



Direction in the Control of Cranes, Hoists and Mobile Elevated Work Platforms on Public Roads in Waterford

Legal Background

In accordance with Section 101D Road Traffic Act, 1961 (Subsection 2) as inserted by Section 9 of the Dublin Transportation Authority (Dissolution) Act 1987 and as prescribed in the Road Traffic (Co-ordination of Roadworks) Regulations, 1992, Waterford City and County Council can issue Directions to persons carrying out roadworks in its functional area.

Roadworks means repairs, maintenance, alterations, improvements or installations or any other works to, above or under a public road. (The terms 'public road' and 'road' in these directions have the meaning assigned to them in the Roads Act, 1993.) Roadworks includes any works on the carriageway and/or footpath, where the public road and/or footpath space is temporarily unavailable for public use.

A Direction may specify:

- a) The periods during which and the times at which roadworks shall/shall not be carried out.
- b) The period within which roadworks shall be completed.
- c) The manner in which roadworks shall or shall not be carried out.
- d) Requirements and standards in relation to the temporary or permanent reinstatement of a public road following the carrying out of roadworks.
- e) Requirements in relation to the giving of security for satisfactory reinstatement of a public road following the carrying out of roadworks.
- f) Requirements in relation to the control of traffic in the vicinity of roadworks.

When giving a direction under this section, Waterford City and County Council shall have regard to:

- g) The need to co-ordinate, in such manner as to minimise any disruption of traffic by the roadworks concerned, the periods during which and the times at which the roadworks concerned and other roadworks (whether or not they are in the functional area of Waterford City and County Council) are carried out;

- (h) The necessity to minimise the disruption to traffic caused by the roadworks concerned and other roadworks;
- (i) The urgency of the need to carry out the roadworks; and
- (j) Any cost likely to be incurred as a result of the direction

In addition Section 13 of the Roads Act, 1993 imposes a responsibility on the road authority for the maintenance and construction of public roads. Subsection 7 provides as follows:-

“ A Road Authority may do all such things as arise out of or are consequential on or are necessary or expedient for the performance of its functions under this act or otherwise in relation to public roads or ancillary thereto”.

The above provisions empower a road authority to take whatever action it considers necessary to maintain and manage the roads within its functional area.

Mobile Cranes, Hoists and Mobile Elevated Work Platforms

A person may not place or use a crane, hoist or mobile elevated work platform on a public road within the functional area of Waterford City Council without first obtaining a license to do so from Waterford City and County Council. This does not apply to delivery vehicles.

A Mobile Crane/Hoist License will be issued subject to the following **General Conditions**.

1. The License is non-transferrable.
2. No work on the placing of a Mobile Crane/ Hoist shall be carried out until a License has been issued by Waterford City and County Council.
3. The License must be available on site for inspection by a member of An Garda Síochána or a Waterford City and County Council official. If deemed necessary by the Council the Garda Traffic Corp will be notified.
4. In the case of a hoist/platform one license will cover multiple locations for the same building/structure/event.
5. The Mobile Crane/Hoist shall be placed in a manner to ensure it does not present a hazard to the public under all likely working and environmental conditions.
6. The Mobile Crane/Hoist must be suitably lit during the hours of darkness, be safe and secured with all precautions taken to prevent unauthorised access.
7. Fire hydrants must be left exposed and accessible.

8. Public lighting/traffic signals/trees must not be impaired without the permission of Waterford City and County Council.
9. No materials shall be deposited or stored on the public road.
10. Prior to commencement of any works, a set of colour photographs (minimum 5x7) will be required of the location of the Mobile Crane/ Hoist and submitted as part of the application. Failure to provide such prior photographic evidence will confirm to Waterford City and County Council that all areas in its charge, affected by or adjacent to the works, are in pristine condition.
11. In the execution of the work to which this license relates, the licensee shall exercise all reasonable care to avoid inconvenience to pedestrians and vehicular traffic. Provision for diverted pedestrians must be made, with particular regard for persons with mobility or visual impairment. The public shall not be excluded from any portion of the footpath until a platform, handrail etc. is provided to the satisfaction of Waterford City and County Council.
12. Where a crane is to be placed on a roadway the following measures must be taken:
 - a. If works are to last for less than 24 hours, 2 no. pointsmen must be provided in order to direct pedestrians safely along the path
 - b. if works are to last in excess of 24 hours the area has to be fenced off , with provision for the safe passage of pedestrians
13. Permission to place a Mobile Crane/Hoist on Clearways or Bus Lanes/Green Routes during their operational hours will not be granted. At no time will permission be granted to place a Mobile Crane on a footpath. Hoists of gross weight not exceeding 2 tonne will be permitted on specific designated footpaths.
14. Where jacks are to be placed on the public road, padded feet/ approved protection devices must be used.
15. All businesses and residential properties likely to be affected by the works shall receive a written notice of the intended works and their likely duration from the applicant at least two days in advance of the commencement of the roadworks. The notice shall contain the applicant's contact telephone number and the contact telephone number of the contractor's representative who can be contacted if residents have any queries in relation to the works or if problems arise.
16. Waterford City and County Council reserves the right to require an applicant to enter into a Deposit agreement prior to the commencement of works. The deposit amount will be based on the estimated cost of permanently reinstating the area enclosed as per Appendix V .
17. On completion of the works, the public road shall be restored, and any damage made good to the satisfaction of Waterford City and County Council. On default Waterford City and County Council may execute any necessary works and recover the cost from the Applicant/Deposit.
18. The License may be withdrawn by Waterford City and County Council for breach of any of the conditions contained herein. Notice of withdrawal shall be sent to

the Applicant. In that event the Applicant shall within the time specified in the notice, at his own expense, completely remove the Mobile Crane/Hoist. On default of such complete removal, Waterford City and County Council shall be entitled to remove same at the expense of the Applicant.

19. If a Mobile Crane/Hoist license should at any time be withdrawn by Waterford City and County Council the applicant shall not be entitled to recover from Waterford City and County Council any fee paid for such a license, or any costs, damages or compensation whatever.
20. On the direction of an officer of An Garda Síochána or Waterford City and County Council, works must be immediately suspended and all plant removed. Safe provision must always be maintained for pedestrian and traffic flow.
21. All expenses incidental to the License shall be paid by the Applicant.
22. Where a proposed Mobile Crane/Hoist substantially impinges on the public road or has a potential to restrict traffic flow, the Applicant may be requested to attend a weekly "Traffic Control Meeting" before the application can progress.
23. The applicant shall be liable for and shall indemnify Waterford City and County Council against all claims in respect of injury or damage to persons or property, and from all proceedings, liabilities, losses or expenses of whatever nature, however arising, in connection with or arising out of the application. An endorsement must accompany each application confirming that the applicant's Public Liability Policy is extended to provide this required indemnification to Waterford City and County Council. A minimum indemnity cover for a single accident of €6.5 million shall apply.

Note 1 : Application for a Hoist license must be submitted a minimum of 7 days prior to the proposed commencement of works and 14 days for the application for a Crane license. The license will be issued to cover the duration of the works as specified on the application form. If an extension of time is required to complete the required works a subsequent application must be submitted to the Council to extend the license. The original fee paid will cover the extension of the license.

Emergency Works

Where there is a risk to public safety/integrity of a building an application should be made by email to the Council Roads Department during office hours or to the out of hours call service. Contact details email: contact@waterfordcouncil.ie or Tel: 0761 102020.

Note 2: Work Method Statement / Traffic Management Plan

Where it is proposed to place a Mobile Crane/Hoist on or near a roadway a Work Method Statement / Traffic Management Plan, which includes the following, must be submitted:

- Arrangements for site deliveries, including time of day restrictions, vehicle queuing arrangements etc.
- Proposed arrangements to ensure minimum impact on traffic flow.
- Provision for storage of materials, machinery, etc

Note 3: Pedestrian Management Plan

Where it is proposed to place a Mobile Crane/Hoist on or near a roadway a Pedestrian Management Plan, which includes the following, must be submitted:

- Arrangements for Pedestrian Diversions including proposals for temporary footpaths, ramps, signage, fencing etc..

Note 4: Insurance Requirements

The Licensee must provide evidence of Employer's and Public Liability Insurance cover for limits of not less than €13million and €6.5 million respectively in respect of legal liability for bodily injury or third party property damage claims arising in connection with the activities, the subject of this application, for the duration of the license period. These policies must be extended to indemnify Waterford City and County Council. Waterford City and County Council reserves the right to review this limit of indemnity for adequacy. The insurance policy shall be submitted for inspection before the License will be issued. The licensee is required to maintain a valid policy for the duration of the license period.

Note 5: Fees

A non-refundable Application Fee of €100 must accompany each application. A reduced fee of €20 shall apply for works being carried out to an applicant's principal private residence.

Refundable Deposit Crane €500 (Road) or €1,000 (Enhanced Pavement Area); Hoist €250 (Footpath or Road) or €500 (Enhanced Pavement Area). A reduced deposit of €100 shall apply for works being carried out to an applicant's principal private residence.

Parking Charges

Suspension of 1 No. Pay Parking Space € 18.00/day or part thereof (Waterford) € 9.00/day or part thereof (Dungarvan)

Special Applications

Where works are being carried out for events/festivals supported by the Council the application fee/deposit will be waived by the Council on request. The license application will still be required.

Note 6: Dimensioned Plan Sketch

A detailed plan showing the exact location of the proposed Mobile Crane/Hoist and if applicable the extent and layout of the temporary pedestrian footpath, including ramps, signage, guardrails.



Roads Department,
Waterford City & County Council, Civic Offices,
Dungarvan, Co. Waterford
Tel: 0761 10 20 20
Email: contact@waterfordcouncil.ie

LICENSE APPLICATION TO PLACE A MOBILE CRANE/ HOIST ON A PUBLIC ROAD/FOOTPATH

Application for: Mobile Crane Hoist / MEWP

Applicant: _____ Applicant Ref: _____

Address of Applicant: _____

Contact Telephone No: _____ E-mail: _____

Designated Contact Person: _____ Mobile Tel. No. _____
Tel No. Night _____

If the Applicant is not the Owner of the Mobile Crane/Hoist/Appliance, complete the following: -

Name of Owner: _____

Address of Owner: _____

Telephone No: _____ Mobile Tel. No: _____

Exact location of proposed works: _____

Purpose of Works: _____

Gross Weight of Mobile Crane/Hoist _____ Proposed Area Required _____ m²

Description of Mobile Crane/Hoist _____

Indicate if the following relate to this application:

Extension of time for a previous License: Yes No

If Yes, insert original License No. _____

Is a Road Closure Required: Yes No If Yes, please complete relevant form.

Are Pay Parking Bays Affected: Yes No If Yes, how many? _____

Is Crane/Hoist to be placed in a Bus Lane/Green Route: Yes No See Condition 13

Is the Crane/ Hoist to be placed in a Loading Bay: Yes No

Are Traffic Lanes Affected: Yes No If Yes, how many? ___ (Inbound) ___ (Outbound)

Is a hoist to be placed on a footpath: Yes No If yes see Condition 10. If yes the Drawing must indicate extent, layout, signage, guard-rails etc of temporary footpath around works.

Is the Crane/Hoist to be placed in a Casual Trading Area: Yes No

Are Pre-construction Photographs attached: Yes No See Condition 9

Will all residents/business units affected be notified: Yes No See Condition 15

Planned duration Mobile Crane/Hoist to be placed: Dates: from _____ to _____ Hours: from _____ to _____

THE FOLLOWING MUST ACCOMPANY THIS APPLICATION:

- (i) A Work Method Statement/Traffic Management Plan. (See Note 2)
- (ii) A Pedestrian Management Plan (See Note 3)
- (iii) Copy of Insurance Policy Endorsement. (See Note 4)
- (iv) Application Fee/ Deposit/ Parking Charge if applicable. (See Note 5)
- (v) Dimensioned Plan Sketch (See Note 6)
- (vi) Pre-construction Photographs (See Condition 9)

I hereby apply for a license to place a Mobile Crane/Hoist for use on the public road at the location specified above. I agree to be bound by the general conditions as specified and any specific conditions imposed by Waterford City and County Council and to comply with the provisions of the agreed Works Method Statement / Traffic Management Plan/Pedestrian Management Plan. I shall be solely liable for and shall indemnify Waterford City and County Council from and against all claims in respect of injury or damage to persons or property that may be occasioned in connection with or arising out of this application and/or the activities associated with or arising thereout and against all actions or proceedings that may at any time be brought against Waterford City and County Council in consequence of such injury or damage and against all costs expenses and liability connected therewith.

Designated Contact Person/ Co-ordinator of Safety and Health on site: _____

Mobile Tel. No. _____ Tel No. Night _____ (BLOCK CAPITALS)

Date : _____ Signed: _____

NAME: (BLOCK CAPITALS) _____