



Transport Corridors Utility Access and the RCAForum

The National Code of Practice for Utility
Operator's Access to Transport
Corridors
"The Code"



Objectives

- To provide you with some understanding of the Code,
- To share some background on NZUAG and how the Code was developed,
- to inform you about the Code performance
- To provide some framework for you to consider our; the RCAForum commitment to the NZUAG
- to express my opinion that WE ARE THE NZUAG



What's next

- A slideshow presentation on:
 - The Code
 - New Zealand Utilities Advisory Group
 - Code performance data
 - How we the RCAForum own this code
- Next steps



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Code of
Access to

NATIONAL CODE OF PRACTICE

for

UTILITY OPERATORS' ACCESS to TRANSPORT CORRIDORS

Updated Version 1

Approved by the Minister of Finance

10 September 2015

With subsequent minor amendments

16 September 2016

**THINK SAFE
WORK SAFE
HOME SAFE**

Your guide to working on the road and staying alive!

Published by the **New Zealand Utilities Advisory Group**

These guidelines are based on the National Code of Practice for Utility Operators' Access to Transport Corridors and the Guide for Safety with Underground Services.

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WAIKATOINGI COUNTY | DIGIMATION

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Christchurch City Council

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NZ TRANSPORT AGENCY
ROAD SERVICES

POWERCO

Watercare
An Auckland Council Organisation

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The Code

What is it?

It is a Code of Practice for Utility Operators to use when they access Transport Corridors for the installation, maintenance and operation of their networks.

What does it cover?

The rules and processes for Utility Operators to access, and for Corridor Managers to facilitate that access, of Transport Corridors.



The rights of Utilities

Electricity Act 1992, s24 (1):

Construction or maintenance of works on roads

..... an electricity operator may from time to time construct and maintain works in, on, along, over, across, or under any road, and for any of these purposes may —

(a)

open or break up any road:



The rights of Corridor Managers

Electricity Act 1992, s24 (2):

No electricity operator may exercise the powers contained in subsection (1)

otherwise than in accordance with such **reasonable**

conditions as may be **prescribed by the**

local authority or other body or person having jurisdiction over the road.



The rights of Utilities

Gas Act 1992, s25 (1):

Construction or maintenance of fittings on roads

..... a gas operator may from time to time construct, place, and maintain fittings in, on, along, over, across, or under any road, and for any of these purposes may —

(a)

open or break up any road.



The rights of Corridor Managers

Gas Act 1992, s25 (2):

No gas operator may exercise the powers contained in subsection (1)

otherwise than in accordance with such **reasonable**

conditions as may be prescribed by the local authority or other body or person having jurisdiction over the road.



The rights of

Get the drift:

There is a similar recipe in legislation for Telecommunications and Water too, where Utility Operators have rights of access, and Corridor Managers have rights to impose “reasonable conditions”



The reason for the Code

- To provide process and rules around exercising Utility Operators' and Corridor Managers' respective rights summarised in the previous few slides.
- To establish a balance between respective rights of Utility Operators and Corridor Managers with respect to access and “reasonable” conditions



The Code – how it came to be

- Local Government restructuring in 1989 reducing significantly the number of local bodies
- Privatisation of utilities during the 1990's
- Legislation is blunt – it doesn't provide the “how” and “what” etc.
- Various voluntary codes were developed, however effectiveness was patchy
- Industry asked for a mandatory Code – approaches Government in 2007



Who wrote the Code

- Utility Operators' approached Government in 2007 requesting mandatory Code
- Industry consultation through 2008 and 2009 shaped Code requirements
- Utilities Access Act 2010 required a Code be developed
- NZUAG developed the Code through 2010 and 2011, and Minister approved
- Effective from 1 January 2012



What's the status of the Code

- It is mandatory
- Status of “Deemed Regulation”
- Prevalent use of “must”
- “Must” means “Must”
- Is subservient to legislation – e.g. RMA, LGA, utilities legislation **National Environmental Standards** (NES) (regulations made under the Resource Management Act 1991, etc.



Who looks after the Code

- **Government**
- **Treasury – Infrastructure Group**
- **NZUAG Board**
- **NZUAG members and associates – Utilities and Corridor Managers**



What's the Code about

- Enables utility operators access to transport corridors to be managed
- Maximises the benefit to the public
- Treats utility operators fairly and reasonably
- Ensures disruptions are kept to a minimum
- Maintains safety
- Provides a nationally consistent approach



The Code's contents

The sections

Section 1 Introduction, Scope, Legal Framework, Code Limitations, General Principles, and Rights of Access

Section 2 General requirements, Roles and responsibilities, Quality Management, Coordination, Information sharing



The Code's contents

- Section 3** Planning for new assets, General requirements; for location, for underground, for above ground, for use of transport structures, future proofing, redundant assets,
- Section 4** Corridor access approval, preliminary notification and liaison, CARs, WAP's, reasonable conditions, non-conformance, works completion, access to motorways, access to railways



The Code's contents (cont.)

Section 5 Procedures for working in roads and motorways, locating existing assets, site management, emergency works, trenching procedures, reinstatement details

Section 6 Cost allocation,

Section 7 Disputes resolution,



The Code's contents (cont.)

Section 8 Code monitoring and review,
Schedules Forms, template for reasonable
conditions, supporting processes, references



UO & CM Liaison

S 2.7.2 Participation in Liaison Meetings

- Corridor Manager's must facilitate
- Utility Operator's must participate (s2.2.4 c), and contribute
- To enable
 - Strategic and Operational discussions
 - Coordination
 - Information sharing



Access Process

CAR	Corridor Access Request
WAP	Works Access Permit
WCN	Works Completion Notice
NCN	Non-Conformance Notice
Global CAR	One CAR for multiple works
TMP	Traffic Management Plan



Reasonable Conditions

Schedule B: Template for Reasonable Conditions

- The template has been developed through UO & CM compromises to reach a fair and reasonable outcome
- The template is a default if no conditions attached to a WAP



Local and Special Conditions

s 4.5.3:

- Local conditions are unique conditions affecting a defined geographical area
- Special conditions are unique conditions not already covered by which relate to a particular CAR only



Local and Special Conditions

s 4.5.3:

- Utility Operators may dispute Local and Special Conditions through the Disputes Resolution Process – Section 7
- Fig B-1 shows the process for developing Local and Special Conditions



Local and Special Conditions

s 4.5.3.2 (b):

- The ... Corridor Manager must provide the opportunity for Utility Operators to discuss and agree Local Conditions in accordance with section 10(3) of the Utilities Access Act,



What is NZUAG?

New Zealand Utilities Advisory Group formed in 2001, incorporated in 2013

- Members and Associate Members include: transport corridor managers, utility operators, industry representative bodies, contractors, and consultants.
- The NZUAG Board
 - 5 transport corridor representatives
 - 5 utility operator representatives.



What does NZUAG do?

- Guardian of **The Code** (National Code of Practice for Utility Operators' Access to Transport Corridors) under the **Utilities Access Act**
- Responsible for administration, review, and effective implementation of the Code
- Engage in activities that promote the interests of members and associate members
- Key sponsor of the RIMS conference

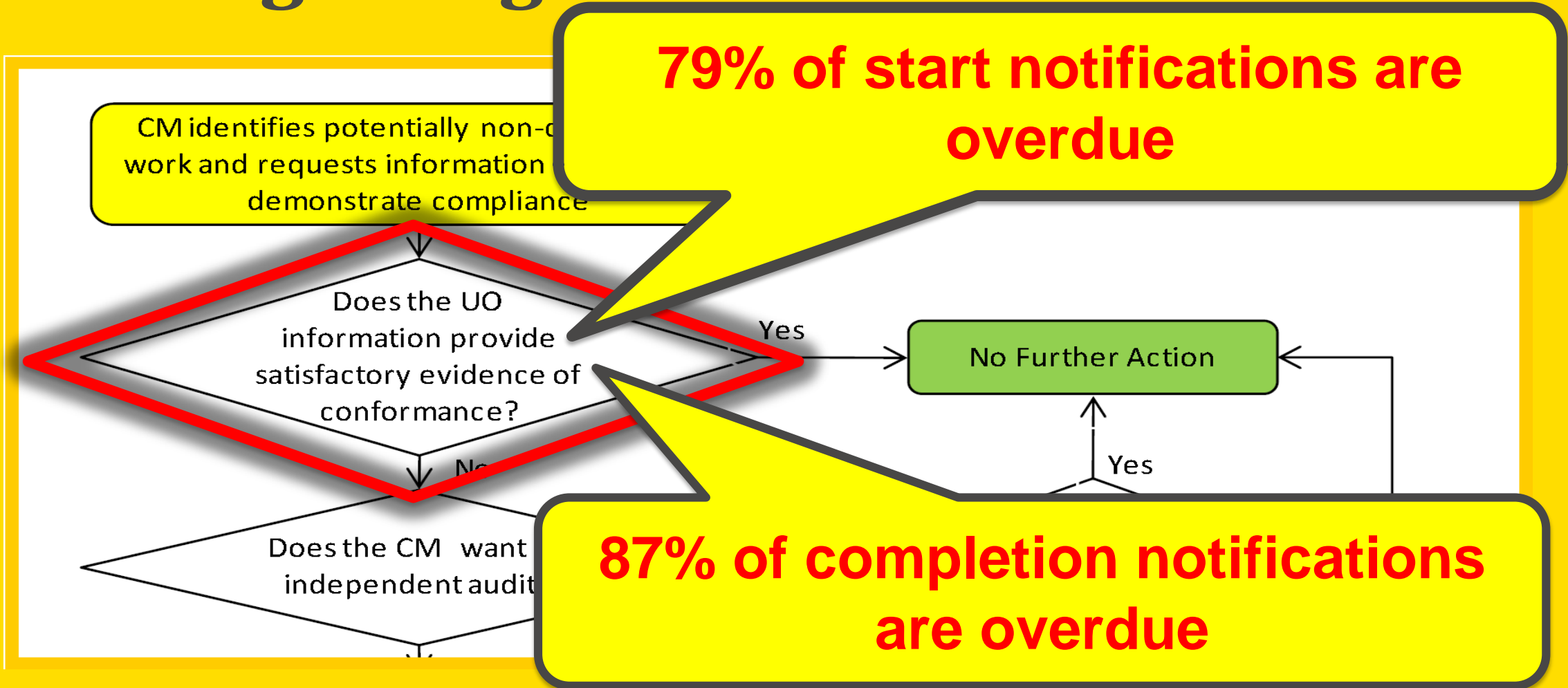


How is the Code working

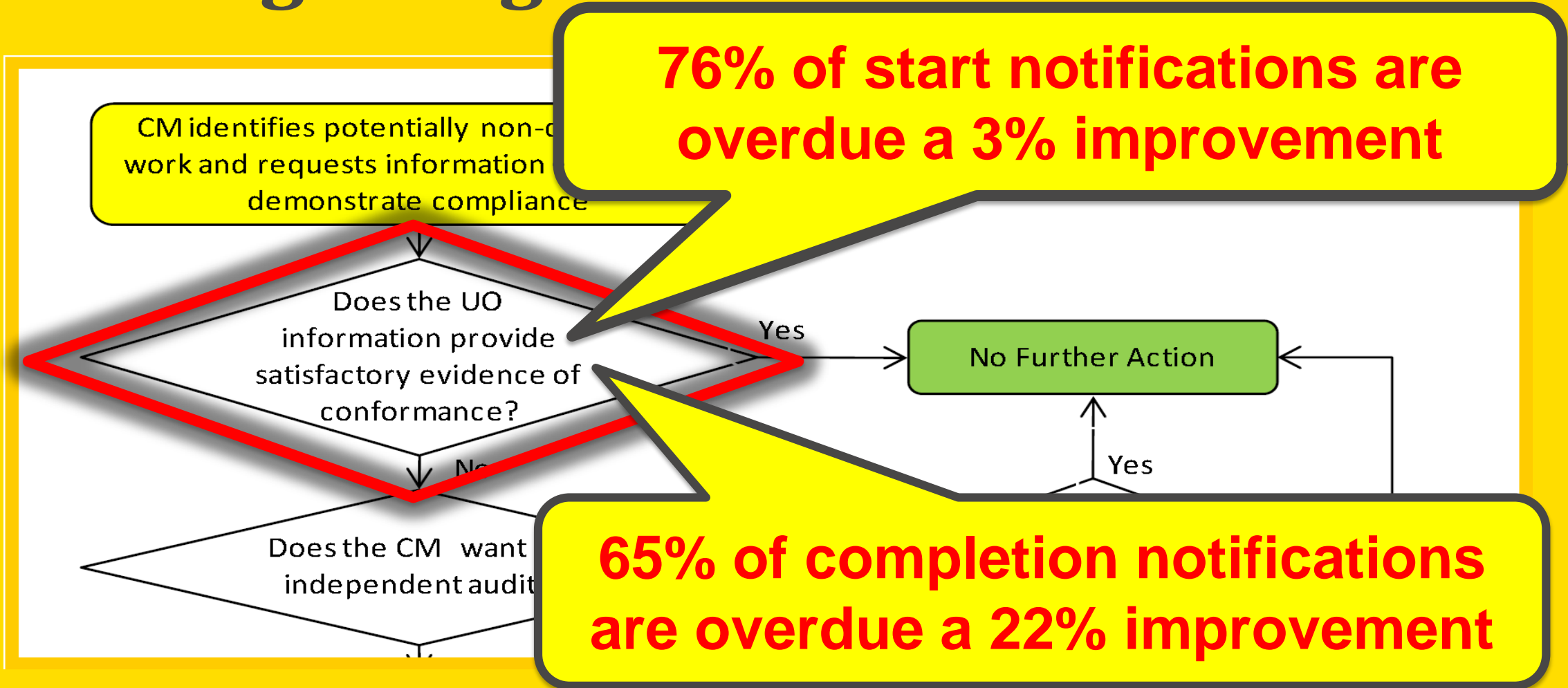
Industry Survey Results (2017):

- 63% response rate – 58% from CM's, 77% from UO's 😐
- 35% CM's using Global CAR's (added in the 2014 Code Review) 😄
- Low WCN:CAR ratio – 43% 😞
- Low number of NCN's to remedial actions required 😞
- 36% of UO's reported no asset strikes, or failed to report 😞
- Poor data provided on strikes, plans, mark-outs, and stand-overs 😞

Wellington figures 2015-2016



Wellington figures 2017-2018





Where do I stand

- I fully support the concept of a NCOP for work happening on our roads
- I think the NZUAG is the best vehicle to achieve this
- I represent the RCAForum on the NZUAG Board
- I am not the NZUAG representative to the RCAForum
- I am reminded of a half forgotten garbled quote
 - Ask not what your representative can do for you, ask what you can do for your representative



How to help your representative

- Ensure your organisation engages with the CODE performance reporting process
- Recognise that your current rep is possibly past his best by date
- Fill out the proxy vote forms for the NZUAG AGM
- Start considering who the next representative should be
- Consider whether the RCAForum wants to be represented

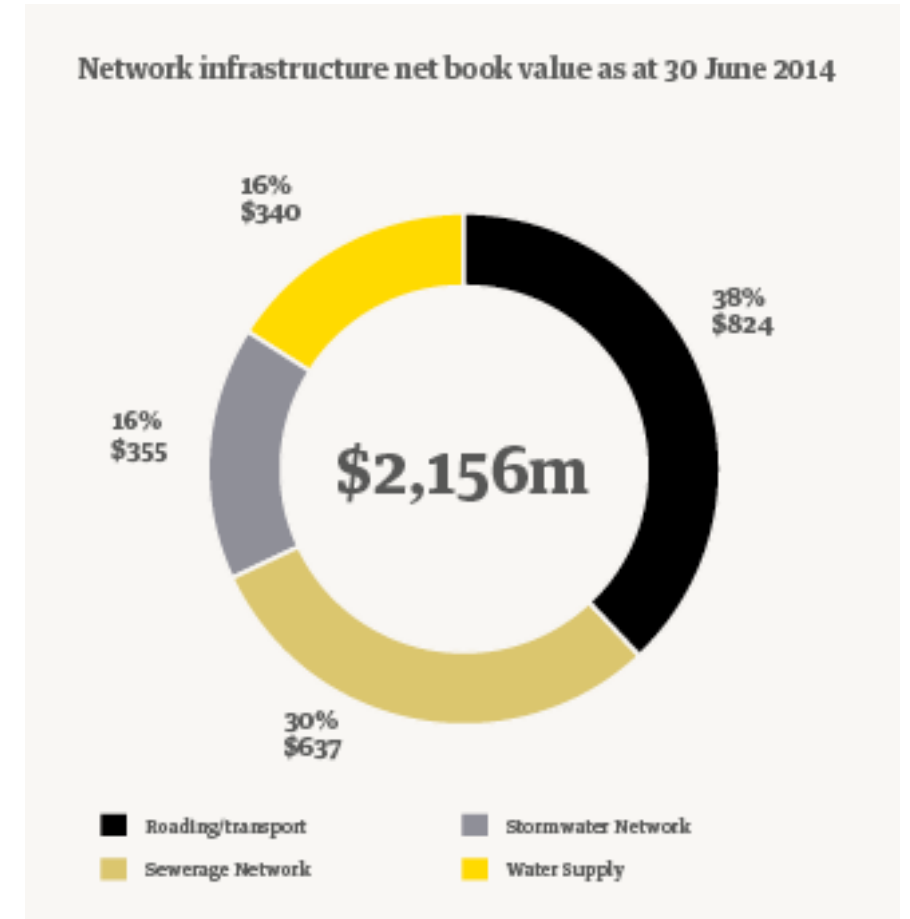


How we the RCAF own the code

- We have three board members
- One nominated by the RCAFForum
- Two nominated by LGNZ
- All three of these board members are in essence looking after our interests
- One Rail and one NZTA make up the balance of the corridor managers
- We have a strong voice on the board

What the National Code is protecting

- Roothing 38% \$824m
- Sewer 30% \$673m
- Storm water 16% 340m
- Water supply 16% \$340m





Conclusions

- The Code is critical to the industry of which the RCAForum and its members is a major part
- It balances the needs of UO's and CM's
- Compliance with the Code needs improvement
- The Code Review cycle is important to you
- The next review is 2021

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A close-up photograph of a hand holding a silver, spherical mesh microphone. The hand is wearing a blue long-sleeved shirt. The background is blurred.

Any Questions?