Victoria Government Gazette

No. S 269 Monday 6 October 2008
By Authority. Victorian Government Printer

ROAD MANAGEMENT ACT 2004

CODE OF PRACTICE

MANAGEMENT OF INFRASTRUCTURE IN ROAD RESERVES

SPECIAL

Road Management Act 2004

NOTICE OF MAKING OF A CODE OF PRACTICE FOR MANAGEMENT OF INFRASTRUCTURE IN ROAD RESERVES

I, Tim Pallas, Minister for Roads and Ports, in accordance with section 29 of the **Road Management Act 2004**:

1. publish the Code of Practice for Management of Infrastructure in Road Reserves, a copy of which is set out below; and
2. give notice that –
   (a) the date of commencement of the Code of Practice is 6 October 2008; and
   (b) copies of the Code of Practice may be obtained from VicRoads Head Office, 60 Denmark Street, Kew.

This Code of Practice for Management of Infrastructure in Road Reserves replaces the Code of Practice for Management of Road and Utility Infrastructure in Road Reserves as published in the Victoria Government Gazette No. S 268 on Friday 17 December 2004.

Dated 30 September 2008

TIM PALLAS
Minister for Roads and Ports

Note: A copy of the Code of Practice may be viewed on the VicRoads website at www.vicroads.vic.gov.au.

Road Management Act 2004

CODE OF PRACTICE FOR MANAGEMENT OF INFRASTRUCTURE IN ROAD RESERVES

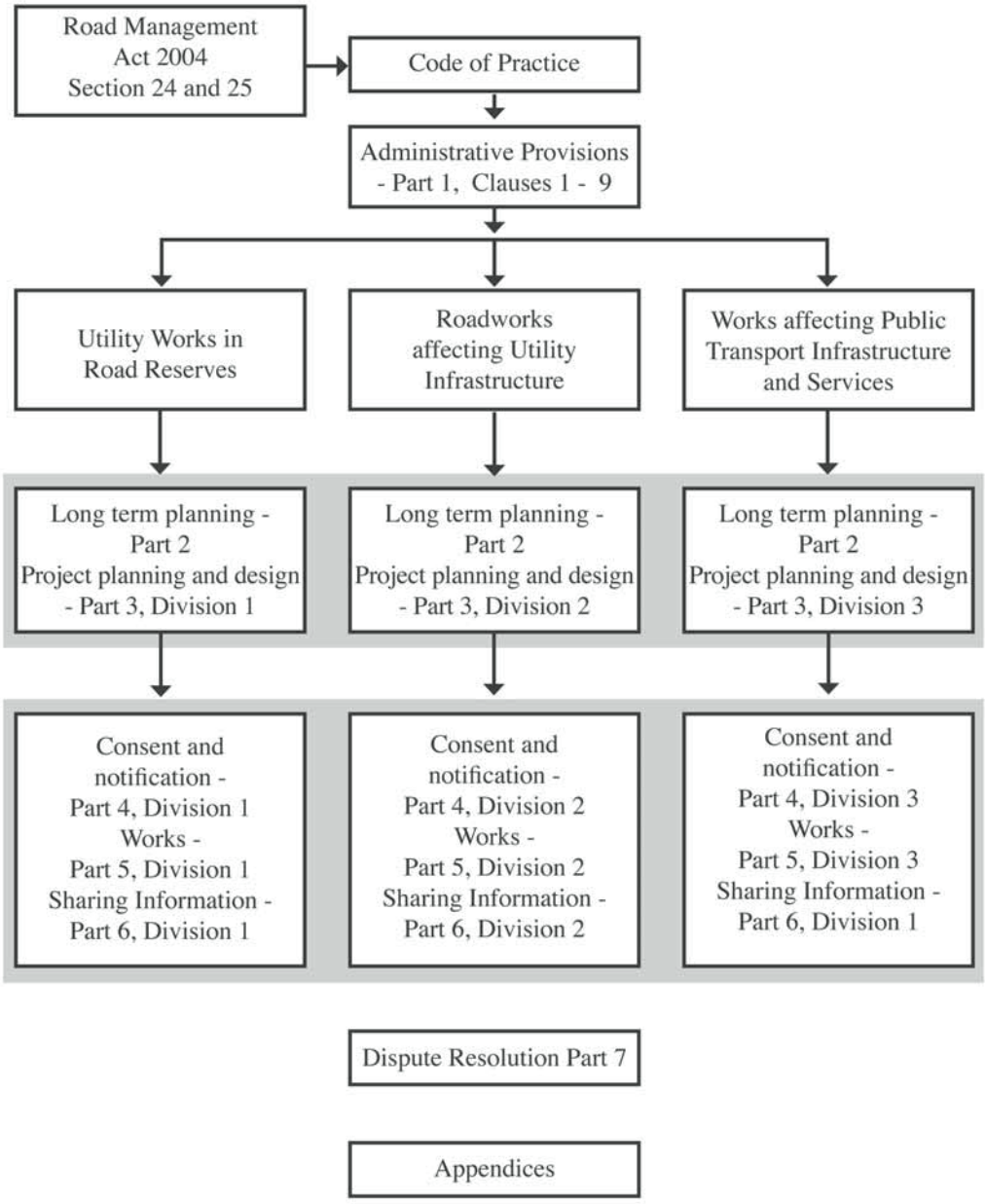
I, Tim Pallas, Minister for Roads and Ports, in accordance with section 28 of the **Road Management Act 2004**, make a Code of Practice for Management of Infrastructure in Road Reserves.

Dated 30 September 2008

TIM PALLAS
Minister for Roads and Port

TABLE OF CONTENTS

CODE OF PRACTICE FRAMEWORK



Road Management Act 2004

CODE OF PRACTICE

MANAGEMENT OF INFRASTRUCTURE IN ROAD RESERVES

PART 1 – PRELIMINARY

1. Purpose of Code

The purpose of this Code is to provide practical guidance and identify benchmarks of good practice for utilities and road authorities, who are expected to work together cooperatively to facilitate the installation, maintenance and operation of road and non-road infrastructure within road reserves.

2. Authorising provisions

This Code is made under section 28 of the **Road Management Act 2004.**

3. Consultation

In accordance with section 28 of the Act, this Code was the subject of consultation with relevant road and utility Ministers and the Utilities' Infrastructure Reference Panel, established under the Act. The development of the Code also involved consultation with a Utilities Working Group, convened by VicRoads with representation from utilities and road authorities.

The Code was remade in consolidated form in 2008, incorporating amendments relating to public transport infrastructure and services. These amendments were developed by a Public Transport Working Group convened by the Utilities' Infrastructure Reference Panel. The consolidated Code, in accordance with section 28 of the Act, was the subject of consultation with relevant road and utility Ministers and the Utilities' Infrastructure Reference Panel.

4. Objectives of the Code

In accordance with sections 24 and 25 of the Act, the objectives of this Code are to provide practical guidance to road authorities and utilities in relation to –

(a) the manner in which works on roads should be carried out;

(b) processes for consultation and exchanging information about future works;

(c) good practice or relevant industry standards in relation to a specified type of infrastructure or works;

(d) processes to facilitate consultation and co-operation between road authorities and utilities responsible for infrastructure on roads;

(e) the needs of public transport services when works are planned and performed in the road reserve;

(f) the process to provide notification to road authorities and for road authorities to give consent to the installation of new non-road infrastructure or works on existing non-road infrastructure, where the works are not exempt from notification or consent requirements; and

(g) the interchange and storage of information regarding road and non-road infrastructure located in road reserves.

5. Application

(1) This Code applies to utilities and road authorities, and their management of road and utility infrastructure on all public roads in Victoria. It has been prepared jointly by road authorities and utilities and is not intended to apply retrospectively, or override the legislative powers of road authorities or utilities.

In particular, this Code does not override Carrier powers under the **Telecommunications Act 1997** (Cwth) or any other Commonwealth or State legislation and policy such as planning and environmental legislation. With respect to works carried out by road authorities and other government agencies that affect utility infrastructure or land

leased to a public transport provider, the provisions of the relevant lease applicable to such works take precedence over the provisions of this Code.

This Code takes effect to the extent that it can do so consistently with other legislation and should be read in conjunction with other relevant Ministerial Codes made under this Act.

(2) This Code cannot:

(a) impose a duty on any person; or

(b) direct how any matter or thing is to be done; or

(c) create an enforceable legal right; or

(d) impose any liability or penalty.

(3) This Code is approved to operate from 6 October 2008 and replaces the Code of Practice for Management of Road and Utility Infrastructure in Road Reserves which commenced operation on 1 January 2005 (refer Victoria Government Gazette No. S 268 Friday 17 December 2004), which is revoked on the commencement of this Code.

6. Interpretation

(1) Unless the context otherwise requires, terms used in this Code that are defined in the Act have the same meaning as the Act.

(2) For the purposes of this Code emergency works are works required urgently to protect:

(a) the integrity of road or non-road infrastructure and include works needed to restore an appropriate required level of service to customers;

(b) a person's health or safety;

(c) the environment; or

(d) property.

Unless the context otherwise requires, a reference in this Code to 'works' does not include emergency works.

(3) In this Code –

The Act means the **Road Management Act 2004**.

DPT means the Director of Public Transport under the **Transport Act 1983**.

franchise agreement means a franchise agreement between the DPT and a provider of public transport under which public transport services are provided.

infrastructure lease means a lease of public transport infrastructure by the Director of Public Transport.

priority to public transport should be interpreted in accordance with clause 8(3) of this Code.

provider of public transport has the same meaning as in the **Road Management Act 2004**.

Notes

Provider of public transport is defined in section 3 of the **Road Management Act 2004** to mean:

(a) a rail corporation, a train operator or a tram operator under the **Rail Corporations Act 1996**; or

(b) a person providing a regular passenger service within the meaning of the **Public Transport Competition Act 1995** under the authority of a service contract within the meaning of that Act.

While a provider of public transport may also be a public transport infrastructure manager, not all public transport infrastructure managers can be providers of public transport.

public transport infrastructure means non-road infrastructure that is leased, maintained and operated by a provider of public transport, or other non-road infrastructure which supports the operation of public transport.

public transport infrastructure manager means an entity which has responsibility for managing public transport infrastructure under:

(a) an Act or regulations;

(b) an infrastructure lease; or

(c) a franchise agreement.

If more than one entity has responsibility, it means the entity with the most direct responsibility.

Examples

Tram tracks

VicTrack owns tram tracks. DPT leases the tram track from VicTrack and sub-leases them to the tram franchisee, Yarra Trams. The tram franchisee is the public transport infrastructure manager for the tram track and is responsible for the maintenance of the tram track. If the public transport infrastructure manager engages a contractor to undertake tram track maintenance, then the contractor is the works manager.

Level crossings

By a similar chain of contracts and reasoning, the management of level crossings within metropolitan Melbourne and regional Victoria is the responsibility of a number of entities including Connex, V/Line, ARTC and VicTrack. The rail tracks are a combination of broad gauge and standard gauge – often adjacent to each other in the same rail reserve. The maintenance of rail track and signalling assets is the responsibility of these entities, with special provisions made at the interfaces of each entity's area of responsibility.

Road Management (Works and Infrastructure) Regulations means regulations made under section 132 of the Act.

road user means all users of a road including pedestrians, bicyclists, motorcyclists, public transport passengers and vehicle drivers and passengers.

roadside management plans means documents that have been prepared by some road authorities outlining the ways in which they intend to manage that part of the road reserve between the outer edge of the road carriageway and the road reserve boundary. The plans are usually road specific and commonly include a comprehensive inventory of existing roadside vegetation.

utility infrastructure means non-road infrastructure, which is the responsibility of a utility.

Note

Non-road infrastructure, which is defined in section 3 of the Act to mean infrastructure in, on, under or over a road which is not road infrastructure, includes public transport infrastructure. Examples of non-road infrastructure are utility pipes and cables, electricity poles, tram wires, rail infrastructure (including boom gates, level crossings, tram safety zones and associated infrastructure such as tram overhead wires and supporting poles, passenger information signs) and bus shelters.

utility infrastructure manager means a utility that has responsibility for managing non-road infrastructure, and includes a public transport infrastructure manager.

works manager as defined in the Act may include a contractor engaged by a utility or a road authority.

(4) This Code is to be interpreted in accordance with the **Interpretation of Legislation Act 1984** as if it were a subordinate instrument within the meaning of that Act.

7. Legal effect of the Code

(1) The legal effect of a Code of Practice is set out in section 24(4) and section 27 of the Act.

(2) A Code of Practice is admissible in evidence in any proceeding to which the Act or section 99A of the **Road Safety Act 1986** applies.

8. Principles of the Code

(1) The Code should be applied and interpreted consistently with the works and infrastructure management principles contained in section 20 of the Act.

(2) This Code:

(a) supports road authorities in providing an accessible, safe and efficient road network for use by the public;

(b) supports utilities in the efficient and effective provision of essential services to the public;

(c) provides practical guidance on the conduct of works on roads in a manner which recognises and gives effect to the need for priority to public transport over other traffic;

(d) provides practical guidance to road authorities and utilities in working together co-operatively to minimise the total cost to the community of providing road and non-road infrastructure and services; and

(e) provides practical guidance to road authorities in coordinating the installation of non-road infrastructure on roads.

(3) A road authority, infrastructure manager or works manager, in the performance of road management functions or the conduct of works to which this Code applies, should:

(a) consistent with a road authority's or utility's respective legal obligations as provided in legislation under which they operate, take all reasonably practicable steps to give priority to public transport over other traffic; and

Examples

Where a road authority, utility or works manager proposes to implement a lane closure as part of a traffic management plan for the works, then that traffic management plan may require:

(i) if the road has tram lines, or has a bus route, implementation of traffic management measures to give priority to public transport;

(ii) prohibition of kerbside parking to reduce interference with a tram or bus service.

Any such traffic management measures should be included in a traffic management plan prepared in accordance with clause 49 of this Code.

If traffic in the vicinity of road works is to be directed by a traffic controller, instruct the traffic controller to give priority to trams and buses, and ensure that that occurs.

(b) before making long-term changes to traffic patterns which may affect public transport – consult with the DPT and any affected provider of public transport on how to optimise the movement of public transport.

Examples

If a road authority permanently alters the timing sequence of traffic signals at an intersection through which a tram service passes, it might apply the 'priority to public transport' principle by ensuring that trams bring up a right-turn arrow and by ensuring that intersecting streets are not given lengthy green times.

If a road authority is planning to undertake works to change the road alignment or traffic management in the vicinity of a level crossing, consideration should be given to impacts such as the queueing or short stacking of vehicles at the level crossing.

9. Review

The Utilities' Infrastructure Reference Panel or the Minister may arrange for reviews of the Code at any time.

PART 2 – LONG TERM PLANNING AND COORDINATION

10. Exchange of information

(1) Coordination between road authorities and utilities should be achieved by exchanging information about future development plans and plans for the ongoing management of existing road and utility infrastructure. However, sometimes, due to the urgent or unexpected nature of the works, early consultation may not be possible.

Example

Utility works often involve service connections at the request of customers and the inspection and maintenance of these connections. These activities are typically carried out over short time frames and are not normally identified in forward works programs.

(2) Individual road authorities and utilities should exchange forward works programs, covering their planned works and major projects. Forward works programs should extend over more than one year for significant works. It is recognised that forward works programs are indicative and may change during the year. Coordinating road authorities may arrange to meet with utilities to discuss forward works programs. If it is considered appropriate, the meetings may include a number of utilities and road authorities.

(3) Utilities should also exchange forward works programs with each other and identify opportunities for coordinating works, where appropriate.

(4) Road authorities and utilities should nominate people to act as primary points of contact for discussion of forward works programs. These points of contact should be reviewed and updated at least annually.

Note

For practical guidance in determining how operational responsibility for different parts or elements of a road reserve is allocated see the Code of Practice Operational Responsibility for Public Roads.

11. Early consultation

(1) Proposals for installing new utility infrastructure or upgrading existing utility infrastructure should be discussed with the coordinating road authority as soon as reasonably practicable. Proposals for roadworks should also be discussed with utilities as soon as reasonably practicable. It is usually easier and less costly to amend plans during the planning and design stages, than to try to make changes when work has started on site.

(2) Generally the road authority or its nominated agent should deal with the utility or its nominated agent on planning and design matters. The road authority or its nominated works manager should deal with the utility or its nominated works manager on operational matters.

Note

Early consultation with providers of public transport is particularly important in cases where works may affect public transport services.

12. Future provision for road and utility infrastructure

(1) When a road authority is proposing to carry out roadworks (including resurfacing works), it should consider utilities that may have an interest in installing utility infrastructure at that location in the near future. Where technically feasible and reasonably practicable, it may be mutually beneficial to install conduits before or during the roadworks, for example, to accommodate a future utility crossing. Any commercial arrangement for the installation and use of conduits should be agreed between the road authority and utility.

(2) If a road authority requests a utility to bring works forward, then this may be by arrangement. Factors to be considered when negotiating such an arrangement should include:

(a) the ability of the utility to design and construct the works earlier than planned; and

(b) whether the utility is able to fund the works earlier than planned and whether the road authority may contribute to the cost of bringing the utility works forward.

(3) The same principles apply when a utility requests a road authority to bring works forward. It is desirable to avoid a situation where a road authority or utility is requested to delay works, as this may involve liability issues if the delay in the works is linked to an accident or financial loss.

13. Provision for future public transport needs

If a road authority or utility is planning to carry out works or install infrastructure, it should consider the principles set out in clause 8 where providers of public transport may have an interest in installing public transport infrastructure at that location in the near future.

Example

It may be technically feasible and reasonably practicable to install conduits before or during roadworks to accommodate a future tram stop.

Note

The Disability Standards for Accessible Public Transport 2002 under the Commonwealth **Disability Discrimination Act 1992** require that public transport infrastructure be upgraded to fully compliant disability standards where that infrastructure will undergo substantial refurbishment or alteration as a result of works proposed to be conducted by a road authority or utility.

14. Joint use of infrastructure

(1) When a road authority (or other infrastructure manager who owns structures in road reserves) is planning to build a new structure, such as a bridge, it should consider the possibility of that structure being used to accommodate utility infrastructure. Utilities that may have an interest in using the structure will need to provide the road authority with details of their current and future requirements to assist with the design of the structure. The attachment of utility infrastructure should be in accordance with the requirements of the Act. It may generally be desirable for the utility and the road authority to enter into a commercial agreement in these situations.

(2) Where reasonably practicable, utilities should explore opportunities for joint use of utility infrastructure in accordance with relevant industry codes. For example, in road reserves where space is limited, two or more utilities may agree to install a services conduit or share a common trench to jointly accommodate their infrastructure.

15. Emergency management planning

Road authorities and utilities should support the planning process for management of emergencies and contribute to the appropriate Municipal, Divisional and State Emergency Management Plans, and any relevant integrated fire management planning processes.

PART 3 – PROJECT PLANNING AND DESIGN

Division 1 – Utility Works in Road Reserves

16. Coordination

Utilities and road authorities should work together to coordinate the development of detailed plans for installation of new infrastructure or upgrading of existing infrastructure.

This may achieve considerable benefits once a project has been identified e.g. a minor change to utility infrastructure alignment and/or level may avoid the need for costly alterations if the road is to be widened in the near future.

17. Positioning

Applicable legislation, codes and regulations should be complied with when positioning utility infrastructure in road reserves. The works and infrastructure management principles outlined in section 20 of the Act should also be considered when deciding on the positioning of new utility infrastructure or when considering modifications to existing utility infrastructure within road reserves, as follows in clauses 18 to 26.

18. Road safety

(1) The following factors should be considered:

(a) in accordance with clauses 6 and 11 of Schedule 7 of the Act, place utility infrastructure in a manner that minimises safety risks to users of road reserves, including pedestrians and cyclists;

(b) minimise obstruction to sight distance, particularly in the vicinity of intersections, level crossings or on the inside of curves;

(c) minimise, or avoid so far is reasonably practicable, the need for workers to be on the trafficked part of the road reserve when inspecting/maintaining utility infrastructure; and

(d) avoid installing utility infrastructure longitudinally in freeway reserves.

(2) Where there are exceptions to these factors, consideration should be given to undertaking a risk assessment on a case by case basis.

19. Damage or disruption to infrastructure

The Act recognises that road reserves are available for the installation and ongoing operation of both road and non-road infrastructure. When considering the positioning of utility infrastructure in road reserves, the aims should be as follows:

(a) in accordance with clause 5 of Schedule 7, minimise damage to road infrastructure that may be caused during the installation, or associated with the ongoing operation, of utility infrastructure as far as reasonably practicable;

For example, consideration could be given to the following order of priority where practicable:

Most preferred location Under/within open areas within the road reserve or existing easement

Under/within nature strips

Under footpaths/bicycle paths

Least preferred location Under road pavements/tram and rail tracks

(b) consider placement of utility infrastructure in the vicinity of, or on, bridges or other road-related infrastructure (including road bridges or other structures owned by other infrastructure managers) in conjunction with all other available routing options;

(c) in accordance with relevant planning and environment legislation and Government policy:

(i) minimise damage to street trees, including their root systems, and remnant vegetation where reasonably practicable, and

(ii) minimise damage to roadside areas identified as being of high conservation value in Roadside Management Plans, where reasonably practicable. Where such Plans have been developed by road authorities, current copies should be made available to utilities likely to work on roads covered by those Plans.

20. Future infrastructure development

When considering the positioning of utility infrastructure in road reserves, utilities should, in accordance with the requirements of the Act:

(a) consult with the coordinating road authority if the works are likely to affect significant planned maintenance works (such as road resurfacing) and/or significant road improvements. Where proposed works involve aboveground infrastructure, utilities will need to install works in accordance with relevant legislation and discuss any specific needs of the road authority; and

(b) consult with other infrastructure managers if the works are likely to affect planned installation and/or significant upgrades of existing non-road infrastructure.

Note

A public transport infrastructure manager or provider of public transport who is planning the installation of infrastructure or related works that could affect other utility infrastructure in the road reserve, must give notice to the other affected infrastructure manager or works manager (refer also to clause 31(2) of this Code).

21. Traffic disruption

Where reasonably practicable, and in accordance with the requirements of the Act, utilities should place the utility infrastructure in locations that will, during installation and subsequent maintenance:

(a) minimise delays and inconvenience to traffic and road users;

(b) minimise interference with public transport services and with access to those services;

(c) minimise restriction of access to properties (including businesses).

22. Disruption to the effective and efficient delivery of utility services

Where reasonably practical, place utility infrastructure in locations that will:

(a) minimise the risk of it being accidentally damaged by the effects of road traffic, roadworks (including routine maintenance works such as grading open drains) or works by others. Appropriate protection measures may be required in some circumstances where the risk of damage remains too high; and

(b) minimise the risk of damage to other utility infrastructure during installation and maintenance.

23. Efficient use of resources

When considering the options for positioning of utility infrastructure, the costing of alternatives should consider the total costs to the community of providing both road and utility infrastructure.

24. Depth of underground utility infrastructure

(1) Underground utility infrastructure should be placed at depths that will minimise the risk of accidental damage when road authorities and others are carrying out work in road reserves.

(2) Underground utility infrastructure should also be laid:

(a) to depths that conform to existing utility regulations and standards; and

(b) at a sufficient depth to allow the road authority to maintain and repair the road pavement and road-related infrastructure such as drainage without damaging utility assets;

(c) (where it is laid under tram or train tracks) to a depth which enables tram or train operations and track maintenance to occur without damaging utility assets.

(3) Where practicable, new utility infrastructure should be located:

(a) more than 300 mm below the bottom of the road pavement; and

(b) (where it is laid under tram or train tracks) more than 1.2 metres below the top of the rails.

(4) As a guide, for most roads the desirable minimum depth of cover for utility infrastructure under road pavement should be 600 mm below finished road surface level. Where utility infrastructure cannot be installed with sufficient cover, suitable protection of the infrastructure such as sleeving, should be provided by the utility to minimise the risk of accidental damage. If this is not practicable or cost-effective, utilities and road authorities should negotiate a suitable alternative treatment.

Note

Additional requirements apply in respect of works in the vicinity of train and tram tracks – refer clause 47 of this Code.

25. Spacings between underground utility infrastructure

(1) Underground utility infrastructure should be separated by distances that conform to existing utility regulations and standards.

(2) Wherever possible, different types of underground utility infrastructure should be adequately separated to minimise the risk of accidental damage when utilities are installing, upgrading or maintaining their infrastructure.

26. Attachment of utility infrastructure to bridges and other road authority structures

(1) It may generally be desirable for the road authority (or other infrastructure manager who owns structures in road reserves) and utility to enter into a commercial agreement covering the terms and conditions for attaching utility infrastructure to any bridge or other road authority structure. Aspects that may be covered in such an agreement include proof engineering of the proposed method of attachment, access for maintenance, indemnity for damage, costs for attachment and responsibility for costs of relocation. Where the service life of the utility infrastructure is likely to exceed the remaining life of the road authority structure, the agreement needs to outline the responsibilities of each party when the road authority structure needs to be renewed, including any responsibility for costs associated with alterations to the utility infrastructure. Road authorities may not agree to attachment of utility infrastructure to some structures.

(2) When determining the details of attaching utility infrastructure to a road authority structure, the following factors should be considered:

(a) attaching the utility infrastructure should not adversely affect the integrity of the road authority structure;

(b) attaching the utility infrastructure should not interfere with the road authority's ability to physically inspect or maintain its structure;

(c) having the utility infrastructure attached to the road authority structure should not compromise the health and safety of road authority staff required to carry out maintenance work on the structure, or road users. In such cases, work procedures may need to be jointly developed by the utility and the road authority to ensure compliance with all relevant OH&S requirements; and

(d) the visual amenity of utility infrastructure, when attached to a road authority structure (including heritage listed bridges), should be jointly considered by the utility and the road authority.

Division 2 – Roadworks Affecting Utility Infrastructure

27. General

(1) Road authorities should take account of applicable codes (e.g. Clause 56: Residential Subdivisions in all planning schemes, as they relate to the design of roads and neighbourhood streets, and the Coordination of Streetworks Code of Practice) and road design standards when designing new roads to achieve the principal object of road management stated in section 20 of the Act and, as far as possible consistently with that principal object, to give priority to public transport. The Act recognises that utilities have rights to locate their infrastructure in road reserves and road authorities should work together with utilities to make provision for utility infrastructure when planning and designing new roads or improving existing roads.

Example

It is desirable that nature strips are wide enough to accommodate utility infrastructure and allow safe access to that infrastructure.

(2) The same principles should apply when road authorities, acting in their role as referral authorities under the **Planning and Environment Act 1987**, are providing advice to the local council (as the responsible authority) in regard to planning permit applications from consultants and developers for new residential and commercial developments.

Note

The Department of Transport has prepared 'Public Transport Guidelines for Land Use and Development' to provide guidance in the provision of safe and efficient public transport in new urban development areas. A copy of the Guidelines, which are referenced in the Victoria Planning Provisions, can be found on the Department of Transport website (www.transport.vic.gov.au).

28. Positioning

When deciding on the positioning of new road infrastructure or when considering modifications to existing road infrastructure, road authorities should consult with utilities to consider whether the proposed roadworks may:

(a) affect the safety of utility workers engaged in installing and/or maintaining facilities;

(b) impact the safety risks of users of the road reserve;

(c) delay a train, tram or bus service;

(d) impede people's ability to access a train, tram or bus;

(e) increase the risk of existing utility infrastructure being accidentally damaged. For example due to vibration resulting from road traffic or root damage associated with planting trees in the vicinity of underground utility infrastructure root barriers may be needed to minimise any impacts;

(f) require alteration to existing utility infrastructure, or protection of that infrastructure. This includes addressing any vertical clearance requirements in accordance with relevant legislation and specific needs of the utility; and/or

(g) affect any planned utility maintenance works and/or significant utility infrastructure installations or upgrades.

29. Changes to road level or profile

Road authorities should consult with utilities (including public transport infrastructure managers) before changing the level or profile of a road so as to minimise the risk of utility infrastructure becoming noncompliant with any existing utility legislation or standards or where the works affect the functionality of the infrastructure.

Examples

A change in road profile may affect the ability of buses to access bus stops.

An increase in the crossfall of a road which may lead to taller vehicles contacting poles that are close to the edge of the road.

An asphalt overlay may reduce the height clearance to overhead wires or cover surface fittings such as valve covers or fire plugs.

A change in road level may impact on height clearances (including any associated low clearance warning signs) for roads under rail bridges.

Division 3 – Works affecting Public Transport Infrastructure and Services

30. Resurfacing at rail level crossings

In accordance with clause 6(f) of Schedule 7 of the Act, the relevant public transport infrastructure manager is required to take reasonable measures to ensure that the condition of the rail level crossing surface is maintained to a standard which is equivalent to the standard of the adjacent road surface. Consistent with this is the objective that there be a smooth interface at a level crossing where the roadway meets the rail level crossing surface. Where a road authority proposes to resurface a length of roadway on either side of a rail level crossing, it should consult with the relevant public transport infrastructure manager in sufficient time to enable the public transport infrastructure manager to program any necessary resurfacing of the rail level crossing. In planning for the resurfacing works, the road authority and public transport infrastructure manager should agree on the arrangements to conduct the works efficiently and safely. Following agreement on the programming and conduct of the resurfacing works, the road authority and public transport infrastructure manager should undertake their respective works consistent with their other statutory obligations in relation to the road and rail corridors. A similar process of consultation and planning, consistent with Part 4 of this Code, should apply where a public transport infrastructure manager proposes to conduct resurfacing works within the rail level crossing.

PART 4 – CONSENT AND NOTIFICATION PROCESS

Division 1 – Utility Works in Road Reserves

31. Consent and notification requirements

(1) Section 63 and clause 16 of Schedule 7 of the Act requires any person proposing to carry out works in, on, under or over a road to obtain the consent of the coordinating road authority, except where exemptions under the Act apply. Clause 7 of Schedule 7 requires an infrastructure manager or works manager to give notice to a coordinating road authority before installing any non-road infrastructure or carrying out other related works on a road reserve (except for emergency works). Clause 13 of Schedule

7 requires a works manager to notify the coordinating road authority within 7 days of completing works on non-road infrastructure on a road reserve. Sections 132(3)(a) and (b) of the Act allow for regulations to be made to provide exemptions from these requirements for consent and notification.

(2) Clause 8 of Schedule 7 requires an infrastructure manager or works manager to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area which could be affected by any proposed installation of infrastructure or related works on a road or the road reserve of any road. Further to this clause, any relevant approvals required under relevant legislation will also need to be obtained.

32. Exemptions from consent and notification requirements

In addition to exemptions to consent and notification provided under the Act, the Road Management (Works and Infrastructure) Regulations provide further exemptions in relation to activities/classes of work involving infrastructure in road reserves.

33. Agreements

(1) Clause 18 of Schedule 7 of the Act states that a coordinating road authority may enter into an agreement with a works manager or infrastructure manager in respect of proposed works on roads. The agreement can include a term which gives the coordinating road authority's consent to the proposed works, or gives an exemption or variation.

(2) For example, agreements may be considered when infrastructure managers and their works managers can demonstrate they have installation and maintenance management plans which clearly identify responsibilities, standards and procedures to comply with road authority requirements. These plans should include processes for planning, design, installation, maintenance and work records. Utilities should also identify quality systems used to manage occupational health and safety, road safety, traffic management and reinstatement works. A guide to the contents of such agreements is shown in Appendix 1.

(3) For example, agreements may also be used where a series of works is to occur across a municipality or geographic area, or new technology introduced. Such overarching agreements may be used to streamline consent and notification processes for these types of works.

34. Risk management plan

(1) Utilities should prepare a risk management plan to identify risk mitigation measures they intend to adopt when carrying out works involving non-road infrastructure in road reserves. The plan should be developed in accordance with the approach outlined in AS/NZS 4360: 2004 Risk Management. The major risk areas to be managed include:

(a) safety of all users of the road reserve, workers and the public;

(b) the integrity of road infrastructure;

(c) traffic disruption;

(d) delays to a train, tram or bus service;

(e) interference with people's ability to access a train, tram or bus;

(f) any adverse effects on the future development of both road and non-road infrastructure; and

(g) the effective and efficient delivery of utility services.

(2) The risk management plan should contain:

(a) an analysis of each of the above risk areas to determine the inherent risk rating;

(b) an evaluation of those risk areas to determine whether the risk ratings are at an acceptably low level or whether they are high enough to warrant some treatment;

(c) for the risks that warrant some treatment, the proposed mitigation measures to reduce the risk to an acceptably low level;

(d) details of the positions of the persons responsible for the operation of the risk management plan;

(e) details of the training to be provided to staff and contractors to ensure the risk management plan is followed; and

(f) the process for monitoring and review of the plan to help identify improvements and to ensure the plan remains up to date.

(3) A risk management plan may be used to support an agreement outlined in clause 33.

35. Applications for consent

(1) Utilities should discuss proposed works as early as possible with the coordinating road authority, and preferably prior to forwarding any application. As part of these discussions, the coordinating road authority should indicate whether it would provide consent to a written application from the utility, or whether it has concerns with regard to the proposed works.

(2) Applications for consent to carry out works, where required, should:

(a) state the date of submission of the application;

(b) state the proposed duration of the works;

(c) give the purpose for which the utility wishes to enter the road reserve;

(d) describe the type of activities the utility intends to undertake including:

(i) the location of the utility infrastructure;

(ii) the scope and type of work;

(iii) the proposed timing of the works; and

(iv) the proposed methods of minimising the effects of the work on any road infrastructure, road safety, public transport, access to public transport services and/or traffic operations (e.g. a traffic management plan);

(e) confirm notification has been provided to other utilities whose assets might be affected by the proposed works;

(f) confirm notification has been given to, or consultation has been undertaken with, the relevant provider of public transport or public transport infrastructure manager whose assets, services or passengers may be affected by the proposed works;

(g) confirm the process of consultation with others (such as abutting land owners) likely to be significantly affected by the proposed works; and

(h) confirm that health and safety risks associated with the proposed works and the ongoing operation of the proposed utility infrastructure have been considered.

(3) A recommended pro-forma notice for utilities to use is shown in Appendix 2. This pro forma should be used by all coordinating road authorities and utilities, to help standardise the communication process and minimise administrative costs.

36. Road authority response to applications for consent

(1) The coordinating road authority should deal promptly with applications for consent. If the coordinating road authority is in agreement with the proposed works being carried out, written consent should be provided as quickly as possible, to ensure that the proposed utility works can proceed as planned. The coordinating road authority

response to applications for consent needs to be within the time frame specified in clause 17(5) of Schedule 7 of the Act (or as varied by regulation), and provide the utility with a clear decision of whether consent is provided for the proposed works.

(2) In some cases, the coordinating road authority will need to consult with the responsible road authority (e.g. on arterial roads in urban areas Council is the responsible road authority for the footpath and nature strip). The coordinating road authority should take into account any responsible road authority comments and requirements before determining the application.

(3) If it is apparent that:

(a) the utility has not provided sufficient detail consistent with the pro-forma in Appendix 2; or

(b) the coordinating road authority is not satisfied with some aspect(s) of the proposal; or

(c) the coordinating road authority is not in agreement with the proposal:

the coordinating road authority should contact the utility as quickly as possible to give the utility the opportunity to provide the information not included with the original application, consider re-scheduling the proposed works or continue to attempt to gain the consent of the coordinating road authority, if it wishes to proceed with the works as scheduled.

(4) If the coordinating road authority is not satisfied with some aspect(s) of the proposal outlined in the application, it should contact the utility to discuss and agree conditions under which it would provide consent to the works proceeding. Such conditions should be reasonable, and must be consistent with the Act and the regulations. In addition to conditions, responses to consent applications may include references to information contained in the Act, relevant regulations, this Code of Practice and any other general information requirements.

(5) The coordinating road authority, in considering applications for consent, should impose such conditions as are necessary to give effect to the 'works and infrastructure management principles' as included in section 20(2) of the Act. Where an application for consent indicates that the proposed utility works could affect public transport infrastructure or services, the coordinating road authority should include reasonable conditions which have been requested by the relevant provider of public transport or public transport infrastructure manager. The provider of public transport or public transport infrastructure manager should take all reasonable steps to consult with the utility seeking consent and reach agreement with that utility on such conditions prior to requesting the coordinating road authority to include them in the written consent.

Note

The provider of public transport or public transport infrastructure manager, in requesting the coordinating road authority to include certain conditions in the written consent, should have regard to the time frame within which the coordinating road authority is required to respond to applications for consent as described in clause 36(1) of this Code. Failure of the coordinating road authority to respond within the required time frame can be taken to mean that the coordinating road authority has given written consent in accordance with clause 17(1) of Schedule 7 of the Act.

(6) Examples of typical conditions are outlined in Appendix 3.

(7) The coordinating road authority should not require the utility to make multiple contacts with various parts of its organisation and/or its agents or contractors as a condition of consent. Communication should be between single points of contact in the coordinating road authority and the utility, wherever possible.

(8) In accordance with clause 16(5) of Schedule 7 of the Act, a coordinating road authority may, having regard to the works and infrastructure management principles, refuse consent. If the coordinating road authority is not in agreement with the utility's proposal, it must promptly advise the utility in writing and outline the reasons for not providing its consent to the proposed works. Such grounds for refusal may relate to one of the following:

(a) effect on road safety;

(b) effect on the integrity of existing road infrastructure;

(c) effect on planned infrastructure contained in a published business plan/program/strategy and/or in a planning scheme;

(d) delays or inconvenience to road users, including pedestrians, people with disabilities and cyclists; and/or

(e) effect on the efficiency and/or effectiveness of delivery of utility services.

(9) In accordance with clause 16(5) of Schedule 7, the road authority must not unreasonably withhold consent. At this stage representatives of the road authority and the utility should meet to discuss how to reach agreement as quickly as possible.

(10) The utility may choose to follow the dispute resolution process at this stage, or resubmit the proposal in an amended form. After considering the amended proposal, the road authority should make reasonable efforts to reach agreement with the utility and provide a written reply within 20 business days of receiving the amended proposal. If the road authority still does not consent to the proposed works, the dispute resolution procedure set out in Part 7 of this Code should be followed.

(11) A diagram of the above process is shown in Appendix 4.

37. Emergency works

In accordance with clause 7 of Schedule 7 of the Act, the consent of the coordinating road authority is not required for emergency works. All parties will undertake emergency works using good industry practice, including taking into account all health and safety considerations for the workers undertaking such works. The utility should notify the coordinating road authority as soon as reasonably practicable where the emergency affects the safe and efficient operation of the road. In accordance with clause 8 of Schedule 7 of the Act, the utility should also notify any other infrastructure manager or works manager responsible for non-road infrastructure in the area as soon as practicable where the emergency affects that non-road infrastructure.

38. Pre–notification of works

(1) Prior to the installation of any non-road infrastructure or related works in road reserves, utilities should notify the coordinating road authority of its intention to carry out such works in accordance with clause 7 of Schedule 7 of the Act. Under clause 8 of Schedule 7 of the Act, utilities should also notify any other infrastructure manager or works manager responsible for any infrastructure that could be affected by the proposed works.

(2) Pre-notification is not required if the works are identified as exempt in accordance with the Road Management (Works and Infrastructure) Regulations under the Act.

(3) A recommended pro-forma to use for pre-notification is shown in Appendix 2.

39. Post–notification of works

(1) On completion of works (including emergency works), a notice should be forwarded to the coordinating road authority in accordance with clause 13 of Schedule 7 of the Act, unless the works are exempt from such a requirement, in accordance with the Road Management (Works and Infrastructure) Regulations under the Act.

(2) A recommended pro-forma to use for post-notification is shown in Appendix 2.

40. Methods of issuing applications/notices

(1) The preferred method for issuing applications/notices is e-mail, with correspondence sent to the registered business addresses of the parties involved, unless otherwise agreed. If this is not possible, applications/notices may be sent by fax, hand delivered or posted to the registered business addresses of the parties involved. For applications/notices sent by mail, the application/notice will be deemed to have been delivered on the second business day after the notice was posted.

(2) Road authorities and utilities should adopt a mutually acceptable method of confirming receipt of applications for consent. This is needed because clause 17(1) of Schedule 7 of the Act provides that consent will be deemed to have been given if the coordinating road authority does not respond within the period specified in the Act (or as amended by regulation). The same method should be used for acknowledging receipt of all other documents forming part of the consent process.

Division 2 – Roadworks affecting Utility Infrastructure

41. General

When a road authority is proposing to carry out roadworks that could affect utility infrastructure, the road authority should advise the owners of that infrastructure as early as possible.

42. Risk management plan

Road authorities should develop a risk management plan when proposing to carry out roadworks that could affect utility infrastructure. The risk management plan should be prepared in accordance with the same requirements for utilities detailed in clause 34 of this Code. The major risks to be managed will be the safety of workers undertaking the works, the public, accidental damage to utility infrastructure during the roadworks and interruption to the effective and efficient delivery of utility services.

Division 3 – Works affecting Public Transport Infrastructure and Services

43. General

(1) This Division, which applies to both road authorities and utilities proposing to carry out works within the road reserve that could affect public transport infrastructure or services, seeks to assist providers of public transport to deliver public transport services to the community and meet their obligations under the franchise agreements and similar agreements by which public transport services are procured by government.

(2) For the avoidance of doubt, a road authority, in carrying out any works within the road reserve, must have regard to the 'works and infrastructure management principles' as contained in section 20(2) of the Act. This includes the avoidance or minimisation of disruption to traffic (including public transport) and the avoidance or minimisation of damage or disruption to infrastructure on roads (including utility and public transport infrastructure).

44. Notification of works affecting tram and bus services

(1) Where proposed works which fall within the description in columns 1 to 4 of Table 1 and notification is required in accordance with column 5 of Table 1, that notification should be given to the relevant provider(s) of public transport responsible for the tram or bus service affected by the works within the time limits as set out in column 5.

Note

The infrastructure leases to providers of tram services require that VicTrack alone may authorise access to tram track and other tram related infrastructure for the conduct of works. For this reason, where proposed works that affect a tram service also require access to public transport infrastructure, then the relevant road authority or utility

responsible for the works should also comply with the requirements in clause 47(1) of this Code.

(2) For the purposes of interpreting Table 1:

duration of works includes the erection of traffic control signs at the commencement of the works and the removal of all signs following completion of the works.

lane interruption means the temporary interruption of traffic flow in a lane on a roadway, including the closure of a lane, which may impact on public transport services, but which excludes works vehicles either legally parked or working in a legal parking area where such works vehicles do not significantly encroach onto the adjacent traffic lane.

PPTN means the Principal Public Transport Network referred to in direction 8.1 of Melbourne 2030, details of which can be found at the website of the Department of Planning and Community Development (with a direct link via www.dse.vic.gov.au/melbourne2030online/).

road closure does not include a temporary closure of a road or tram track for a period of not more than 5 minutes to allow movement of plant and equipment.

'road which hosts a tram or bus service' includes –

- a road on the PPTN;
- any other road which hosts a scheduled tram or bus service;
- a bus repositioning route (i.e. a road along which a bus travels, after reaching the end of the route, in order to commence its return journey) – such a route is one where information regarding its location is reasonably available to a road authority or utility;
- roads used by trams or buses to directly access their depots.

(3) The notification requirement specified in column 5 of Table 1 is not intended to prevent, subject to clause 45, works from taking place where that necessary notification cannot be given. However, if that notice cannot be given in the circumstances, as much notification as possible should be given to enable the provider of public transport to determine how long it will take for the public transport service to adapt to the works, so as to minimise disruption.

Example

Works that may not be able to comply with the notification requirements specified in column 5 of Table 1 may include:

(i) emergency works.

(ii) maintenance works required to be conducted by a road authority in accordance with a nominated response time as specified in its road management plan.

Table 1: Notification and Consent Requirements for Certain Works Affecting Tram and Bus Services

Column 1 Type of works	Column 2 Which roads	Column 3 Time of work	Column 4 Duration of works	Column 5 Notification	Column 6 Consent
Road closure and / or Closure of tram tracks	• **Road which hosts a tram or bus service.** • Any arterial road. • Other road whose closure could impede a tram or bus service.	Whenever a tram or bus service is running.	Any duration.	Not Applicable.	Consent process applies[1] Note: [1] Conditions included in a written consent may relate to the timing of the commencement of the works.
Lane interruption (Melbourne, Geelong, Ballarat or Bendigo)	**Road which hosts a tram or bus service.**	Peak Period (Monday to Friday): • 6 am to 9 am • 3 pm to 7 pm	**Duration of works** is greater than 15 minutes **and** Delay to a tram or bus is likely to be greater than 2 minutes.	Not Applicable	Consent process applies.
Lane interruption (Melbourne, Geelong, Ballarat or Bendigo)	**Road which hosts a tram or bus service.**	Off-Peak Period: • Monday to Friday: 9 am to 3 pm • Monday to Friday: 7 pm to midnight • Weekends and Public Holidays: 8 am to midnight	**Duration of works** is greater than 2 hours **and** Delay to a tram or bus is likely to be greater than 5 minutes.	Not Applicable	Consent process applies.
Tram or bus stop closure (includes blocking access to a tram or bus stop)	**Road which hosts a tram or bus service.**	Whenever a tram or bus service is running.	More than 2 hours.	10 business days.	Consent process applies where works have a 'significant impact on access to a tram or bus stop'.

Notes to Table 1

Arterial road is defined in the **Road Management Act 2004** to mean a road which is declared to be an arterial road under section 14 of that Act.

The underlying principle of Table 1 is to limit, wherever practicable, the number of consent applications required to be submitted by infrastructure managers or works managers proposing to carry out works within the road reserve. The practical application of Table 1 can achieve such a reduction in consent applications if –

- the works are conducted during off-peak periods;
- traffic management measures implemented through the worksite minimise delay to public transport services;
- without compromising safety, the duration of works is kept as short as possible; and
- temporary road closures to allow for the movement of plant and equipment are kept to a duration of less than 5 minutes and, where practicable, undertaken between bus and tram services.

(4) Notification should be made to the relevant provider(s) of public transport responsible for the tram or bus service affected by the works.

Note

It is expected that Bus Association Victoria will publish a list of bus operators for each municipality, and will make that list available to road authorities and utilities.

45. Application for consent for works affecting tram or bus services

(1) Where proposed works in the road reserve fall within the description in columns 1 to 4 of Table 1 in clause 44, these works are likely to –

(a) require the deviation (to a different road), replacement or cancellation of a tram or bus; or

(b) cause a significant delay to a tram or bus; or

(c) have a significant impact on access to a bus stop or tram stop

and, therefore, as a matter of best practice, such works should be regarded as being 'traffic impact works' within the meaning of the Road Management (Works and Infrastructure) Regulations 2005. As the definition of 'traffic' in the Act includes public transport**,** all relevant infrastructure and works managers should apply to the coordinating road authority for consent (as specified in column 6 of Table 1) before proceeding with such works in the road reserve.

Note

The infrastructure leases to providers of tram services require that VicTrack alone may authorise access to tram track and other tram related infrastructure for the conduct of works. For this reason, where proposed works that affect a tram service also require access to public transport infrastructure, then the relevant road authority or utility responsible for the works should also comply with the requirements in clause 47(1) of this Code.

(2) Where works that are proposed to be carried out by a responsible road authority fall within the description in columns 1 to 4 of Table 1 in clause 44, and such works are located within a road reserve for which it is not the coordinating road authority, then the responsible road authority should apply to the coordinating road authority for consent in accordance with column 6 of Table 1 in clause 44 before proceeding with such works.

Example

The consent requirements in column 6 of Table 1 may apply to a municipal council, as the responsible road authority, proposing to carry out works on the roadside of an arterial road (being located within an urban area) for which VicRoads is the coordinating road authority.

(3) To assist the timely assessment of an application for consent, and as a matter of best practice, where an application for consent is required in accordance with Table 1, a copy of the application for consent should be forwarded to the relevant provider of public transport responsible for the tram or bus service affected by the proposed works.

(4) In responding to an application for consent for works which may affect a tram or bus service, the coordinating road authority should, having regard to clause 36 of this Code, consider any submission received from the relevant provider of public transport in regard to the proposed works. Where appropriate, the coordinating road authority should include within its written consent for the works any reasonable conditions requested in the provider of public transport's submission, with such conditions to be consistent with the Road Management (Works and Infrastructure) Regulations 2005 and the 'works and infrastructure management principles' as contained in section 20(2) of the Act.

46. Works affecting public access to a tram stop, bus stop or train station

A road authority or utility that is proposing to carry out works that adversely affect public access to a tram stop, bus stop or train station should investigate the location and method of provision, so far as is reasonably practicable, of alternative access for the duration of the works in consultation with the relevant provider of public transport responsible for the tram, bus or train service affected by the proposed works.

Note

The infrastructure leases to providers of tram and train services require that VicTrack alone may authorise access to tram tracks, train tracks and other rail related infrastructure for the conduct of works. For this reason, where proposed works that affect access to a tram stop or train station also require access to public transport infrastructure, then the relevant road authority or utility responsible for the works should also comply with the requirements in clause 47(1) of this Code.

47. Works affecting public transport infrastructure

(1) A road authority or utility that is proposing to carry out works which require access to any tram tracks, train tracks or other rail infrastructure within a road reserve should –

(a) apply to VicTrack as the relevant public transport infrastructure manager for any access requirements and necessary approvals that may apply in respect of the works; and

(b) where such works will also affect a tram or bus service, comply with any other relevant notification or consent requirements in clauses 44, 45 and 46 of this Code.

Notes

The infrastructure leases to providers of tram and train services require that VicTrack alone may authorise access to tram tracks, train tracks and other rail related infrastructure for the conduct of works.

Access to public transport (rail) infrastructure within the road reserve includes the following –

- Train – train tracks, level crossings, boom gates.
- Tram – tram (including light rail) tracks, overhead tram wires and supporting poles, tram safety zones, tram crossings.

The application should be made, if possible, three months in advance.

(2) A road authority or utility that is proposing to carry out works that will result in increased traffic congestion at a level crossing, or reduce a train (or tram) driver's view of the level crossing (including the approach roadway on either side of the level crossing), should notify the relevant provider of public transport responsible for the train or tram service to enable it to implement any necessary site specific traffic management measures to ensure the safety of all public transport passengers and workers.

(3) VicTrack, as the relevant public transport infrastructure manager for train and tram infrastructure, and the providers of public transport responsible for tram and train services, should take all reasonably practicable steps to share with road authorities and utilities information about days and times when tram and train services are programmed to be interrupted, so that road and utility works can be programmed to occur concurrently so as to avoid disrupting tram and train services.

PART 5 – WORKS MANAGEMENT

Division 1 – Utility Works in Road Reserves

48. General

Utilities should have appropriate quality systems and trained staff and contractors to assist with managing their works in road reserves.

49. Road safety and traffic management

Utilities should take reasonable measures to protect the safety of road users and their own workers and minimise disruption to traffic. In accordance with section 99A of the **Road Safety Act 1986** any person conducting works on roads is required to have in operation a traffic management plan. The traffic management plan should be developed in accordance with the Ministerial Code of Practice for Worksite Safety – Traffic Management.

50. Timing of works

(1) Utilities should consider the timing of their works on roads taking into account safety implications, inconvenience and disruption to all road users, abutting residents, businesses and utility customers. Where the work requires consent from a coordinating road authority, and if there is an issue with the proposed timing of the works, the utility should carry out a risk assessment considering the above factors and negotiate with the road authority the most appropriate time to undertake the work. It is recognised that for emergencies and urgent fault restoration work, it may be necessary to commence work immediately.

(2) Disruption to traffic needs to be balanced against worker safety (working at night can be more dangerous), additional costs associated with carrying out works out of normal hours and possible delays to the provision of utility services to customers. In some cases it may not be possible to work at night e.g. where the works may generate excessive noise, or where the works might require electricity to be turned off and safety and/or security of customers would be affected.

51. Consultation prior to works commencing

Clause 10 of Schedule 7 of the Act requires infrastructure managers or works managers to consult with those likely to be significantly affected by utility works, where this is practicable. Examples of where consultation may be appropriate include:

(a) abutting landowners' access being denied;

(b) access to businesses being interrupted;

(c) noise and/or dust causing a significant nuisance to residents, businesses, community facilities and/or outdoor dining establishments;

(d) access for people with disabilities being denied at any time during the course of the works; and

(e) proposed removal of street trees, as part of the works.

52. Preserving the integrity of infrastructure

(1) In accordance with clause 5 of Schedule 7 of the Act, utilities should endeavour to use methods to install their infrastructure that avoids excavating or breaking up road pavements, footpaths, bicycle paths, vehicle crossings and kerb and channel as far as reasonably practicable, particularly on roads carrying high volumes of vehicular and/or pedestrian traffic, and roads surfaced with concrete, asphalt, block pavers or with a sprayed seal.

(2) In accordance with clause 14 of Schedule 7 of the Act, utilities should consult with road authorities if works are likely to affect street trees (including their root systems) to agree on actions that will minimise damage to street trees, where reasonably practicable. Where vegetation is to be removed, the utility should conduct the works in accordance with relevant Commonwealth and State planning and environment legislation and policy.

(3) If utility works are conducted in the vicinity of underground drains, it is important for the works manager to remove any material resulting from those works that has fallen into drainage pits or is blocking pipes, before leaving the site. The works manager should comply with requirements of the owner of the drainage assets when removing such material.

(4) Utilities also need to consult with other utilities where the proposed works may affect the integrity of infrastructure owned and operated by other utilities, or where special safety procedures are required.

Example

A copy of the 'No Go Zone' rules should be obtained when working close to overhead powerlines or transmission pipelines.

53. Coordination with roadworks

Where an overall benefit can be achieved by coordinating utility works with roadworks, so that some parts of the works are carried out jointly, this should be arranged. Examples are:

(a) where utility infrastructure is not to be relocated but is to be protected in its existing location, exposure of the infrastructure may be undertaken by the utility, and the placing of concrete or other agreed protection carried out by the road authority;

(b) the excavation of a trench may be carried out by a road authority on a new alignment to accommodate relocated utility infrastructure; and

(c) conduits may be installed under a road by a road authority before laying the road pavement, to provide for future accommodation of utility infrastructure.

54. Works to be in accordance with plans and specifications

(1) Utilities should install their infrastructure in accordance with:

(a) the plans and specifications that formed the basis of the coordinating road authority's consent (where required); and

(b) the information provided to residents and others that are likely to be affected by the works (where appropriate).

(2) If the need for significant changes or major variations to the plans and specifications arises during the course of the works, these should be negotiated with the coordinating road authority. Any such negotiations should be conducted in a manner that minimises

delays to the utility works.

55. Damage to road and other infrastructure

(1) The utility should conduct an inspection before commencing works in a road reserve, to identify and record the details of any damaged road and other infrastructure within the limits of the proposed works. In accordance with clause 9 of Schedule 7 of the Act, if there is pre-existing damage to any road and other infrastructure, the utility should advise the road authority before works commence if it is aware of such damage, or as soon as the damage becomes evident to the utility. The utility is not required to fund repairs to pre-existing damage to road and other infrastructure.

(2) If a utility damages another infrastructure manager's infrastructure whilst working in a road reserve, it should advise the infrastructure manager of the damaged infrastructure as quickly as possible to enable the infrastructure manager to arrange for repairs to be carried out, with the utility causing the damage being responsible for all reasonable repair costs.

56. Reinstatement works

(1) Clause 12 of Schedule 7 of the Act details the process for reinstatement works. Utilities should carry out reinstatement works within a reasonable time and in accordance with this clause. Each project needs individual consideration and the timing of reinstatement works should be agreed with the coordinating road authority before the project commences, where reasonably practical. For example, on a busy urban road this may mean reinstatement of any disturbed pavement at the completion of each day's work, whilst on the roadside of lightly trafficked rural roads, it may be agreed that reinstatement can be completed, within a longer time frame. For utility works extending over many days or weeks, it may be appropriate to carry out temporary reinstatement works at the end of each day's work, and then carry out all permanent reinstatement works following completion of the utility works. Utilities should carry out temporary and permanent reinstatement works in a manner that is safe for workers and road users at all times.

(2) The utility will be responsible for arranging permanent reinstatement, and works should be carried out in accordance with a generally accepted, quality assured specification. Roads, footpaths and other parts of the road reserve are built with different materials depending on factors such as vehicle types, vehicle volumes, road user use and geographic location. Road authorities should make the relevant reinstatement requirements available to utilities. For example, AUSPEC#2 Section 306 for reinstatement works on local roads or VicRoads Standard Specification Section 706 for reinstatement works on arterial roads. The provisions of such a specification may be extended or varied by agreement between the parties, before works commence.

(3) At the completion of permanent reinstatement works, the utility should advise the road authority when the road reserve has been restored as close as reasonably practicable to its original condition. The road authority should be responsible for the portion of reinstatement costs associated with any upgrading or betterment of existing road infrastructure.

(4) Utilities should be responsible for 12 months' maintenance of their reinstatement works and any associated repairs to the road infrastructure needed as a consequence of poor performance of those reinstatement works. This allows for a full season of weather conditions. If maintenance or repair works are necessary before the end of the 12 month period, the road authority and the utility should agree on the extent of those works before they are undertaken.

(5) The road authority will be responsible for the quality and timeliness of reinstatement works where these works are paid for by the utility and undertaken by the road

authority or its contractors. In these circumstances, the utility will not be required to notify the road authority when the reinstatement works are complete and the road authority will be responsible for ongoing maintenance of reinstatement works and any associated repairs.

57. Use of contractors

(1) Generally, utilities are responsible for the works carried out by their nominated works managers (who may be contractors). Utilities should arrange adequate surveillance of their activities whilst working in road reserves, and are responsible for ensuring that their nominated works managers follow the requirements of all relevant legislation, Government policy, industry standards and codes of practice as well as any reasonable conditions prescribed by the coordinating road authority.

(2) Utilities should ensure that their staff, agents and contractors can be readily identified as working for the utility, when working within road reserves.

58. Obsolete utility infrastructure in road reserves

(1) Utilities should advise the coordinating road authority of the details of any known utility infrastructure that is no longer required, where there is potential for that infrastructure to deteriorate and significantly affect road infrastructure or to constitute a road safety hazard. In such cases the utility should advise of its proposals (if any) for removal or treatment of such infrastructure.

(2) Utilities should also advise of any obsolete infrastructure when requested for this information by a road authority.

59. Failure of utility infrastructure in road reserves

(1) In accordance with clause 6 of Schedule 7 of the Act, where the failure of utility infrastructure causes damage to road infrastructure, the utility should be responsible for returning that road infrastructure to the condition that existed prior to that failure, to the extent that this is established. The utility should also be responsible for reimbursement of reasonable road authority costs involved in assisting with such emergency repairs.

(2) Utilities and road authorities should ensure that up to date details of people who can be contacted in emergency and after-hours situations are maintained in the appropriate Municipal, Divisional and State Emergency Management Plans.

Division 2 – Roadworks affecting Utility Infrastructure

60. Advice of proposed roadworks

Changes to road levels and/or road widths may affect the remaining service life of existing utility infrastructure. Where proposed roadworks may affect utility infrastructure, the road authority should contact the utilities whose infrastructure is likely to be affected. The Dial Before You Dig service should be contacted to help identify any utilities likely to be affected. The utilities should then be provided with all relevant information about the proposed roadworks to enable them to make a preliminary assessment of the impact on their infrastructure, including whether or not any alterations (including relocation) may be required.

Note

Dial Before You Dig enquiries can be lodged via the Dial Before You Dig web site or by dialling 1100.

61. Issues to consider

If the proposed roadworks are likely to affect utility infrastructure, the following issues should be considered in discussion between the parties as early as possible:

(a) the impact on road safety;

(b) the impact of delays to a train, tram or bus service, and interference with people's ability to access a train, tram or bus;

(c) opportunities to modify design of the roadworks;

(d) the economics of relocating the utility infrastructure compared with modifying and/or protecting it in its present location;

(e) the availability of alternative locations for the utility infrastructure;

(f) opportunities to undertake joint trenching;

(g) opportunities to avoid delays during the construction of the road project;

(h) opportunities to avoid disruption to the utility's operations and services;

(i) opportunities for programming contractors/labour forces of the respective parties to coordinate efforts and reduce costs; and

(j) any special safety procedures that are required (e.g. 'No Go Zone' rules and regulations when working close to overhead powerlines; working on or near train tracks).

62. Reaching agreement on alterations to utility infrastructure associated with roadworks

(1) Where it is agreed between a utility and a road authority that utility infrastructure needs to be altered due to roadworks, an in-principle agreement regarding responsibilities for the alterations should be negotiated. Such an agreement should include responsibilities for design and costs, and should also consider timing of the proposed works.

(2) When the road authority undertakes to pay for any portion of the costs of the alterations, then:

(a) the road authority will formally request an assessment and quote from the relevant utility for the alterations;

(b) the utility will reply to the road authority with preliminary estimates of time and cost for all practical options for carrying out the alterations;

(c) when the road authority and utility have agreed on the preferred option for the alterations, the utility will send the road authority a final estimate of time and cost to carry out the alterations, to assist the road authority with programming and budgeting for the roadworks;

(d) formal agreement regarding payment for alterations should be reached between the road authority and utility based on the final estimate, with actual or agreed cost used as the basis for final payment. The utility will be responsible for any incremental costs associated with upgrading or betterment of existing facilities. The remaining life of utility infrastructure should also be taken into account when assessing payment for alterations;

(e) the alteration work should be priced in a competitive environment; and

(f) the utility and/or its agent should liaise with the road authority and/or the road authority's agent when finalising the design of alterations and programming the works.

63. Damage to utility infrastructure

(1) The road authority should conduct an inspection before commencing roadworks, to identify and record the details of any damaged utility infrastructure. If there is pre-existing damage to any utility infrastructure, the road authority should formally advise the utility before roadworks commence if it is aware of such damage, or as soon as the damage becomes evident to the road authority. The road authority is not required to fund repairs to pre-existing damage to utility infrastructure.

(2) If the road authority damages another infrastructure manager's infrastructure whilst working in the road reserve, it should advise the infrastructure manager of the damaged infrastructure as quickly as possible to enable the infrastructure manager to arrange

for repairs to be carried out, with the road authority being responsible for reasonable repair costs.

64. Use of contractors

(1) Generally, road authorities are responsible for the works carried out by their nominated works managers (who may be contractors). Road authorities should arrange adequate surveillance of their activities whilst working in road reserves, and are responsible for ensuring that their nominated works managers follow the requirements of all relevant legislation, Government policy, industry standards and codes of practice as well as any reasonable conditions prescribed by the utility.

(2) Road authorities should ensure that their staff, agents and contractors can be readily identified as working for the road authority, when working on utility infrastructure.

Division 3 – Works affecting public transport infrastructure and services

65. Works in the vicinity of train or tram tracks

Infrastructure managers or works managers proposing to carry out works or activities in the vicinity of train or tram tracks should ensure that all personnel who are conducting the works have the appropriate level of safety training.

66. Festivals and parades

(1) From time to time organisations apply to coordinating road authorities to temporarily close roads to enable them to conduct a festival or parade.

(2) Road authorities should be mindful that traffic diversions caused by festivals and parades may have a major, negative impact on public transport services.

Note

The organiser of an event is required to notify the Director of Public Transport of a proposed event if it is reasonable to expect that the event will require the deviation, delay, replacement, supplementation or cancellation of a regular public transport service provided by a passenger transport company or a bus company – see section 195 of the **Transport Act 1983**.

PART 6 – SHARING INFORMATION

Division 1 – Information Regarding Utility Infrastructure

67. Records of the location of utility infrastructure

(1) Utilities should record information about the location, depth and nature of its infrastructure in road reserves. Digital as-built records are the preferred format. The location information for underground facilities should be recorded as Map Grid of Australia MGA 94 coordinates (and the applicable MGA zone), or equivalent together with the best information available on vertical location. For public transport infrastructure, records complying with VRIOGS 007.1 Infrastructure Drawing Standards are the preferred format. The location information for underground facilities should be recorded as Map Grid of Australia MGA 94 coordinates (and the applicable MGA zone), or equivalent, together with best information available on vertical location.

(2) It is recognised that some past records may not be complete and that some may not be accurate.

(3) Utilities and road authorities should share all available information on the location of underground infrastructure with those intending to carry out excavation works within road reserves. The use of the Dial Before You Dig referral service is recommended as a first step for those intending to carry out excavation works within road reserves.

(4) If a utility is not a member of Dial Before You Dig and it has underground infrastructure in road reserves, it should advise each relevant coordinating road authority how it

proposes to make information available on the location of its infrastructure to those intending to carry out excavation works within those road reserves. Enquiries can be lodged via the Dial Before You Dig web site of by dialling 1100.

Note

Membership of Dial Before You Dig is considered best practice for infrastructure managers with assets located within a road reserve.

68. Proving the location of underground utility infrastructure

In some cases, it may be necessary to physically prove the depth and alignment of underground infrastructure. Each utility is responsible for providing location information about its underground infrastructure, as indicated in clause 9 of Schedule 7 of the Act.

Division 2 – Information Regarding Road Infrastructure

69. Road information

Section 17 of the Act requires a road authority to keep a register of public roads specifying the roads for which it is the coordinating road authority. The details to be kept for each road include its name and classification. The register must be available for inspection by members of the public free of charge during normal business hours. Some road authorities propose making a copy of their register of public roads available on their website. Coordinating road authorities should make it as convenient and efficient as possible for utilities and others to access this information. This may ultimately be achieved by establishing a Statewide register of roads to facilitate identification of the relevant coordinating road authority.

70. Location of underground road infrastructure

Each road authority is responsible for keeping and providing information about the location of its infrastructure, including underground infrastructure such as stormwater drainage pipes and traffic signal cables. In some cases it will be necessary to physically prove the location and alignment of underground assets, where as-constructed plans of sufficient accuracy are not available.

Division 3 – Incident management

71. Incident management

Utilities have Emergency/Incident Management Response Plans developed for use by the Victorian Emergency Management Council, Police and State Emergency Services Agencies and the management and staff of the utilities. The plans provide emergency contact telephone numbers and the location of key emergency management/incident management control centres. Utilities and road authorities must be cognisant of each other's incident management plans when planning or undertaking works in road reserves.

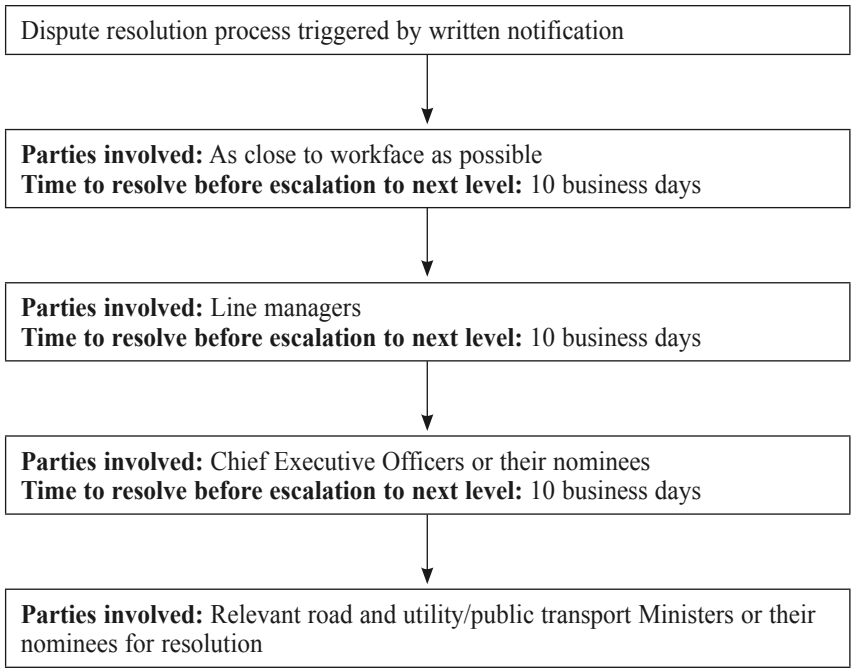
PART 7 – DISPUTE RESOLUTION

72. Dispute resolution

(1) Section 125(2) of the **Road Management Act 2004** states, 'any dispute arising under this Act between a road authority and a utility is to be determined by the relevant road Minister and the relevant utility Minister or their joint nominees, having regard to the works and infrastructure management principles'.

(2) Section 125(3) of the **Road Management Act 2004** states, 'any dispute arising under this Act between a road authority and a provider of public transport is to be determined by the relevant road Minister and the Minister administering the **Transport Act 1983** or their joint nominees'.

(3) From a practical perspective, utilities and road authorities are encouraged to adopt the dispute resolution process illustrated below. Disputes should be resolved as quickly as possible, and as a guide, each step of the dispute resolution process outlined below should take no more than 10 business days, wherever possible. Each party to the dispute should bear its own costs.


Dispute resolution process triggered by written notification
Parties involved: As close to workface as possible
Time to resolve before escalation to next level: 10 business days
Parties involved: Line managers
Time to resolve before escalation to next level: 10 business days
Parties involved: Chief Executive Officers or their nominees
Time to resolve before escalation to next level: 10 business days
Parties involved: Relevant road and utility/public transport Ministers or their nominees for resolution

APPENDIX 1: TYPICAL CONTENTS OF AN AGREEMENT BETWEEN A ROAD AUTHORITY AND A UTILITY

Making of Agreement:

- Agreement is made under clause 18, Schedule 7 of the Act
- Date of commencement of agreement
- Agreement may be varied by mutual consent of both parties

Parties to the Agreement:

- This agreement is between Road Authority [Name] and Infrastructure/Works Manager [Name]
- Responsibilities and rights of the parties

Scope of the Agreement:

- Applies to the proposed works nominated
- Agreement must be consistent with the Act, relevant regulations and the Code of Practice.
- Nothing in the Agreement should affect obligations or the rights of either party under their respective Acts and regulations.
- Duration of the Agreement
- Agreement does not override obligations under other Acts, Codes or applicable Commonwealth, State and local laws

Process for Conduct of Works:

- For each type of works covered by the agreement, need to specify:
  - Agreed management systems and plans that are capable of being audited to manage the risk of works (traffic management, consultation, accredited management systems, trained staff and contractors, etc)
  - Term of agreement covering coordinating road authority consent, or giving an exemption or variation
- Dealing with variations to proposed works

Monitoring and Review:

- Regular meetings between Road Authority and Infrastructure/Works Manager to review how things are working
- Dealing with breaches of agreement terms

Termination:

- Termination provisions if either party not satisfied
- Process for termination of agreement

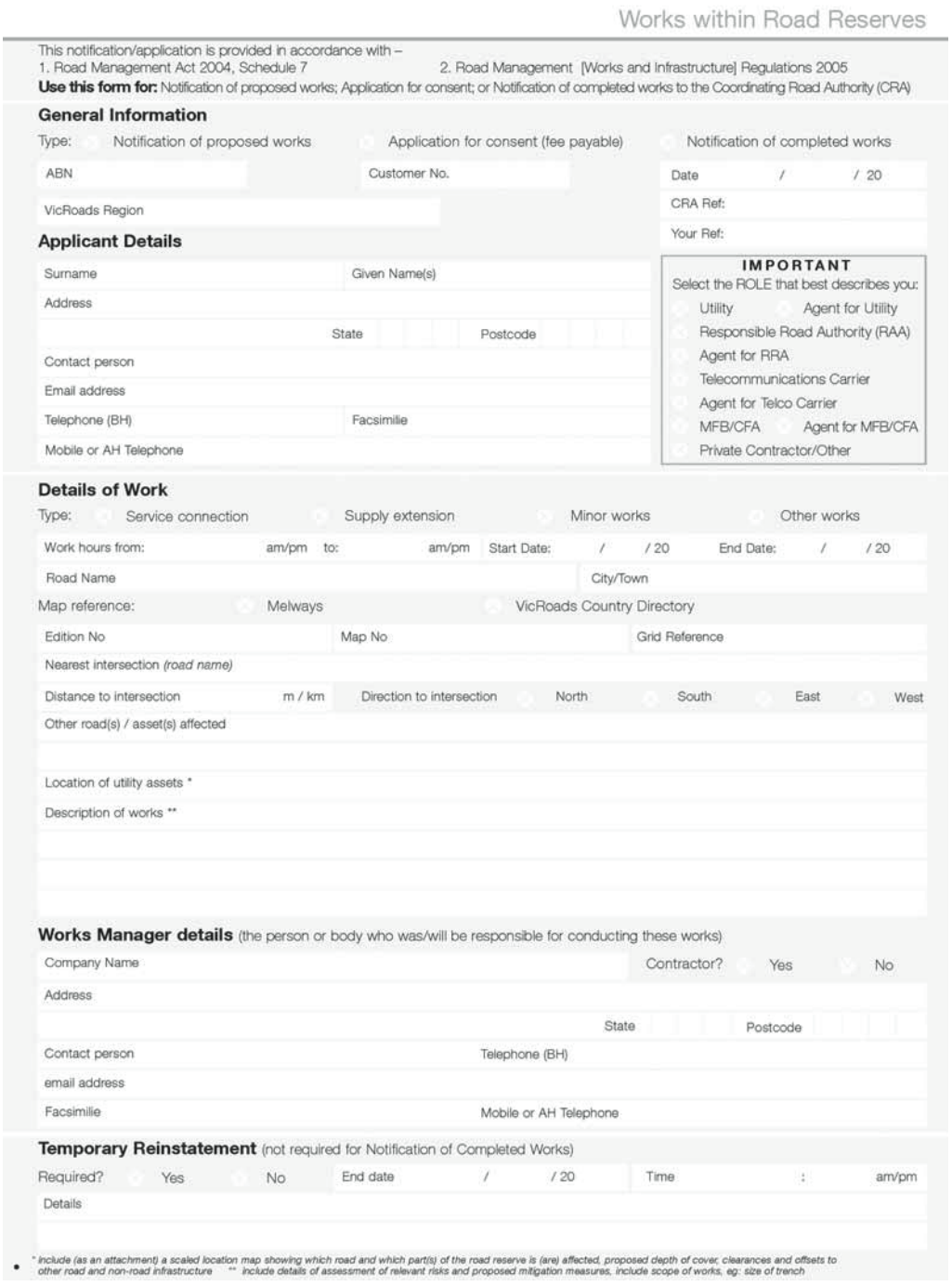
Signing of Agreement:

- Signing by authorised officers of the respective parties
- Date of agreement

APPENDIX 2: PRO-FORMAS FOR CONSENT/NOTIFICATION

A. Standard Application for Consent Form – Utilities and Major Works

This standard consent application form should be used for all works where an application for consent is required in accordance with clause 35 of this Code.



Works within Road Reserves

This notification/application is provided in accordance with –
1. Road Management Act 2004, Schedule 7 2. Road Management [Works and Infrastructure] Regulations 2005
Use this form for: Notification of proposed works; Application for consent; or Notification of completed works to the Coordinating Road Authority (CRA)

General Information

Type: Notification of proposed works Application for consent (fee payable) Notification of completed works

ABN | Customer No. | Date / / 20

VicRoads Region | CRA Ref:

Your Ref:

Applicant Details

Surname | Given Name(s)

Address

State | Postcode

Contact person

Email address

Telephone (BH) | Facsimilie

Mobile or AH Telephone

IMPORTANT
Select the ROLE that best describes you:
Utility Agent for Utility
Responsible Road Authority (RAA)
Agent for RRA
Telecommunications Carrier
Agent for Telco Carrier
MFB/CFA Agent for MFB/CFA
Private Contractor/Other

Details of Work

Type: Service connection Supply extension Minor works Other works

Work hours from: am/pm to: am/pm | Start Date: / / 20 | End Date: / / 20

Road Name | City/Town

Map reference: Melways VicRoads Country Directory

Edition No | Map No | Grid Reference

Nearest intersection *(road name)*

Distance to intersection m / km | Direction to intersection North South East West

Other road(s) / asset(s) affected

Location of utility assets *

Description of works **

Works Manager details (the person or body who was/will be responsible for conducting these works)

Company Name | Contractor? Yes No

Address

State | Postcode

Contact person | Telephone (BH)

email address

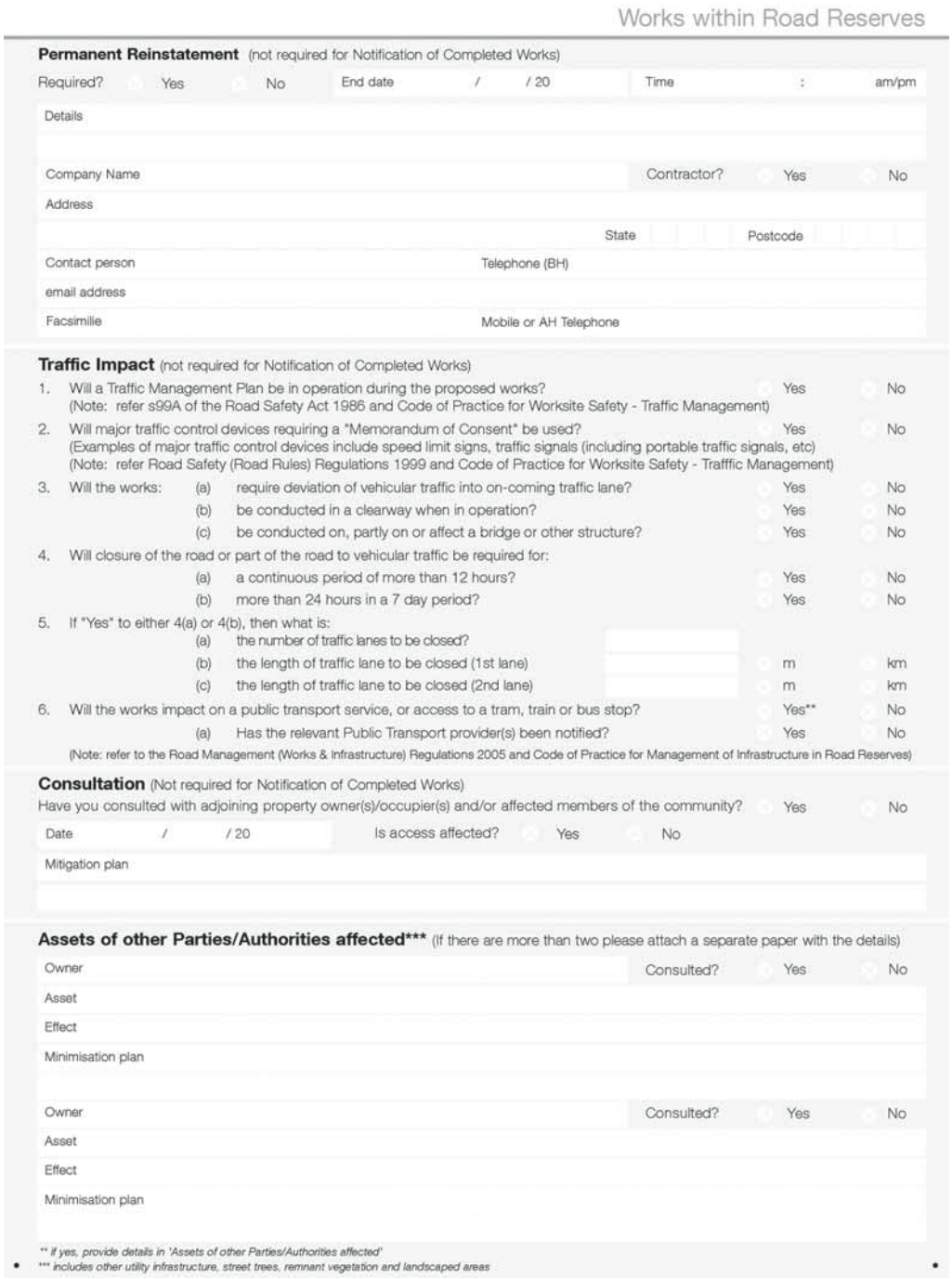
Facsimilie | Mobile or AH Telephone

Temporary Reinstatement (not required for Notification of Completed Works)

Required? Yes No | End date / / 20 | Time : am/pm

Details

* *include (as an attachment) a scaled location map showing which road and which part(s) of the road reserve is (are) affected, proposed depth of cover, clearances and offsets to other road and non-road infrastructure* ** *include details of assessment of relevant risks and proposed mitigation measures, include scope of works, eg: size of trench*



Works within Road Reserves

Permanent Reinstatement (not required for Notification of Completed Works)

Required? Yes No | End date / / 20 | Time : am/pm

Details

Company Name | Contractor? Yes No

Address

State | Postcode

Contact person | Telephone (BH)

email address

Facsimile | Mobile or AH Telephone

Traffic Impact (not required for Notification of Completed Works)

1. Will a Traffic Management Plan be in operation during the proposed works? Yes No
   (Note: refer s99A of the Road Safety Act 1986 and Code of Practice for Worksite Safety - Traffic Management)
2. Will major traffic control devices requiring a "Memorandum of Consent" be used? Yes No
   (Examples of major traffic control devices include speed limit signs, traffic signals (including portable traffic signals, etc)
   (Note: refer Road Safety (Road Rules) Regulations 1999 and Code of Practice for Worksite Safety - Trafffic Management)
3. Will the works:
   (a) require deviation of vehicular traffic into on-coming traffic lane? Yes No
   (b) be conducted in a clearway when in operation? Yes No
   (c) be conducted on, partly on or affect a bridge or other structure? Yes No
4. Will closure of the road or part of the road to vehicular traffic be required for:
   (a) a continuous period of more than 12 hours? Yes No
   (b) more than 24 hours in a 7 day period? Yes No
5. If "Yes" to either 4(a) or 4(b), then what is:
   (a) the number of traffic lanes to be closed?
   (b) the length of traffic lane to be closed (1st lane) m km
   (c) the length of traffic lane to be closed (2nd lane) m km
6. Will the works impact on a public transport service, or access to a tram, train or bus stop? Yes** No
   (a) Has the relevant Public Transport provider(s) been notified? Yes No

(Note: refer to the Road Management (Works & Infrastructure) Regulations 2005 and Code of Practice for Management of Infrastructure in Road Reserves)

Consultation (Not required for Notification of Completed Works)

Have you consulted with adjoining property owner(s)/occupier(s) and/or affected members of the community? Yes No

Date / / 20 | Is access affected? Yes No

Mitigation plan

Assets of other Parties/Authorities affected* ** (If there are more than two please attach a separate paper with the details)

Owner | Consulted? Yes No

Asset

Effect

Minimisation plan

Owner | Consulted? Yes No

Asset

Effect

Minimisation plan

*** if yes, provide details in 'Assets of other Parties/Authorities affected'*

**** includes other utility infrastructure, street trees, remnant vegetation and landscaped areas*

Consent application forms should be available from the VicRoads website (www.vicroads.vic.gov.au) or the local Council website.

B. Standard Pre-Notification Form – Proposed Installation of Non-Road Infrastructure or Related Works

The 'Standard Application for Consent Form – Utilities and Major Works' can also be used where pre-notification of the proposed installation of non-road infrastructure or related works is required in accordance with clause 38 of this Code.

C. Notification of Completed Works

The 'Standard Application for Consent Form – Utilities and Major Works' can also be used to give notification of completion of works to the relevant coordinating road authority in accordance with clause 39 of this Code. This form can be used to give notification in the following circumstances:

(i) completion of emergency works; or

(ii) completion of works where consent has previously been given; or

(iii) completion of works that were exempt from consent.

APPENDIX 3: EXAMPLES OF CONDITIONS ON CONSENT

Conditions of consent that road authorities may include can relate to:

(a) the location of any proposed infrastructure;

(b) the use of any road infrastructure;

(c) the timing and commencement of any works;

(d) reasonable conditions for open trenching of road infrastructure;

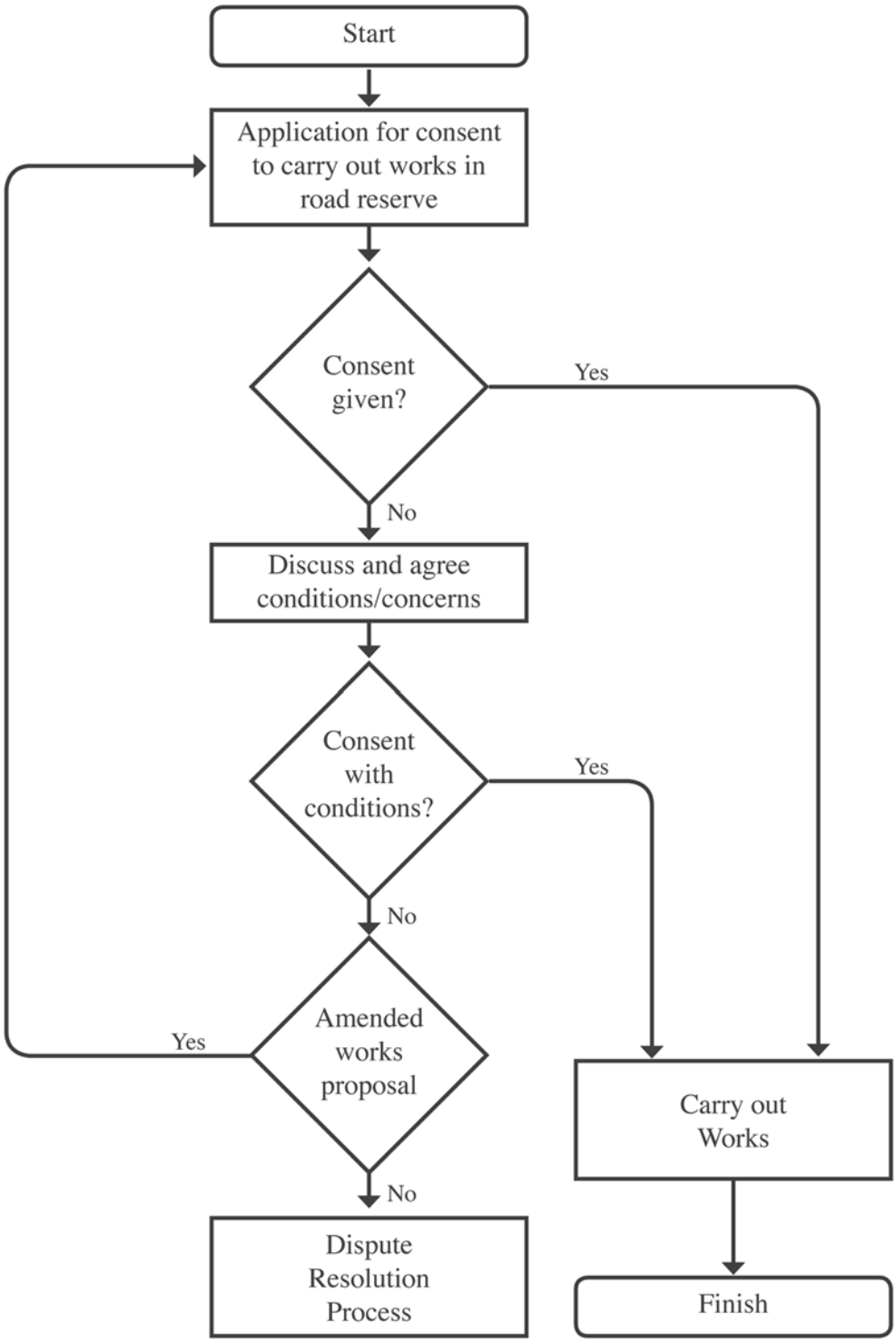
(e) reinstatement of infrastructure including the timing and quality of reinstatement works (refer clause 56 of this Code);

(f) arrangements for reasonable advance notice of the works to the public and other authorities; and

(g) requirements for reasonable access to abutting properties to be maintained during the works or alternative arrangements for access.

(h) take all reasonably practicable steps to reduce or eliminate disruption to traffic and public transport services.

APPENDIX 4: PROCESS FOR CONSENT APPLICATIONS



This page was left blank intentionally

This page was left blank intentionally

This page was left blank intentionally

craftsmanpress

The *Victoria Government Gazette* is published by The Craftsman Press Pty Ltd with the authority of the Government Printer for the State of Victoria

Address all enquiries to the Government Printer for the State of Victoria
Level 2 1 Macarthur Street
Melbourne 3002
Victoria Australia

How To Order

	Mail Order	**Victoria Government Gazette** Level 1 520 Bourke Street Melbourne 3000 PO Box 1957 Melbourne 3001 DX 106 Melbourne
	Telephone	(03) 9642 5808
FAX	**Fax**	(03) 9600 0478
	email	gazette@craftpress.com.au
	Retail & Mail Sales	**Victoria Government Gazette** Level 1 520 Bourke Street Melbourne 3000 PO Box 1957 Melbourne 3001
	Telephone	(03) 9642 5808
FAX	**Fax**	(03) 9600 0478
	Retail Sales	**Information Victoria** 505 Little Collins Street Melbourne 3000
	Telephone	1300 366 356
FAX	**Fax**	(03) 9603 9920

Price Code C