

UPDATE FOR ROAD CORRIDOR MANAGERS

The National Code of Practice for Utility Operators' Access to the Transport Corridors (the Code) has been mandatory for 11 months now. This update is to let RCAs know progress and issues relating to the implementation of the Code, as well as the current activities of the NZUAG.

In accordance with the Utilities Access Act 2010, the Minister for Infrastructure approved the Code to be the NZ national standard effective from 1 January 2012. That means that all RCAs must now be following the procedures and processes outlined in the Code. To make it easier for RCAs, the Code contains all the required forms and templates.

By now, all RCAs should have:

- Identified who is the Corridor Manager for their organisation
- Held at least one liaison meeting with the Utility Operators who have services in their area.
- Shared with the local Utility Operators the schedule of works planned for their roads, whether maintenance or capital works
- Declared the conflict of interest if their council also provides water services and
- Established a process for managing this conflict of interest
- Consulted with the local utility operators and reached agreement on any local or special conditions proposed to be imposed on utility work in their area
- Established an appropriate process for maintaining information on which utility services are located in which corridors
- Replaced the RON process with the Corridor Access Request (CAR) process in the Code
- Established a process of ensuring compliance with the Code, including inspections as required before Works Completion Notices are issued
- Started a register of third party damages sustained by utility services in their corridors

Conflicts of interest

A local authority has a conflict of interest if it manages road assets and provides water services. Most councils do, and many have in the past given preferential treatment to their in-house water utility services. The Utilities Access Act requires these conflicts to be declared to the local utility operators and copied to NZUAG. There is a template for RCAs to use, available on the NZUAG website along with the Register of Conflicts of Interest.

All activities relating to water services in road corridors must be approved through the CAR process.

The RCA must set up a transparent process to ensure that the person who processes the CAR application is different from the person who submitted it.

Utility Operators who provide more than one type of utility service (such as telecommunications and electricity, or electricity and gas) are also required to declare a conflict of interest. This is to ensure that when they submit a CAR, it is done under the legislation relevant to the utility being worked on. eg if Vector works on its electricity asset, it cannot work under the provisions of the Telecommunications Act just because it is also a provider of telecommunications services.

NZUAG can supply speakers for local meetings, conferences or seminars. Please contact the Executive Officer.

Reasonable conditions

The Code contains a template for reasonable conditions which applies to all works undertaken in the road corridors. This template ensures that all Corridor Managers meet the requirements for setting reasonable conditions as specified in the Electricity, Gas, Telecommunications and Auckland Council Acts and do not need to consult utility operators before applying these conditions.

Local conditions are unique conditions affecting a defined geographical area that are not covered under the Reasonable Conditions template and considered to be appropriate for the area. They may also relate to a unique condition or event, such as Auckland's volcanic soils or the annual Santa parade. Corridor Managers need to consult with all local utility operators to reach agreement on Local Conditions. Once agreed, they apply to all utility operators and CARs in the area. Special conditions are those not covered under Local or Reasonable Conditions and apply to a specific CAR. While Corridor Managers do not need to consult with the submitter of the specific CAR, the submitter may dispute the Special Conditions if they consider them unreasonable.

Monitoring / statistics

Under the Code, Corridor Managers must keep the following records, so NZUAG can report back to Government:

- number of CARs submitted each year
- number of completed Works Completion Notices each year
- number of notices of dispute issued in accordance with the Code each year
- number of disputes resolved in accordance with Chapter 7 of the Code
- number of known third party damages incidents recorded each year.

Crown Fibre Holdings requires the organisations installing the ultra-fast broadband to report third party damages to them. As these are occurring at reportedly one per 500metres of fibre being installed, most councils should also have received these reports.

NZUAG will be providing Corridor Managers in 2013 with a standard format for reporting this data and any other information required.

Interpretation

The purpose of the Code is to provide a nationally consistent approach to managing utility operators' access to the transport corridors. This is stated in the Utilities Access Act. If any-one is unsure of the meaning of any part of the Code, NZUAG welcomes the opportunity to assist with interpretation. NZUAG will be putting a page for Frequently Asked Questions (FAQ) on its website, using the questions and issues which have already been raised. Corridor Managers are asked to advise NZUAG of any parts of the Code they feel are unclear and require some guidance.

We have had some feedback that some local seminars held around the country would be useful in helping the interpretation and understanding of the Code. If you agree, please let NZUAG know.

Contractor handbook

NZUAG is developing a handbook for contractors covering the requirements of the Code, including health and safety best practice, locating utilities and reinstatement. This should be available early in 2013. If anyone is interested in participating in the peer review of the content, please advise NZUAG.

First permanent Committee

NZUAG is currently working on the procedures for appointing this Committee, so there will be no AGM in 2012.

Contact NZUAG

You may contact NZUAG in various ways. For general matters, please contact the Executive Officer, Fiona Knight on 04 4758 439 or email fiona@cresmere.co.nz .

Your road corridor representatives on NZUAG are:

Liz Anderson (LGNZ) tel 04 924 1206 or email liz.anderson@lgnz.co.nz

Barry Williams (Auckland Transport) tel 09 447 4083 or email Barry.Williams@aucklandtransport.govt.nz

Peter Dodge (Wellington City Council) tel 04 803 8078 or email peter.dodge@wcc.govt.nz

Ian Cox (NZTA) tel 04 894 6309 or email ian.cox@nzta.govt.nz