

## Information Update

January 2020

# Consent for works – utilities and public transport operators

All works conducted by utilities or public transport operators (or their agents) within the road reserve need consent from the Coordinating Road Authority (CRA), unless an exemption applies

As a general rule, for freeways and arterial roads the CRA is VicRoads, and for municipal roads the CRA is the local municipal Council.

The works manager is responsible for getting written consent before any work starts. The consent application form is available on the VicRoads website at [vicroads.vic.gov.au](http://vicroads.vic.gov.au), and an application fee always applies.

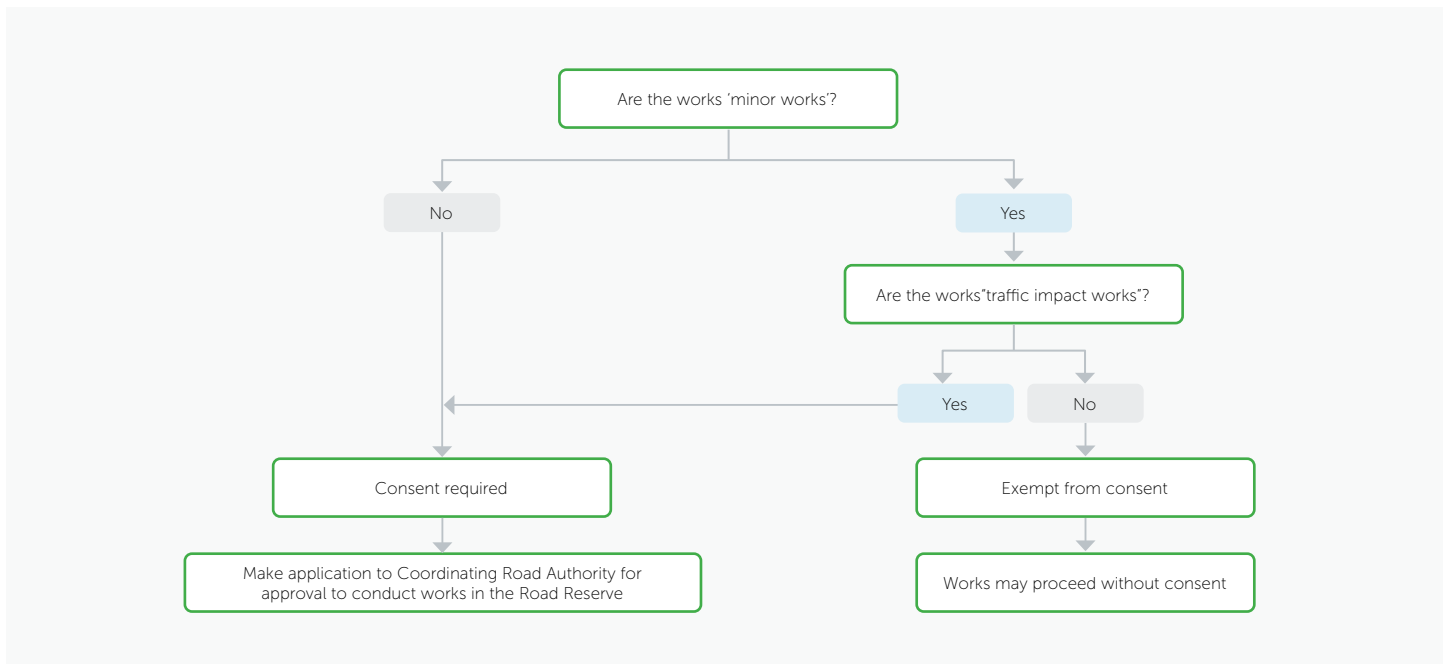
It is an offence to conduct work within the road reserve without consent.

### Are you exempt from consent?

If the works proposed to be conducted by a utility or public transport operator are 'minor works', then those works are exempt from the need for consent unless those works are also deemed to be 'traffic impact works'.

The definitions of 'minor works' and 'traffic impact works', as contained in the *Road Management (Works and Infrastructure) Regulations 2015*, are set out at the end of this Fact Sheet.

When planning for the conduct and timing of your works (whether consent is required or an exemption applies), measures should be taken to ensure the safety of road users and to minimise disruptions to traffic, public transport, abutting property owners, businesses and utility customers.



## Do you need a Memorandum of Authorisation (MoA)?

If you are a works manager for a utility or a public transport operator (or an agent for the works manager) then you are authorised to erect, remove or alter the following traffic control devices without a Memorandum of Authorisation (MoA):

- works advisory devices (as defined in the *Road Safety (Traffic Management) Regulations 2019*)
- hand-held stop signs
- work zone signs
- temporary works speed limit signs (with a minimum speed of 40 km/h)
- VMS signs
- with the authorisation of VicRoads, any other major traffic control device
- with the authorisation of the relevant CRA for the road, any other minor traffic control device,

These authorisations are allowed provided that:

- you have the consent of the CRA for the works or you are exempt from consent (under either the *Road Management Act 2004* or the *Road Management (Works and Infrastructure) Regulations 2015*); and
- all traffic control devices are included in a Traffic Management Plan (TMP), which is available onsite for inspection at all times when workers are present.

## What MoA application fees apply?

Where a utility or provider of public transport requires a MoA from VicRoads, the following fees apply as prescribed in the new Road Safety (Traffic Management) Regulations 2019:

How Traffic Control Device is to be used	Fee Value
Does not require closure of any traffic lanes	4.76 fee units
Requires closure of one or more traffic lanes	15.46 fee units
Requires closure of a road	40.43 fee units

## What happens in an emergency?

'Works conducted in an emergency' by or with the authority of a utility or public transport operator are exempt from the consent of the CRA. This exemption includes:

- works conducted in response to incidents such as a burst water main, gas main explosion or fallen power lines on the road; or
- works in relation to a safety related incident, customer service obligation or regulatory service provider obligation that requires attendance within a specified priority response time of between 24 hours and 3 business days.

**Note:** Further information on 'works conducted in an emergency' can be found in clause 37 of the *Code of Practice for Management of Infrastructure in Road Reserves (2016)*.

This exemption allows the responsible works manager to respond to the emergency, make the site safe for road users and other members of the public, and undertake temporary works to reinstate any services where possible, including temporary reinstatement of the road for traffic.

The CRA must be advised of the emergency event as soon as reasonably practicable.

Works that need to be undertaken in the short term (whether planned or unplanned), or that can be deferred to a later date, are not considered to be 'works conducted in an emergency'.

## When do you notify VicRoads?

When you commence the works, you should advise the CRA so they can determine if the public should be informed.

On completion of the works, a utility or a public transport operator is exempt from the need to give notice to the CRA of the completion of any 'minor works' that are not:

- 'traffic impact works'; or
- works that consist of, or include, the excavation of any part of a roadway, pathway or shoulder (other than an excavation conducted solely to repair, maintain, install or replace a single pole in an urban area or no more than 3 poles in any other area).

For all works where a utility or public transport operator is not exempt from giving a notice of completion, the CRA must be notified by the 14th day of the month next following the completion of the works.

## Do you have a traffic management plan?

A Traffic Management Plan (TMP) must be prepared for all works on roads in accordance with the *Code of Practice for Worksite Safety – Traffic Management*. The TMP must be available onsite for inspection at all times when workers are present. All of the traffic control devices to be used must be included on the TMP.

## Notification

For works on a freeway or arterial road, please call the VicRoads Traffic Management Centre on 13 11 70.

## Additional information

These publications can be accessed from the VicRoads website:

- *A Guide to Working in the Road Reserve*
- *Companion to a Guide to Working in the Road Reserve* (this contains FAQs, process flow charts and 'works' examples)

## Definitions

'Minor works' (as defined in the *Road Management (Works and Infrastructure) Regulations 2015*) are any of the following kinds of works undertaken by a utility, a provider of public transport, a responsible road authority (or an agent of any of these bodies):

- a the installation, repair or maintenance of aerial cables or other overhead non-road infrastructure;
- b works undertaken so as to enable a person to be provided a service by a utility;
- c the repair or maintenance of:
  - i street lighting; or
  - ii bus stop infrastructure, tram stop infrastructure or other public transport related non-road infrastructure located on the roadside; or
  - iii tram tracks, including the roadway area between and on the outside of the tram tracks for which the relevant provider of public transport is responsible;
- d the excavation of:
  - i any part of a road other than a roadway, pathway or shoulder; or
  - ii an area of a roadway, pathway or shoulder;  
**Note:** Regulation 6(2)(b) provides that if works under (d) above also exceed 8.5 square metres, then those works are not 'minor works'.
- e the use of an access hole for the purpose of accessing, repairing or maintaining infrastructure under a road;
- f the installation, repair or maintenance of traffic control devices carried out in accordance with the *Road Safety Act 1986* or any regulations made under that Act;
- g the repair or maintenance of poles;
- h the replacement or relocation of a single pole in an urban area (unless those works are part of works to replace or relocate 2 or more consecutive poles);
- i the replacement or relocation of not more than 3 poles in an area other than an urban area (unless those works are part of works to replace or relocate more than 3 consecutive poles);
- j the pruning of a tree or other vegetation;
- k the removal of a tree or other vegetation in accordance with any Act other than the *Road Management Act 2004*;
- l any other works conducted for the purpose of repairing, inspecting, operating or testing an asset or for the purpose of a survey.

If any of the works listed in (a) to (l) above also consist of, or include any of the following works, then those works are not 'minor works':

- a service extension works (definition below);
- b the excavation of an area of a roadway, pathway or shoulder exceeding 8.5 square metres;

- c works undertaken by a utility to decommission or remove, by excavating or filling any part of a road, non-road infrastructure (other than poles, aerial cables or other overhead non-road infrastructure):
  - i that is located longitudinally within a road reserve:
    - A. over a distance exceeding 100 metres in an urban area; or
    - B. over a distance exceeding 300 metres in any other area; or
  - ii that is located under a roadway, pathway or shoulder and the works require the excavation of more than 8.5 square metres of that roadway, pathway or shoulder; or
  - iii that affects road-related infrastructure.

'Traffic impact works' (as defined in the *Road Management (Works and Infrastructure) Regulations 2015*) are:

- a works conducted:
  - i on a freeway; or
  - ii on an arterial road that require the deviation of vehicular traffic into an on-coming traffic lane; or
  - iii in a clearway when it is in operation; or
  - iv in a bus lane when it is in operation; or
  - v on, or partly on, or that affect, a bridge or other structure; or
  - vi on a roadway within 20 metres either side of a children's crossing when that crossing is in operation, unless parking is permitted within 20 metres either side of the crossing and the works are conducted on that parking area; or
  - vii within a road reserve on, or in the vicinity of, a level crossing within the meaning of section 221U of the *Transport (Compliance and Miscellaneous) Act 1983*; or
- b 'peak hour traffic works' (definition below); or
- c works that require a part of a roadway, other than a part on which parking is permitted, to be closed to vehicular traffic for:
  - i a continuous period of more than 12 hours; or
  - ii for a period of more than 24 hours in 7 days; or
- d works that require the cancellation, deviation to a different road or replacement, of a tram or bus operated by a provider of public transport; or
- e works conducted on a road in an urban area within metropolitan Melbourne, Geelong, Ballarat or Bendigo:
  - i that are likely to have a duration of more than 15 minutes; and
  - ii that are likely to cause a delay to a bus or tram for more than 2 minutes between 6.00am and 9.00am or 3.00pm and 7pm on a weekday; or

- f works conducted on a road in an urban area within metropolitan Melbourne, Geelong, Ballarat or Bendigo:
  - i that are likely to have a duration of more than 2 hours; and
  - ii that are likely to cause a delay to a bus or tram for more than 5 minutes between 9.00am and 3.00pm on a weekday; or
- g works that cause the temporary closure or relocation of a bus stop or tram stop or prevent access to a bus stop or tram stop in an urban area for more than 15 minutes; or
- h works conducted in an urban area, between 6 a.m. and 8 p.m., on the roadway of an arterial road, within 100 metres of an intersection with traffic signals, which require the closure to vehicular traffic of one or more lanes on that roadway that are available to through traffic.

'Peak hour traffic works' are works conducted between 6.00am and 9.00am or between 3.00pm and 7.00pm on a weekday on a roadway of an arterial road in an urban area (other than a roadway that is a service road) and any of the following paragraphs apply:

- a the roadway has one lane for vehicular traffic to travel in each direction and the works are conducted in any lane and result in vehicular traffic in that lane during that time being continuously stopped for more than 5 minutes;
- b the roadway has more than one lane for vehicular traffic to travel in each direction and the works are conducted in one or more (but not all) of the lanes that are for travel in one direction and result in vehicular traffic in those lanes during that time being continuously stopped for more than 15 minutes;
- c the roadway has more than one lane for vehicular traffic to travel in each direction and the works are conducted in all of the lanes that are for travel in one direction and result in vehicular traffic in those lanes during that time being stopped for any period of time.

'Service extension works' are works specified in column 2 of the table below that are undertaken by a utility (or its agent) in the area specified in column 3 of the table for the purpose of:

- a extending non-road infrastructure owned, operated or controlled by that utility; or
- b enabling a person to be provided a service by a utility.

Items	Works	Area
1	Works involving the installation of non-road infrastructure under an area of road that spans a distance exceeding 100 metres in length an urban area	an urban area
2	Works involving the installation of more than one additional pole	an urban area
3	Works involving the installation of non-road infrastructure under an area of road that spans a distance exceeding 300 metres in length	any area other than an urban area
4	Works involving the installation of more than 3 additional poles	any area other than an urban area

### For further information about working in a road reserve

- phone 13 11 71
- visit [vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve](http://vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve)