
**INFRASTRUCTURE REFERENCE PANEL - WORKING GROUP
ROAD MANAGEMENT ACT REVIEW ISSUES
ROAD AUTHORITIES and UTILITIES
WORKS ON ROADS**

PURPOSE

The purpose of this paper is to provide the Infrastructure Reference Panel Working Group (the Working Group) with background information on the issues that relate to works on roads as identified by road authorities and utilities during the stakeholder consultation phase of the **Road Management Act 2004** (RMA) review.

BACKGROUND

The review of the RMA is being conducted to ensure that it is achieving its purpose and objectives of establishing a coordinated management system that promotes a safe and efficient road network at State and local levels and provides for the responsible use of road reserves for other legitimate purposes (eg utility and public transport services).

Broad consultation with a range of key stakeholder and partner groups was undertaken during the first half of 2010. This consultation included road authorities (including a “road authorities consultation forum” in March 2010), the Infrastructure Reference Panel (IRP), utilities (including a “utilities roundtable” in May 2010) and providers of public transport.

While the focus of the RMA review is to identify possible amendments to the legislation, the review has also identified a number of operational, interpretation and guidance (‘operational’) issues that are considered to be more appropriately and effectively addressed through the associated Regulations, Codes of Practice, guidance notes, training or operational arrangements.

In reviewing the outcomes of the stakeholder consultation, the IRP requested that the previous IRP Working Group be re-established to provide a consultative forum between road authorities, utilities and providers of public transport to address the range of ‘operational’ issues identified as part of the RMA review. The aim of the Working Group should be to seek to develop improved and consistent processes for managing works on roads.

ROAD AUTHORITY and UTILITY ISSUES

Attachment A provides a summary of the main road authority (Table 1) and utility (Table 2) issues as identified during the stakeholder consultation process. These issues will form the basis of, but not limit, the deliberations of the Working Group.

WORKING GROUP MEMBERSHIP

The Working Group is to comprise representatives nominated by members of the IRP and is proposed to be chaired by an independent facilitator experienced with the RMA and its requirements as they relate to road authorities and utilities.

The Working Group will report its findings to the IRP for endorsement.

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ROAD MANAGEMENT ACT 2004

WORKS ON ROADS

**SUMMARY OF ROAD AUTHORITY AND UTILITY
ISSUES RAISED**

ROAD AUTHORITY ISSUES – TABLE 1

No	Issue/Problem	Brief Description
1.	Working in Road Reserves - General	<ul style="list-style-type: none"> • inconsistency of approach / process across Road Authorities. • need for improved communication between Road Authorities and Utilities.
2.	Consent for Utility Works (refer also Emergency Works)	<ul style="list-style-type: none"> • concern regarding the (inappropriate) use by Utilities of the “minor works” and ‘emergency works” exemptions from the need to obtain consent. • inconsistent application / interpretation of the “minor works” and “traffic impact works” definitions / provisions.
3.	Notification of Works	<p><i>Notification of Proposed Works:</i></p> <ul style="list-style-type: none"> • need for an improved process for notification of proposed works. <p><i>Notification of Completion of Works:</i></p> <ul style="list-style-type: none"> • some Utilities are not providing notice of completion of works – this impacts on the ability of a Road Authority to inspect the works.
4.	Conduct of Utility Works	<ul style="list-style-type: none"> • need for improved Utility supervision of contractor works and compliance with conditions of consent (where applicable).
5.	Reinstatement Performance	<ul style="list-style-type: none"> • poor reinstatement of the roadway (and shoulder) – both temporary and permanent - is leaving road authorities with the potential for unmanaged risks (eg short term road user hazards, longer term roadway integrity). • need for timely reinstatement. • need for improved / timely response by Utilities to address reinstatement defects as notified by a Road Authority.
6.	Emergency Works - Utilities	<ul style="list-style-type: none"> • need clearer definition of “emergency works” (eg compared with service faults / short term (unplanned) works). Utilities appear to be using the “emergency works” exemption to circumvent the consent application and notification requirements of the RMA. • failure of Utilities to provide notification of emergency works.
7.	Traffic Management Plans (TMPs)	<ul style="list-style-type: none"> • the adequacy of Utility TMPs has been questioned by some Road Authorities. • concerns regarding compliance with TMPs. • uncertainty regarding a road authority’s responsibility for approving TMPs.
8.	Relocation of Utility Infrastructure as a result of Roadworks	<p>The RMA provides that a Road Authority, for the purposes of improving road safety or the efficient operation of a road, may require the relocation, removal or replacement of utility or public transport infrastructure (with the road authority to meet all reasonable costs):</p> <ul style="list-style-type: none"> • time and cost of utility relocations associated with roadworks by a Road Authority - need to identify mechanisms to enable the completion of timely and cost effective road projects while also ensuring the delivery of uninterrupted utility services. • betterment costs associated with the relocation of utility infrastructure associated with roadworks.

UTILITY ISSUES – TABLE 2

No	Issue/Problem	Brief Description
1.	Authority of the Road Management Act	<p>Can a Council impose other restrictions/obligations on a Utility working in the road reserve in addition to any requirements imposed through the application of the Road Management Act?</p> <p>Legislative hierarchy:</p> <ul style="list-style-type: none"> • does Road Management Act over ride a Council’s Local Law? • can a Council still have a Local Law which requires a Utility to apply for a permit to work in the road reserve in addition to a Consent application? • some Councils are requiring Road Opening Permits and/or Asset Protection permits to work in the road reserve under their Local Laws in addition to a Consent application.
2.	Consent – Levy of Fees	<p>When a single project requires a number of road openings along an extended length of road reserve, how should the consent application be viewed?</p> <p>Some Road Authorities are requiring a separate application, and payment of an application fee, for each road opening rather than one application for the project.</p>
3.	Consent - Requirements for Emergency Works	<p>A Utility does not require consent from a Road Authority before undertaking emergency works.</p> <ul style="list-style-type: none"> • the RMA requires notification as soon as possible after the event. • when emergency works are undertaken the Utility will generally complete their repair works on site and temporarily repair the road and then come back at a later date to undertake the permanent repairs to the road surface - the question arises as to whether the Utility requires Consent to undertake the permanent repair works at the second visit to the site.
4.	Traffic Management Plans (TMPs)	<p><i>Approval of TMPs:</i></p> <ul style="list-style-type: none"> • who has responsibility for TMPs when work is to be conducted in the road reserve? • is the Road Authority required to approve Traffic Management Plans before works commence? <p><i>Consent for Works and TMPs:</i></p> <ul style="list-style-type: none"> • can a Road Authority withhold consent for works until a TMP has been approved?

No	Issue/Problem	Brief Description
5.	Reinstatement Standards	<p>What are the minimum road reinstatement standards required by the Utility when working on a road controlled by a Coordinating Road Authority?</p> <ul style="list-style-type: none"> • <i>Code of Practice for Management of Infrastructure in Road Reserves</i> refers to either AUSPEC#2 or VicRoads Standard Specification <u>as examples</u>. • some Councils are requiring their own (higher) standards. • can a common set of reinstatement standards be agreed between Road Authorities?
6.	Road Crossing by Utility works	<p>Lack of consistency of application of the <i>Code of Practice for Management of Infrastructure in Road Reserves</i> by Road Authorities as it relates to road crossings:</p> <ul style="list-style-type: none"> • some Councils are requiring Utilities to bore under the road, rather than allow open cut - in some instances, this may not be practical (eg soil conditions, other services, etc). • the Code recommends boring where practical, but allows other alternatives. • VicRoads is requiring a road crossing depth of 1.2 metres, but in some cases Utilities are only required to have a depth of 0.7 metres under their own Codes.
7.	Access to the road reserve	<p><i>Utility:</i></p> <ul style="list-style-type: none"> • does a Utility have a legitimate right to access and use the road reserve as a place to install their assets? <p><i>Road Authority:</i></p> <ul style="list-style-type: none"> • does the Road Authority have the ability to restrict (or prohibit) the placement of Utility infrastructure, OR specify the location where Utility infrastructure must be located, within the road reserve?