



Research and Guidelines Steering Group

MINUTES: ROAD-RAIL ISSUES WORKING GROUP MEETING

Friday 26 May 2017 - 9:00 am

Teleconference

Welcome, apologies and confirmation of agenda

The agenda was confirmed and apologies taken.

Attending

- Bruce Conaghan
Transport Technical Services and Design Team Leader, Vertical Capital Delivery and Professional Services Unit, City Services Group, Christchurch City Council
- Peter Standring
Transport Manager, Gore District Council
- Joanna Towler
RATA Project Manager, RATA-Waikato
- Alan Stevens
Technical Manager, Civil Contractors New Zealand Inc.
- Eddie Cook
Project Engineer Level Crossings, KiwiRail
- Wayne Newman
Executive Officer, RCA Forum Research and Guidelines Steering Group

Apologies

- Warren Furner
Land Transport / Economic Development Manager, Ruapehu District Council
- Dawn Shannon
Strategic Asset and Performance Manager, Hamilton City Council
- Dale Phillip
Property Team, KiwiRail
- Tom Simonson
Principal Regulatory Advisor, Local Government New Zealand

1 **KiwiRail Response to issues raised by RCAs previously**

Eddie reminded the meeting of the front-loading of NZTA funding for renewals in the 2018/21 Plan onto 2017/18 to cover the transition to the full implementation of the new co-investment regime.

The immediate difficulty for RCAs was agreed to be getting accurate forecasts of track renewals to allow the works to be programmed, and receiving adequate notice of changes in plans.

The meeting agreed that regular contact between the RCA and local KiwiRail Track Manager or Field Asset Engineer was likely to be the most effective way to resolve these problems.

Action: Wayne to circulate to all RCAs the list of KiwiRail contacts already supplied by Eddie and the list of 2017/18 planned track renewals when the latter is received.

2 **Communications with Kiwirail regarding level crossing works**

Joanna reported that one local authority that wished to upgrade the approach to a level crossing and needed to engage with Kiwirail for the upgrade of the bit between the rails found it was a struggle to get any engagement with Kiwirail on this.

Eddie circulated a list of the Track personnel contact details for every region in NZ. The Track Managers should respond to all RCA queries. Eddie also reminded the meeting that there is a lot of information on the KiwiRail website in the Infrastructure-Corridor Access section on how RCAs apply to carry out work at level crossings.

RCAs need to recognise that they are seeking access to a transport corridor and need to complete a corridor access request form to gain approval to work in the rail corridor. The URL below takes RCAs to the Corridor Access Request form.

<http://www.kiwirail.co.nz/uploads/Publications/A5%20CAR%20Form.pdf>

It was agreed that this form would likely go to a central office for processing and the local Track personnel might not be aware of it, so RCAs should make a point of informing their local Track manager of any CAR as soon as it is lodged.

3 **Communications by Kiwirail regarding level crossing works on the road**

The same concerns apply in reverse; occasionally Kiwirail staff are seen working on crossings and RCAs have not been advised previously. Failure to lodge a TMP is the major concern.

It was agreed that, if KiwiRail staff are working illegally on the road, their operation should be shut down until such time as they have their approvals in place. COPTTM provides guidance on traffic control at level crossings. It was agreed equally that KiwiRail needs to have trained staff for working in the road corridor, whether internally or through contractors.

Currently KiwiRail should lodge a generic level crossing TMP each year with RCAs in order to carry out works within the road corridor. It is unclear whether this is being done, or whether RCAs are meeting their responsibility to ensure compliance with CoPTTM.

Action: Wayne to circulate enquiry to all RCAs regarding receipt of annual generic TMP from KiwiRail. Eddie to enquire of Track managers whether these have been lodged.

4 Providing the level of service for road users at level crossings

Eddie reminded the meeting that KiwiRail has always considered the needs of road users at rail crossings. Its annual Level Crossing Protection upgrade program aims to provide safer facilities for all road and rail users. KiwiRail now recognises that active users are the at risk group in crash trends and efforts are being concentrated in this area to mitigate this concerning trend. The draft Risk Assessment and Active User Design Guidance Manual, which updates guidance for active user design principles and standards and calculation of existing level of risk at level crossings, were circulated with the agenda.

Joanna explained that, for many road users, level of service for level crossings was less about safety than about roughness, and it was acknowledged that there is minimal interest in this in planning a renewal.

Alan noted that new materials are available that are proving very effective for crossings. Eddie recommended two, Velostrail and Edilon, as very good.

The meeting noted that the failure to include level crossings within the ONRC was a serious impediment to achieving a consistent level of service on many roads.

5 Availability of Kiwirail for “stand-over” while works are underway

Joanna asked whether there would be enough Kiwirail staff available to stand over works in progress for the accelerated programme? It was agreed that this had been covered under Item 2.

6 Numbers of rail-over-road and road-over-rail

Dale circulated a list of the level crossings for each RCA for the meeting. This listed 719 road-over-rail and 642 rail-over-road crossings, with 62 shared. The numbers shouldn't change too substantially, but there are still some crossings where the ownership needs to be investigated further for confirmation. Once

this is done a list of all of the level crossings will be provided to each RCA so that, in the first instance, they can confirm whether they agree.

Action: Dale will circulate the final list to KiwiRail's contacts for local authorities. As these contacts are unlikely to be the road asset managers, a copy will be sent to Wayne to circulate separately to RCAs.

7 Deeds of Grant

Kiwirail is working on Deeds of Grant for all state highway level crossings and will then move to local authority crossings. There is some concern that, with NZTA crossings being done first, some agreements and assumptions may be developed that do not suit local authorities. Local authorities do not want to be negotiated with one-by-one, but believe that to get the best outcome for local authorities, a joint overall agreement for all local authorities is needed.

Dale provided a report to the meeting, noting that, while KiwiRail has been working with NZTA for all of their level crossings, it is proposing to send the updated Deed of Grant template to Local Government NZ in the first instance so that LGNZ can review the proposed format.

Kiwirail agrees that the template might not necessarily be suitable for Local Authorities and would be willing to review the template grant at a high level, but the desire would be to standardise the format and ensure the document protects both parties' interests and addresses safety concerns.

KiwiRail agrees that renegotiating the template Deed of Grant terms with each RCA should be avoided as KiwiRail wants to keep some consistency over the standard Deed of Grant documents to ensure that it can rely on the same standard clauses. This means administration time will be saved in future as each Deed of Grant will be similar and will not have to be reviewed in detail for any minor changes that may have been made with each RCA.

An individual Deed of Grant needs to be put in place for each level crossing. While it would be more efficient to have a single Deed of Grant with an attached schedule of level crossings, a recent Coroner's Hearing outlined that a single umbrella Deed of Grant does not adequately consider the risks associated with each individual level crossing.

Bruce noted that there is a difference between an umbrella Deed of Grant and a standard Deed of Grant. The Deed of Grant is attached to the land title, but it does not need to be an individually tailored document for each crossing. It can be a standard document in a common format that has appendices and it would be the appendices that would be negotiated and able to be easily changed if circumstances change.

The meeting agreed that it would be in the interests of all parties to have the Deed of Grant template in an agreed standard format for every local authority, with any variable terms and conditions specific to individual level crossings confined to a separate schedule.

The meeting noted the documents circulated on behalf of Warren relating to a replacement bridge over the not currently operational rail line to Stratford.

These provided an example of the form of Deed of Grant that local authorities wish to move away from. They also included a legal opinion that supports the view that a Deed of Grant is able to be required wherever a road passes under or over a rail line, even where it does not encroach onto KiwiRail land in doing so. The legal opinion questioned the justification for such a complex deed in the circumstances and also for the rental provisions included within it.

Action: Wayne and Tom to discuss to ensure LGNZ remains aware of RCAF interest in this matter.

8 Next meeting

The next meeting is scheduled for 21 July.

Meeting closed at 10.25 am.