



*Research and Guidelines Steering Group*

## MINUTES: ROAD-RAIL ISSUES WORKING GROUP MEETING

Friday 3 March 2017 - 9:30 am

**NZ Transport Agency National Office, 44 Victoria Street, Wellington**

### **1 Welcome, apologies and confirmation of agenda**

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Introductions were made and apologies taken, and the agenda was confirmed.

#### **Attending**

- Warren Furner  
Land Transport / Economic Development Manager, Ruapehu District Council
- Dawn Shannon  
Strategic Asset and Performance Manager, Hamilton City Council
- John Price  
Senior Traffic Engineer-Signals, Network Operations, Wellington City Council
- Alan Stevens, Technical Manager, Civil Contractors New Zealand Inc.
- Eddie Cook, Project Engineer Level Crossings, KiwiRail
- Dale Phillip, Property Team, KiwiRail
- Tom Simonson (to 11.00)  
Principal Regulatory Advisor, Local Government New Zealand
- Wayne Newman  
Executive Officer, RCA Forum Research and Guidelines Steering Group

#### **Apologies**

- Peter Standring  
Transport Manager, Gore District Council
- Joanna Towler  
RATA Project Manager, RATA-Waikato
- Bruce Conaghan  
Transport Technical Services and Design Team Leader,  
Vertical Capital Delivery and Professional Services Unit, City Services Group,  
Christchurch City Council

## 2 Background

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Warren Furner spoke to the need to integrate road and rail as transport infrastructure within the context of the GPS 2015 and the requirements of 'NZ Inc.' to achieve an integrated and consistent approach to asset management and planning across both. The RCA Forum Executive has recognised a need to revitalise the Level Crossings Working Group that was first established by the RCA Forum in 1999. This meeting had the task of confirming that this is the appropriate response. If so, a priority task would be to identify all interested parties who should be participants.

## 3 Draft Terms of Reference

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### Relationship with existing level crossings group

The meeting noted the options for responding to these wider issues were to broaden the terms of reference and membership of the present level crossings group or to create a new entity. As the present group sits outside the usual RCA Forum reporting mechanisms and appears not to have met since 2015, the preferred alternative is to establish a new and more active working group with a broader policy scope than the existing group.

## 4. Discussion

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The meeting agreed on a need for consistency of communications and that a desired outcome for the group would be achieving life-cycle management of level crossings consistent with other road assets. The group will need to keep aware of the NLTP planning cycles in proposing changes.

Eddie Cook clarified the position on contributions to upgrades during the NLTP 2018-21: these will be funded by the Agency and KiwiRail. So it will be only renewals that will be invoiced to local authorities for partial funding. It is not possible to provide details of these planned renewals for inclusion in the 2018-21 NLTP, because KiwiRail asset managers do not have forward works plans for renewals or standard life-cycle management plans to indicate track renewal rates.

## 5. KiwiRail presentation

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Dale Phillip explained the current KiwiRail programme of inspection of every level crossing with the objective of achieving compliance with Part 9 of the TCD Manual by all crossings by 2020. A significant proportion of crossings currently are non-compliant and, therefore, potentially unsafe.

The Deed of Grant for a crossing is a separate issue. It is required in the first instance to record the impairment of title to the land created by either the rail or the road passing over it. The underlying title determines the requirement to pay for the upkeep of the crossing. ~~So~~ There is a requirement for each level crossing to have a Deed of Grant.

This requirement exists regardless of whether the road is formed or not, so there is an issue around Deeds of Grant for “paper roads”, which have been treated incorrectly by KiwiRail in the past as not being roads.

Associated with this are the conditions for the safe operation of that crossing. The Coroner has supported the concept of a bespoke Deed of Grant for each crossing that establishes the appropriate conditions for its safe use.

The programme to ensure that every crossing has a Deed of Grant in place has begun by looking at the approximately 100 crossings on state highways. The process involves determining the underlying land ownership where no Deed of Grant exists. While most recent crossings have these in place, little effort has been to investigate historic crossings. Local authorities have been similarly reluctant to commence this exercise.

## 6. RCAs’ concerns

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Dawn Shannon noted that the Deeds of Grant have been a significant cause of poor relationships between local authorities and KiwiRail. They are frequently seen as imposing draconian conditions and unreasonable costs. There would be concern among authorities at the approach proposed by KiwiRail for the programme to achieve a Deed of Grant for every crossing, where the NZ Transport Agency is approached first and then each local authority one by one, with KiwiRail setting the terms in every case.

Local authorities recognise that they have a stake in the safe operation of level crossings; they recognise that their road users are being kept safe. There is a level of acceptance, therefore, for a shared investment in signals, but this does not extend to rail track renewals. No local authority will accept that an invoice for sleepers and ballast is a reasonable charge.

A greater problem, however, has been the failure of KiwiRail to recognise the planning timeframes of local government and the need to get projects into plans to ensure that there is funding available. Sending a road asset manager an email asking for \$160,000 to be put in the current budget for work to be done at two level crossings in their district displays a total lack of understanding of local authority planning and communication needs.

John Price noted that he has been tracking invoices relating to work only on signals and has no idea of whether he is getting value for money. This has become a frequent complaint from RCA Forum members. They are unable to show that this expenditure is necessary or efficient, or in some cases that it has delivered the works paid for.

Eddie Cook conceded that the changes in FAR for level crossings as a result of the review had caught KiwiRail unprepared. The relatively abrupt change from invoicing only the Agency to invoicing both the Agency and the relevant local authority in every instance had left KiwiRail struggling to have the necessary communications strategies in place.

The change had also caused a significant increase in the level of scrutiny now being accorded to these invoices, which was previously largely absent. Local authorities had not previously challenged the invoices at all, because they had no financial reason to do so.

## 7. Next steps

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The meeting agreed that the most effective means to improve the economic efficiency of the management of level crossings would be for KiwiRail to be recognised as an Approved Organisation. The administrative efficiencies of having only a single invoice, instead of working through multiple parties each time, would be immediately beneficial for KiwiRail. At the same time it would support a more integrated transport approach and ensure that expenditure on assets meets requirements that the OAG is able to have confidence in such expenditure.

It could also facilitate greater participation by KiwiRail on Regional Land Transport Committees, which would deliver better-integrated transport planning than attempting to maintain relationships based on individual Deeds of Grant with individual authorities, but would still conform to the principle behind the road-over-rail/rail-over-road protocols.

While recognition of KiwiRail as an Approved Organisation in regard to level crossings would be a solution that is thoroughly in keeping with the objectives of the GPS 2015, this is unlikely to be achieved before the NLTP for 2021-24. The 2018-21 NLTP is, therefore, likely to be a transitional period during which KiwiRail completes, for every crossing, having a Deed of Grant in place and compliance with Part 9, and appropriate life-cycle asset management plans.

### a. Draft Terms of Reference

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#### Objective

The objective to be to:

- Identify best practice and make this available to practitioners;
- Develop or steer development of guideline documents;
- Promote and enhance engagement between stakeholders; and
- Promote an appropriate policy and regulatory environment.

#### Responsibilities

The Working Group would, therefore, be responsible for:

- (a) reviewing guidance and direction for the provision of adequate and timely asset information to allow for works involving the upgrade of the road-rail interface to be provided for in asset management plans; and
- (b) reviewing the operation and management of the road-rail interface relationship and communications between the parties; and
- (c) providing sector feedback on priorities for changes to rules or current practice relating to the road-rail interface.

## **Tasks**

To achieve its objectives, the Working Group would:

- provide input and submissions on policy;
- oversee any trials of new solutions proposed for adoption;
- provide advice and input on the form and content of guidelines;
- actively contribute to reaching sector consensus;
- provide advice and input on the implementation of guidelines and research;
- review regulations, guidelines and practice in light of published research;
- ensure costs and benefits are appropriately considered;
- consider legal implications;
- approve guidelines and recommend their adoption as necessary.

## **Issues to be considered**

Issues include, but are not limited to:

- recognition of KiwiRail as an AO for its level crossings;
- representation of KiwiRail on RLTCs;
- forward planning of level crossing upgrades;
- agreement on priorities for upgrades;
- agreed risk assessment criteria for level crossings;
- protocols for sharing planning information on maintenance;
- service agreements and deeds of grant;
- review of TCD Manual Part 9;
- transparency of service charges;
- outcome of Coroner's review of ALCAM;
- alignment of ALCAM and road criteria;
- provision for foreseeable needs in planning eg 'paper roads' and 'mothballed lines';
- connectivity and compatibility of signals to facilitate delivery of intelligent roads;

## **Representation**

The following member authorities and stakeholders have currently expressed an interest in being represented:

- Hamilton City Council – possibly through a wider representation of the Waikato regional authorities through Joanna Towler
- Wellington City Council – John Price
- Christchurch City Council – Bruce Conaghan
- Gore District Council – Peter Standring
- Civil Contractors NZ – Alan Stevens
- KiwiRail – Eddie Cook and Dale Phillip
- LGNZ – Tom Simonson (probably only on policy initiatives)

Glenn Bunting has primary responsibility for this area in the Transport Agency. Mike James is likely to be an interested party on this topic in the Ministry.

### **Meetings**

Meetings of RCA Forum working group are scheduled at intervals based on the needs of the project and the sector. Working group members will normally be asked to meet incidental costs of membership. Budget to assist with costs of travel can be provided, but it is generally assumed that each member will cover a reasonable level of such costs.

### **Term**

The Working Group will require a term of three years to address the issues to be considered.

### **Convener**

The convener is responsible for the management of the group and oversight of its budget and expenditure. The convener is Bruce Conaghan.

A second member of the group also approves expenditure against the group's budget. The second approver is Alan Stevens.

### **Administration**

The Research and Guidelines Steering Group provides administrative support as necessary to the working group conveners. This includes preparation of meeting agenda and minutes, reports and budgets. This will be a charge to the budget of the working group.

### **Reporting**

The Road-Rail Issues Working Group will report to the Research and Guidelines Steering Group.

### **Projected Budget**

A budget for the working group has been forecast and funding for the working group has been included in the current budget figures. This budget assumes no use of external researchers or expert input. The three-year budget is:

<b>2017-2018</b>	\$15,000	(requested in current budget round)
<b>2018-2019</b>	\$15,000	(forecast)
<b>2019-2020</b>	\$15,000	(forecast)

## **8. Other business**

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The meeting noted the provision of a higher subsidy of 85% for conversions of street lighting to LED lamps and saw this as a useful model for achieving level crossing upgrades and renewals that would still retain a financial component to ensure local scrutiny of expenditure.

Dawn Shannon observed the counter-productive effect of mazes for cyclists at level crossing: the maze shifts the focus of the cyclist from the wider hazards of the rail corridor to the immediate hazard of negotiating the maze. Once through the maze, however, the cyclist is effectively in the rail corridor.

Where mazes are absent, the cyclist approaches the tracks with greater focus on the general surroundings.

A dish drain or tactile tiles to slow cyclists approaching the tracks might be a more effective response, possibly with low hazard lights where the traffic warrants them.

The meeting also noted the effect of complacency; if a sign warns of a hazard that occurs only five times in 100 passes, the sign will soon come to be ignored. Hazard warning signs need to move to providing an accurate real-time warning of the direction of approach of trains at level crossings. Any move to active signs advising of trains approaching will need to undergo a business case process which acknowledges that the signs will not be 100% failsafe, but will still provide an overall safety benefit.

## 9. **Next meeting**

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A meeting on 5 May is tentatively scheduled to ensure some momentum is maintained on this issue.

Meeting closed at 12.20 pm.