may not be aware of where the signs are to be situated (the road type), it is essential that those providing and using the signs ensure the requirements include the express identification of the level of retroreflectivity required as a minimum and that testing evidence has been obtained.

If test evidence has not been required of the manufacturer, there is no evidence that the signs are fit for purpose in terms of durability or retroreflectivity. The purchaser of the signs must be able to evidence that these checks have been undertaken and, further, that the signs provided for the works are those which are expressly required for the site where the works are undertaken **which includes the correct RA and the wind classes**

There is significant importance of reflectivity for periods of low light and darkness and reflectorized signs are sensitive to changes in orientation. **The Contractor should ensure that the signs and**

material properties are suitable for the required orientation. Microprismatic materials should always be mounted vertically not leaning backwards on A frames.

Chapter 8 expressly states that : Assessment of the equipment should be made during assembly for delivery on site.

All items of equipment fulfil their intended legal and informative function throughout the period they are in position.

Any age degradation and colour fade or damage through storage, delivery, installation, and removal will cause deterioration in appearance and effectiveness and defects which affect recognition and legibility are unacceptable. In all this, a check must include that the product has the correct RA in the first place.

Under Chapter 8 Any sign which does not conform in **every detail** with the requirements of TSRGD (which includes any standard called up within it) is unacceptable regardless of condition including frames and angle of fitting. This statement includes the requirement that the product meets the correct standard for the site where it is used.

It is therefore important that those signs on arrival are checked to ensure they are the correct temporary signs. Not only must the sign face comply, but the retroreflectivity must also comply. All motorways and dual carriageways are required to use RA2 signs (other than Gantry signs). Signs for works on other roads where these are unlit may be RA1 or RA2. Lit roads are RA2. Weathering classes must be T1 or T2.

Training and competence under NHSS 12 currently does not cover the elements of sign manufacture, nor should it. However, due diligence and Health & Safety require that the equipment provided to YOU must be determined to be fit for purpose.

It is not sufficient to assume that the right equipment is being supplied. It cannot be assumed that the person who loaded the truck checked or picked up the right stack of signs from a yard where they are all stored, and that they are the right signs for the site where they are being delivered. Nor can it be assumed that such requirements have been checked at a higher level, since those on site may not be the supervisors or managers who ordered the stock. You too have a duty of care, as does your supervisor/manager.

Does your company risk assessment include the requirement of evidence that the signs and equipment you have been supplied are fit for purpose?

All individuals should be aware of risk assessments and make their own dynamic assessment and raise concerns where necessary under the required **safe system of working**.

Where does liability end?

The manufacturer has a legal duty to make products which are fit for purpose and which meet the required standards of the product for its intended use

The procurer has a legal duty to ensure that they purchase and supply the correct products for the intended use/purpose.

The user has a legal duty to ensure that they have satisfied themselves that the products used are fit for purpose and that they meet the requirements under Health & Safety At Work, Guidance for Safety Temporary Traffic Management; Traffic Signs Manual Chapter 8 and Safety at Street Works and Road Works Code of Practice.

Finally, the highway authority has ultimate responsibility for the administration of all work that affects its roads

So, the answer here is everyone has liability to protect themselves and their neighbours which includes any foreseeable potential person.

Legislation & Guidance documents:

Traffic Signs Regulations and General Directions 2016
Safety at Street Works and Road Works Code of Practice

Traffic Signs Manual Chapter 6
Traffic Signs Manual Chapter 7
Traffic Signs Manual Chapter 8 vols 1, 2 & 3
NHSS 12A/B
NHSS 9A
NHSS 9B (to be published)
NHSS 9C (to be published)

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