

**Working Party Terms of Reference
Utilities in the Transportation Corridor**

July 2007

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Part 1 Background & Introduction

As a result of a Government initiative to develop world-class infrastructure, the Ministry of Economic Development (MED) has been reviewing utility access to the transportation corridor (roads and rail). Currently, MED is in the process of making recommendations to Cabinet that may result in changes to existing legislation. In response to the MED initiative, parties with an interest in the transportation corridor have agreed to work together to improve industry co-operation and to develop processes and procedures that will allow the Government to achieve its objective without wholesale legislative change.

The New Zealand Utilities Advisory Group (NZUAG) has, with industry support, established a 'Directors Group' made up of elected representatives from Transit, ONTRACK, Utilities and Local Government. The objective of the Directors Group is to develop by consensus a national code of practice for working in the transportation corridor and a 'companion document' to identify issues where agreement cannot be reached (and the respective positions of the parties) and/or where further work is required.

At its meeting on 2 May 2007, the NZUAG adopted a 'Project Plan' prepared by the Directors Group. The Plan provides for division of this task across five working parties, all under the auspices of the Directors Group. The five workstreams are:

	Working Parties	Sponsor	Members	General Content
1	Directors Group	Stephen Parker	DG	Introduction, partnering principles, cost sharing.
2	Corridor Planning & Management	Mark Larsen	3 x LG 1 x ONTRACK 1 x Transit 2 x Utilities	Could include but not limited to: Planning/allocation of space, safety, business issues, consents & works approval, handover & quality assurance.
3	Technical Content	Phil Consedine	3 x LG 1 x ONTRACK 1 x Transit 3 x Utilities	Could include but not limited to: Site construction, below ground, attachment to structures, contractor obligations.
4	Dispute Resolution	Ian Cox / Mark Larsen	Ian & Mark	Dispute resolution.
5	Above Ground Structures	Ian Cox	5 x Utilities 2 x LG 1 x LTNZ 1 Transit	Risk-based approach to the management of the placement of protruding utility services in the road corridor.

The purpose of this document is to brief Working Parties more fully so they deliver effectively - on time, on budget and to the quality required. If at any time there are questions about the Brief should be referred to the Working Party Sponsor in the first instance.

This document is divided into three parts:

- 1: **Background & Introduction** - this part
- 2: **General Matters** - matters that relate to all working parties.
- 3: **Specific Matters** - specific instructions for each working party.

Part 2 - General Matters

2.1 Context

All members of each group will be provided with a copy of the Project Plan. It is important that members read this carefully to ensure they understand the context of the project, the role of key people and the 'Project Principles'. For the sake of clarity, key elements of the Project Principles are:

Project Principles

Given the large workload, the significance of the work and the competing interests of stakeholders in some areas, this project will be complex and demanding and the Directors Group has agreed some key principles:

Strategic

It is acknowledged that this project is a step in a much longer journey. We will put in place the building blocks to facilitate further stages of work later on.

Project Management Focus

The timeline is very short. A simple project structure, clear communications and effective project management are critical to delivery of outputs.

Consensus

The Directors Group will work on the basis of consensus. Where this can't be achieved we will document the issue of concern and the respective positions of each party.

Communication

A critical success factor (especially for the Local Government and Utility sectors) is high quality communication with respective constituencies.

2.2 Roles

Particular roles that need to be understood include:

Working Party Sponsor

The role and responsibility of the Working Party Sponsor includes:

- *Being an advocate for the particular workstream.*
- *Being the primary point of liaison between the Working Party, the Directors Group and the Project Manager.*

- *Reporting regularly to the Directors Group on the work of the Working Party.*
- *Providing overall support and guidance to the Working Party, as required.*
- *Ensuring that the Working Party performs in accordance with its Brief.*
- *Ensuring liaison between working parties.*

Working Party Member

Working party members have been selected on the basis of their technical expertise, experience and their ability to work within the 'Project Principles'. The role and responsibility of Working Party members includes:

- *Ensure they are appropriately briefed on appropriate technical matters and seek feedback from others as appropriate.*
- *Reflect the interests of the relevant sector group.*
- *Actively search for ways to bridge sectoral differences.*
- *Make a positive contribution to project delivery.*
- *Stay focused on key project issues.*

Project Manager

The role and responsibility of the Project Manager includes:

- *Assist development of a Project Plan.*
- *Manage work programme/deliverables/budget and project change.*
- *Identify and manage project risks - escalate to Directors Group as required.*
- *Develop briefing documents - application for Government funding etc.*
- *Recommend engagement of advisors to Directors Group, as required.*
- *Be key point of liaison for Directors/stakeholders (including regular reporting on progress/issues).*
- *Implement national document content as directed.*

2.3 Method of Operation

Each Working Party will determine its own way of operating to achieve effective delivery of the Brief. However, key instructions from the Directors Group include:

Time	Deliverable provided on or before 30 July 2007 at latest. Progress reports are to be provided to the Working Party Sponsor with a copy to Project Manager, two weekly (see 'Reporting' below.)
Deliverable	The output must be delivered in draft code form accompanied by a 'Companion Document' or covering report highlighting any areas where there is disagreement (explaining what the respective position of the parties is) or where the working party considers that further work is required. However, every effort should be made to reach consensus. It is expected that the draft code might need 'word-smithing' after delivery to ensure consistency with other parts of the code but that it will otherwise be complete.
Chair	The Working Party will appoint a Chair who will liaise as required with the Working Party Sponsor on technical/specialist issues, authorise claims for reimbursement of cost and report formally to the Working Party Sponsor on progress. The Chair of the Working Party has primary

	responsibility to guide the work of the Working Party and ensure delivery of project outputs.
Secretary	The Working Party will appoint a Secretary from amongst its members who will record the critical points of all meetings/discussions held, distribute meeting notes, document code development, circulate appropriate documentation for consideration and manage version control. The Secretary's main point of business contact will be with Fiona Knight at NZUAG. A meeting notes template is attached at Appendix A .
Meetings/Discussion	<p>The Working Party will meet as required but it is expected that other communication tools will be used as appropriate - conference calls and electronic exchange of information.</p> <p>At the first meeting the Working Party will "brainstorm" the issues that they consider should be included under the topic area they have been assigned to. These issues should be reflected in the Project Plan provided to the Directors Group. The Project Plan should including a timetable and budget. (See Appendix B for Project Plan template.)</p> <p>The Directors Group must approve the Project Plan (including the issues considered to ensure there is no overlap between the work of each group).</p>
Reporting	The Chair of the Working Party will report to the Working Party Sponsor as required (but not less than two weekly) in the form attached at Appendix C (copy to Project Manager).
Working Party Budget	Costs need to be tightly managed, it is expected that Working Party members will give their time at no charge to this project and it is hoped that sponsoring organisations will absorb incidental costs. In some cases, no budget will be required. The Working Party will scope a budget at its first meeting and submit this to the Working Party Sponsor (copy to Project Manager) for approval.
Cost Reimbursement	Claims for costs must be authorised by the Chair of the Working Party and submitted to NZUAG for payment. Claims for costs that have not been approved in the Working Party budget will not be approved.

2.4 Key Contacts

	Name	Email	Telephone	Cell
Directors Group	Phil Consedine	Phil.consedine@northshorecity.govt.nz	09 486 8400	0274 516 795
	Ian Cox	ian.cox@transit.govt.nz	09 4696689	027 493 4188
	Mike Curran	Michael.curran@ontrack.govt.nz	04 495 9060	
	Phillip Eyles	Phillip.eyles@lgnz.co.nz	04 924 1213	029 924 1213
	Ewan Gebbie	Ewan.gebbie@vector.co.nz	04 462 8657	021 675 853
	Mark Larsen	Mark.larsen@telecom.co.nz	04 382 5495	027 294 4051
Project Manager	Peter Winefield	Peter.winefield@mwhglobal.com	09 580 4574	021 983 120
NZUAG PO Box 1214 Wellington	Fiona Knight	Cresmere.hse@actrix.co.nz	T 04 475 8439 F 04 475 8413	
WP Sponsor - Corridor Planning	Mark Larsen	Mark.larsen@telecom.co.nz	04 382 5495	027 294 4051

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Utilities in the Transportation Corridor

& Management				
WP Sponsor Technical Content	Phil Consedine	Phil.consedine@northshorecity.govt.nz	09 486 8400	0274 516 795
WP Sponsor – Dispute Resolution	Ian Cox / Mark Larsen	ian.cox@transit.govt.nz Mark.larsen@telecom.co.nz	04 496 6689 04 382 5495	027 493 4188 027 294 4051
WP Sponsor – Above- Ground Structures	Ian Cox	ian.cox@transit.govt.nz	04 496 6689	027 493 4188

Part 3 Terms of Reference

3.1 DG Working Party

Purpose

Introduction, partnering principles, cost sharing.

Membership

- Phillip Consedine
- Ian Cox
- Mike Curran
- Phillip Eyles
- Ewan Gebbie
- Mark Larsen

Background

The Directors Group retains responsibility for high-level parts of the document including an 'Introduction' to the Code and a 'Partnering Principles' section. These should be reasonably straightforward.

More challenging is the issue 'cost-share'. This is the issue of who pays what when it comes to working in the road corridor. This complex matter has been the subject of much debate and dispute in the past.

Approach / Output / Timetable

With regard the 'Introduction' and 'Partnering Principles' these will simply be developed and put forward to the Directors Group for discussion/agreement. Ian will develop a first draft for consideration. They will be fully developed and signed off by **30 July 2007**.

With regard 'cost-share', the Directors Group will identify key cost share issues and debate each to each to identify areas of agreement or difference. We will determine the best approach from there. This could include obtaining external specialist assistance and it may involve seeking broad direction from relevant Ministers. It will also be important to track the progress of the Working Parties to ensure conceptual thinking on cost share is aligned. The timetable for cost share is **30 July 2007**.

3.2 Corridor Planning & Management Working Party

Purpose

Planning/allocation of space, safety, business issues, consents & works approval, handover & quality assurance.

Membership

- Mark Larsen - Telecom (Sponsor)
- Dan Hynson - Powerco (Chair)
- Grahame Delaney - Telecom (Secretary)
- Graham Tong - PNCC
- Peter Dodge - WCC
- Maurice Mildenhall - Transit
- Frazer Tweedie - ONTRACK
- Bruce Duffield - WCC

Background

Under various pieces of current and historical legislation, a number of parties have or have had rights to access the roads. Initially these organisations were predominately government or quasi-government agencies and worked together accordingly. Changes in the rights of parties' to access land apart from road, technology changes and changes in the ownership/nature of the parties have resulted in a change in both the nature of the relationships between the parties and an increased demand for access to roads. In addition, views on the function of the road are also changing with a move from a purely functional viewpoint to one that includes amenity and other community interests.

The result is that there are increased and conflicting demands being imposed upon the transportation corridor. In this environment it is important that the interested parties are identified, their requirements understood and that access to the corridor is properly planned so as to optimise space, facilitate the achievement of the different parties' objectives, cause as little disruption or inconvenience such parties and to able the Government to achieve its goal of world class infrastructure.

As roads and rail, corridors are already largely "in use" it is not possible to plan from a "Greenfield" perspective and as such considerations should include planning in relation to existing/historical plant and uses and planning for future plant and uses. Further, not all roads/rail have the same level of use or demand and as such categories of road/rail may need to be considered and planning rule's adjusted accordingly in order to able all objectives to be achieved.

Approach / Output / Timetable

- Format to follow WITR standard with track changes clearly marked.
- Any areas of dissent to be documented in terms of: issue, respective positions, suggested way forward.

- Sponsor to liaise with other groups as required to ensure no overlaps/gaps between working parties.
- Complete draft code for corridor management workstream by **30 July 2007**.

3.3 Technical Content Working Party

Purpose:

Develop a set of standards that all parties can use with confidence and certainty in regard construction, health & safety, below ground works, reinstatement, road openings, contractor obligations, time delays, efficiency, disruption and related matters.

Membership:

- Phil Consedine – NSCC (Sponsor)
- David Hutchison – Works Infrastructure
- Alex Finn – WBoPDC
- Brent Loe – Telecom
- Nigel Thompson – ONTRACK
- Roger ward – HCC
- Ross Malcolm – Vector
- Terry Boyle – Transit
- Graeme Green - Vector

Background:

Under various pieces of current and historical legislation, a number of parties have or have had rights to access the roads. Initially these organisations were predominately government or quasi-government agencies and worked together accordingly. Changes in the rights of parties' to access land apart from road, technology changes and changes in the ownership/nature of the parties have resulted in a change in both the nature of the relationships between the parties and an increased demand for access to roads. In addition, views on the function of the road are also changing with a move from a purely functional viewpoint to one that includes amenity and other community interests.

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The varied circumstances that exist across the nation with regard:

- road hierarchy;
- usage;

- geography;
- available space;
- traffic usage;
- adjacent property development;
- the availability of alternate routes;
- operating conditions;
- events;
- outdoor cafes; and
- general engagement and enjoyment of this public open space;
- make the transportation corridor a complex environment to undertake work.

Utility organisations (including power, gas, telecommunications, water supply, sewerage and storm drainage) have increasing and sometimes conflicting demands about the installation, operation and maintenance of their facilities within the transport corridor. It is important that all those involved know what is expected of them so that works are implemented in an efficient manner, meeting the agreed expectations of both the utility and transportation authority.

Consistency of standards, as well as adherence to these standards, is essential to this objective.

Also, with regard 'roads', the general public has a right to access and use the road corridor and its open space and it is contingent upon transport/roading agencies, and the utility organisations, to ensure their work is carried out in such a way as to minimise public and third party impacts.

Approach/Output/Timetable:

There exist already a number of agreements, or "codes", which have been developed and accepted by the various parties. These have been developed over a number of years and include the Auckland AUOG code, the Wellington City code and the Draft National Code of Practice for working on the road.

These are expected to form the basis of the new national code document. It is acknowledged that the Auckland code is accepted and works well with all of those involved within the Auckland region, and other regions and councils have similar experiences with their adopted practices.

Establishing a co-ordinated and consistent national code is one of the key objectives. Reviewing the completeness of these documents is important along with taking account of changing and new requirements that will enable this new document to reflect best practice within the industry.

- Format to follow WITR standard with track changes clearly marked.
- Any areas of dissent to be documented in terms of: issue, respective positions, suggested way forward.

- Sponsor to liaise with other groups as required to ensure no overlaps/gaps between working parties.
- Complete draft code for corridor management workstream by **30 July 2007**.

3.4 Dispute Resolution Working Party

Purpose

Development of a dispute resolution framework to manage disputes between parties because of using the proposed code.

Membership

- Ian Cox
- Mark Larsen

Background

The government approach to development of codes of practice includes a mandatory requirement for a dispute resolution framework. As one possible approach for wide adoption of this code is for the Minister of Economic Development, in conjunction with the Minister of Transport, to approve this code in regulation, then the development of a dispute resolution framework is a necessity.

Approach

There are a number of good examples of such frameworks to use as a base to develop one suitable for the likely disputes in this sector. The approach will be to consider a flow chart that takes into account the likely steps, but also allows for streamlining if the parties are clearly at loggerheads from day one. Having considered the possible steps that might be usefully included, use the existing examples to provide the details and ensure the linkages are effective to provide the streamlining

Output

The expected output is a chapter/section to be included in the proposed new code document, to be integrated to ensure internal consistency. To be discussed is whether referenced documents should be/can be attached.

Timetable

30 July 2007

Budget

No further budgetary allowance is necessary as this section will be completed as an adjunct to the DG responsibilities.

3.5 Above-Ground Structures Working Party

Purpose

Developing guiding principles for working collaboratively to further improve road safety outcomes about above ground structures in the roading corridor.

Membership

- Project Sponsor – Ian Cox (Transit)
- Jack Hansby (Transit)
- Philip Eyles (LGNZ)
- Alec Louverdis (Nelson City)
- John O’ Donnell (Orion)
- Nick Van Druten (Telecom)
- Ross Malcolm (Vector)
- Peter Berry (EEA)
- Tanya Ashby (ENA)
- Bill Greenwood (LTNZ)

Background

Draft guidelines were developed by Transit in response to an NZUAG request to see a written, consistent policy on the management of above ground structures in the highway. The draft provided a catalyst for a multi sector meeting (24/4/7) at which it was agreed the project would best be placed under the auspices of the ‘directors group’ (DG) work stream.

Discussion at that meeting highlighted a lot of common agreement on both intention and solution. The group “found mutual intention” and was confident that “working together for community outcomes we can come together with a good outcome”. The overall objective identified by the group was human life, and the group agreed it would like to work together with the key objective of developing a workable solution that will improve safety outcomes in an efficient way.

Approach / Output / Timetable

Whatever output is arrived at it will first set out the context, that is: both Transit and Utilities have rights, responsibilities and constraints in operating in the highway, and that it is within this context that they have undertaken to try and further improve safety outcomes. Given resources are finite, and the public road and lines networks are comparatively large (over 90,000 km and 140,000km in length respectively) solutions need to be targeted to where they will be most effective.

While the work to date has focused on collaboration between Transit and Utilities regarding above ground structures in the state highway network, it is anticipated that the outputs would be relevant to the other RCA’s.

Therefore it is recognised that the solution needs to be both flexible and sensible to accommodate wider RCA adoption and adaptation, and to take into account the heterogeneous makeup of the different RCA's (and for that matter utility companies). It is envisaged that principles and process identification will form the key part of the produced output, but as some smaller councils may not have the capacity to develop their own policies in depth, some more detailed solutions may be developed for them to consider adopting.

The project output will reflect the two overriding objectives of safety and efficiency. Underpinning that a solution will:

- Set the context behind the document and behind the operational realities/drivers/constraints of Transit and Utilities.
- Be risk assessment based.
- Likely have a separate approach for existing versus new structures.
- Be sensible in terms of being able to be practically adopted or adapted by other RCA's in collaboration with utilities, recognising there is heterogeneity in terms of capacity and local needs.
- Be flexible to recognise situational and operational practicalities.
- Consider cost/benefit implications.

The exact form of the output has not been predetermined. It may be separate guidelines, for example, or may form a chapter in the code of practice that is to be developed as part of the wider work stream. The project output will develop from, and reflect, a joint perspective.

The project will also consider legal issues (for example the effects of moving structures on 'existing rights'). The working group also intends to set a Key Performance Indicator (KPI) with a specific target (for example a reduction in social cost and in infrastructure down time).

- Format to follow WITR standard with track changes clearly marked.
- Any areas of dissent to be documented in terms of: issue, respective positions, suggested way forward.
- Sponsor to liaise with other groups as required to ensure no overlaps/gaps between working parties.
- Complete draft code for corridor management workstream by **30 July 2007**.

**Appendix C
Reporting Template**

Progress Report	
Working Group	
Date	

1. Progress Against Plan

Behind On Target Ahead

Comment:

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.....
.....
.....

2. Issues To Raise?

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.....
.....
.....
.....

Signature:
Chair

Note: Report to be electronically submitted to Working Party Sponsor (copy to Project Manager) by noon on the second and fourth Wednesdays of each month.