

SM012 State Highway Controls and Operations Manual

Part 11 - Consolidated Utilities Sections

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1.0 Utilities and Territorial Local Authorities Services in State Highways

1.1 Introduction

The NZTA may use its discretion under the GRP Act to consent to any landowner, contractor, TLA, private individual or other body installing and maintaining services, accesses and/or fences within State highway reserves. However, Utility Operators with authority granted under their empowering legislation have a legal right to access roads for the purposes of installing and maintaining their assets to provide services to individuals and communities. It is not an unfettered right. The road controlling authority has the right to set reasonable conditions to manage that access.

Note that in most of that legislation motorways are not roads for this purpose. The Telecommunications Act does include motorways in the definition of roads but the GRP Act still makes this access only discretionary.

As a member of the New Zealand Utilities Advisory Group (NZUAG), the NZTA is committed to the National Code of Practice for Utilities' Access to the Transport Corridor, which is available from the NZUAG website. The code contains mandatory requirements and recommended practice for complying with industry approved standards which are consistent throughout New Zealand. The code is a deemed Regulation and compliance is required.

1.2 Purpose

Using this policy will ensure the following:

- (a) Consistent processing of applications.
- (b) Appropriate legal documents are used to record the agreement between parties.
- (c) A schedule of approvals is maintained.
- (d) Service locations are recorded on roading plans.
- (e) Ongoing maintenance and improvements are provided for.

1.2.1 Legislated Access

With the exception of electricity lines greater than 110 KV or 100 MVA capacity or gas/flammable liquid transmission pipelines with pressures greater than 2000 kPa, the NZTA cannot refuse a statutory TLA or Utility Operator the use of a State highway for the placement of utility assets. High capacity power lines (over 110 KV) have rights of aerial access only.

For power lines authorised by the Electricity Act 1992, or pipelines authorised by the Gas Act 1992, or telecommunications lines authorised by the Telecommunications Act 2001, the NZTA has no power to consent or refuse the service but may apply conditions including the recovery of reasonable costs and expenses.

For all other services covered by a statute, the Government Rounding Powers (GRP) Act ss51-52 requires NZTA to permit utility authorities and TLA's to install services in State highway reserves subject to application and necessary conditions.

1.2.2 Form of Application

The requesting authority shall provide accurate details of the services to be installed plus location plans. In accordance with the **National Code of Practice for Utilities' Access to the Transport Corridor** the Utility Operator shall forward to the NZTA a Corridor Access Request (CAR) for works to be undertaken in the road. This shall include accurate location details of the works to be performed and placement of services to be installed.

1.2.3 Response to Application

The NZTA will respond to the application in the following manner:

1. Acknowledge receipt of Corridor Access Request (CAR) or other form of application.
2. Arrange for a site inspection and report by the Network Operations Contractor (NOC).

In the case of non-motorway State highways, the NZTA shall respond within 15 working days with either a *Works Access Permit* (authorised services) or an *Agreement as to Work on State Highway* (non-authorised services). Where the NZTA gives discretion for services to be located on motorways, the form of consent shall be a *Works Access Permit (Motorways)*.

Where proposed works on a non-motorway State highway comprise a lateral crossing only of the road reserve boundary to an existing service, NZTA shall respond as above and include in the Special Conditions the *Local and Special Conditions*, with confirmation as to when the works may proceed. Refer to Part 12 Appendix G8..

1.2.4 Notice of Conditions or Draft Agreement

Two copies of a draft *Works Access Permit*, a draft *Agreement as to Work on State Highway* or a draft *Works Access Permit (Motorways)* shall be forwarded by the NOC to the System Manager.

The Form of Agreement given in the Agreement as to Work on Motorways, as included in Part 12 Appendix G19, the Works Access Permit, as included in Part 12 Appendix G18, or the Agreement as to Work on State Highways, as included in Part 12 Appendix G6, must be supported by the following:

1. Either the Schedule of Reasonable Conditions from Part 12 Appendix G8, or
2. The special or local conditions attached to the agreement form to cover site specific or regional requirements. The Local, additional motorway and sample special conditions are set out in Part 12 Appendix G19 as a template.
3. A plan showing the service details and location.
4. A full report with recommendations.

1.2.5 Approval Conditions

Delegated authority to approve conditions are generally as follows. Reference section 12.3 *General Conditions of Delegation to NZTA Staff* in the *State Highway Control Manual Part 7 - Consolidated Legal, Statutory, Regulatory Sections* for details about the general conditions for delegations.:

Table 1: Delegations for Approvals of Utility Works

Type of service	Delegated Authority to Approve
Gas/flammable liquid transmission pipelines with pressures greater than 2000 kPa or Electricity lines greater than 110 KV or 100 MVA	Group General Manager, Transport Services

MOTORWAYS	New services		Senior Network Manager, Principal Project Manager (AMA), Network Manager (Utilities); in consultation with the Senior Traffic & Safety Engineer
	Relocation of existing services		<p>For gas, electricity and water: Senior Network Manager, Principal Project Manager (AMA), Network Manager (Utilities); in consultation with the Senior Traffic & Safety Engineer</p> <p>For telecommunications assets: Regional Manager System Design, Senior System Manager, Maintenance and Operations</p>
STATE HIGHWAYS (non-motorway)	*Services that are lawfully empowered to locate on state highways	New installations of natural gas or flammable liquid in excess of 100mm diameter or within 701-2000 kPa	System Manager, Principal Project Manager (AMA), Network Manager (Utilities)
		Maintenance and relocation of natural gas or flammable liquid less than 2001 kPa or new installations less than 701 kPa or 100mm diameter	System Manager, Principal Project Manager (AMA), Network Manager (Utilities)
		Maintenance and new installations of other utility services	Senior Network Manager, Principal Project Manager (AMA), Network Manager (Utilities)
		Relocation of other utility services	<p>For telecommunications assets: Regional Manager System Design,</p> <p>Senior System Manager, Maintenance and Operations</p> <p>Else:</p> <p>System Manager, Principal Project Manager</p>

			(AMA), Network Manager (Utilities); in consultation with the Senior Traffic & Safety Engineer
	Services that do not have a legislated right to locate on a State highway	Private and Government Department services	System Manager, Senior Network Manager, Principal Project Manager (AMA), Network Manager (Utilities)

1.2.6 Charges

Details of charges to be made are set out in the section 18.0 *Charges and Financial Cost Sharing* in *State Highway Control Manual Part 1 - Consolidated General Sections*.

2.0 Private Individuals or Bodies

2.1 Introduction

The GRP Act section 51 gives the NZTA discretionary powers to permit private individuals or bodies to install services in State highway reserves.

2.2 Form of Application

As for utility authorities, the Corridor Access Request is in Part 12 Appendix G18.

2.3 Response to Application

As for utility authorities, excepting that a *Licence to Occupy* replaces the *Works Access Permit* and an *Agreement as to Work on State Highways* is required.

2.4 Draft Licence to Occupy

Two individually signed copies of a draft *Licence to Occupy* shall be forwarded to the System Manager in the Form of Agreement set out in either Part 12 Appendix G2 or G3, depending on the scale of the request.

The following supporting documentation shall accompany the Licence:

1. Local and Special conditions as for Utility Authorities.
2. A plan detailing the service details and location.
3. A full report with recommendations.

2.5 Agreement Approval

The Licence may be approved by the System Manager or either the Manager Infrastructure Property or Manager Acquisition, Property Services, under delegated authority.

3.0 Government Departments

3.1 Introduction

The NZTA's discretionary powers under the section 51 of the GRP Act extend to granting permission for Government departments to install services in State highway reserves.

3.2 Form of Application

As for utility authorities, the Corridor Access Request set out in Part 12 Appendix G18 below.

3.3 Response to Application

As for utility authorities using the *Licence to Occupy*.

3.4 Draft Licence to Occupy

Sections 58A and 59 of the Public Finance Act 1989 prohibit Government departments from entering into any agreement containing an indemnity clause that imposes a contingent liability on the Crown, unless agreement has been obtained from the Treasurer.

The *Licence to Occupy* for Government departments to install services in State highway reserves is to include a clause requiring the department to procure an indemnity, in favour of the NZTA, from the contractor.

The procedure for execution of a *Licence to Occupy* is otherwise the same as the procedure for private individuals or bodies.

4.0 Procedure after Approval

4.1 Introduction

An inventory must be held to record key details of approved services and their location references, for ongoing administration of the State highway network.

4.2 Dissemination of Approvals

Signed copies of each service approval shall be retained by the following:

1. The applicant.
2. The System Manager.

4.3 Written Records

A date order file shall be kept by the System Manager of all approved agreed conditions or deeds.

An approval summary register shall be kept by the System Manager.

4.4 Plan Records

All high-pressure gas lines and other high-risk service crossings of State highways shall be recorded appropriately in the NZTA mapping system.

An as-built record of all new service installations shall be maintained by the utility owner. The record of the presence of Utility Operators by highway section is to be updated to show the particular Utility Operator is now present if not previously recorded.

5.0 Ongoing Maintenance and Urgent Works

5.1 Introduction

The GRP Act section 51 requires the NZTA to give consent for all works on State highways and this includes the maintenance of services owned by authorised Utility Operators (UOs). Section 52 allows Local Authorities to maintain their services outside carriageways without approvals and section 54 gives authority to the NZTA to require removal or relocation of services to do works. Improperly located utility structures that are found to be located at wrong positions or depths may be moved under the utility statutes, backed up by the Utility Code. Inclusive of Urgent Work due to an emergency, all work shall comply fully with the *NZ Guide for Temporary Traffic Management* (NZGTTM).

5.2 Maintenance (Minor Works)

Subject to the table guidelines within the clause *Guidelines for Approving Applications to Undertake Maintenance Work* below and confirmation by the NOC that works may commence, authorised Utility Operators may maintain their services outside carriageways at their own cost without obtaining a prior signed set of conditions (service agreement) from the NZTA. In all other circumstances, other than urgent works, a formal services agreement will be required. All activities on State highways are subject to NZGTTM requirements and therefore require an approved Traffic Management Plan (TMP). The contractor on-site shall be made aware of the need to comply with the NZGTTM.

5.3 Maintenance in the Verge or Above-ground

The UO shall forward to the NZTA a CAR or apply in writing at least fifteen working days prior to work commencing. At least five working days prior notice is acceptable for all state highways with Level 1 status as defined in NZGTTM where the utility operator has a good track record of complying with the national code of practice. Where the works involve only service maintenance/repairs to a previously approved utility service and the works are above or below ground and clear of any carriageway or ramp (including shoulders), providing there is no risk to the integrity of the State highway, the NOC shall respond by providing direct to the UO a WAP and *Works Completion Notice* at appropriate times and confirmation as to when the works may proceed. Note that no existing live motorway carriageways or ramps may be used to gain access for the maintenance/repair of utility services.

5.4 Urgent Work Due to an Emergency

An authorised UO may affect immediate repairs on previously approved utility services in the event of an Emergency.

Typically, an Emergency is an earthquake, flood, fire, landslide or other natural or unnatural event that requires immediate action, or direct damage or system failure affecting the utility asset that require the utility operator:

- to eliminate or isolate real and imminent risk to human life, or
- to secure the situation and repair, restore or protect a damaged utility service to prevent significant damage to property, or
- to restore a vital community service.

Urgent Work is the response needed to cope with an Emergency situation. To be deemed urgent work, the grounds for the action have to meet a high threshold and based on the facts, must rate as both urgent and necessary. The need must be immediate and give weight to the harm that may result due to the works not being undertaken.

In the absence of traffic management under control of an Emergency Service or NZTA resource, the UO shall secure the site and deploy traffic management measures that comply with the NZGTTM, as soon as possible.

5.5 Guidelines for Approving Applications to Undertake Maintenance Work

A UO is not required to seek prior written NZTA consent to carry out urgent work as defined in the clause *Urgent Work due to an Emergency* above, but the NOC is to be notified by telephone immediately the need to work in the road is identified. Upon receiving the first notification of the urgent work the NOC shall immediately forward a *Works Access Permit* with General Conditions to the Utility Operator. A CAR is to be forwarded to the NZTA within three working days of the initial verbal notification (if required) and shall include sufficient information to enable the NZTA to assess the effect of the work on the roading asset and record the location of the service. The NZTA shall respond by imposing any Local and Special conditions necessary for the satisfactory completion and on-going maintenance of the works.

Table 2 sets out guidelines for responding to applications from an authorised UO who wishes to undertake repairs, replacement or other services maintenance.

5.6 Relocations or Maintenance in Carriageway by Service Owner

Maintenance within a carriageway and /or shoulder, or relocation of services by the UO, shall be treated as a new application.

In addition to the completion audit and, a maintenance certification prior to expiry of the warranty period, all service openings in the highway or shoulder shall be inspected by the NOC for finished standard, six months after closure. Any work required to bring the work up to a satisfactory standard shall be the responsibility of the UO. The 24-month warranty period commences from the date of acceptance of practical completion.

5.7 Relocations at NZTA Request

Relocation of services at the NZTA's request are authorised by the GRP Act section 54.

Special cost sharing arrangements apply for motorways, and these are detailed in the section 18.0 *Charges and Financial Cost Sharing* in *State Highway Control Manual Part 1 - Consolidated General Sections*. The general application of costs for relocations at NZTA request are set out in clauses 6.2 and 6.3 of the *National Code of Practice for Utilities' Access to the Transport Corridor*.

5.8 Road Opening Specification

The Road Opening Specification comprises the appropriate requirements in the *National Code of Practice for Utilities' Access to the Transport Corridor*, especially those for Emergency Works, and the basic set of conditions set out in Part 12 Appendix G8 applicable to urgent repair of utility services, minor repair of services in the verge and lateral service connections across the road reserve boundary, where urgent repairs are as defined in the clause *Urgent Work due to an Emergency* in section 5.4 above.

Table 2: Guidelines for Approving Applications for Repair or Maintenance of Utility Services

Priority	Location	Remarks	Actions by Utility Operator	Actions by NZTA Region or NOC
Urgent (See section 5.4)	Anywhere in road reserve	Work may commence prior to receiving Signed NZTA consent.	<ol style="list-style-type: none"> 1. Arrange for safe, appropriate and adequate traffic management and notify the NOC by telephone. 2. Commence emergency repairs. 3. Produce an approved TMP and deploy accordingly. 4. Forward to the NZTA as soon as possible a Corridor Access Request with work details. 5. Submit a Works Completion Notice to the NOC. 	<ol style="list-style-type: none"> 1. If road repairs are also required, arrange for appropriate, safe traffic management in conjunction with the UO or by NZTA maintenance resources. 2. NOC to supply Road Opening Specification to the UO immediately upon receiving first notice of the Urgent Work. 3. If road repairs by the NZTA are also required, produce an approved TMP and deploy accordingly. 4. Process application for signed NZTA WAP.
Minor Works	In carriageway or shoulder	Signed WAP is required from the NZTA prior to work commencing. Work in shoulder, or elsewhere if very minor, may be organised under a Global CAR.	<ol style="list-style-type: none"> 1. Forward to the NZTA a CAR or notify work under the Global CAR. 2. Obtain signed WAP from the NZTA as necessary 3. Produce an approved TMP. 4. Obtain clearance to start work from NOC. 5. Execute repairs/ maintenance. 6. Submit a Works Completion Notice to the NZTA 	<ol style="list-style-type: none"> 1. If necessary, process application for signed NZTA WAP including draft reasonable conditions. 2. NOC to confirm that all traffic management requirements have been met. 3. NOC to co-ordinate activities and advise when works may commence.
	Overhead lines above the carriageway	Signed WAP from the NZTA may not be required but	<ol style="list-style-type: none"> 1. Forward to the NZTA a CAR. 2. Produce an approved TMP. 3. Obtain clearance to start 	<ol style="list-style-type: none"> 1. Supply Road Opening Specification and traffic management information leaflet to

Priority	Location	Remarks	Actions by Utility Operator	Actions by NZTA Region or NOC
	or verge.	a Road Opening Specification and clearance to start work must be obtained from the NOC.	work from the NOC. 4. Execute repairs/ maintenance.	UO. 2. NOC to confirm that all traffic management requirements have been met. 3. NOC to co-ordinate activities and advise when works may commence.
	In the verge – up to 20m. works length	Signed WAP from the NZTA may not be required but a Road Opening Specification and clearance to start work must be obtained from the NMC.	1. Forward to the NZTA a CAR. 2. Produce an approved TMP. 3. Obtain clearance to start work from the NOC. 4. Notify the Local authority prior to work commencing if works fall within an Urban Zone. 5. Execute repairs/ maintenance. 6. Submit a Works Completion Notice to the NOC.	1. Supply a Road Opening Specification and traffic management information leaflet to UO. 2. NOC to confirm that all traffic management requirements have been met. 3. NOC to co-ordinate activities and advise when works may commence.
Major Works	In the verge - works length is greater than 20m	Signed WAP is required from the NZTA prior to work commencing.	1. Forward to the NZTA a CAR. 2. Obtain signed WAP from the NZTA. 3. Produce an approved TMP. 4. Obtain clearance to start work from the NOC. 5. Notify the Local Authority prior to work commencing if the works fall within an Urban Zone. 6. Execute repairs/ maintenance. 7. Submit a Works Completion Notice to the NOC.	1. Process application for signed NZTA WAP including draft reasonable conditions. 2. NOC to confirm that all traffic management requirements have been met. 3. NOC to co-ordinate activities and advise when works may commence.

6.0 Services in Motorways

6.1 Introduction

This section gives additional requirements relating to services on existing and proposed motorways.

6.2 Restrictions for Services

The GRP Act section 78 provides that no Utility Operator or TLA (including the Crown) can locate services on, over or under a motorway without the prior formal consent of the NZTA.

6.3 National Priorities for Access to Motorways

As there is often long-term restricted space in a motorway corridor the NZTA gives preference to uses with a high national value. National value would be assessed based on:

- the impact of the lack of the utility to the entire surrounding community,
- the impact of failures on public safety,
- main rather than local supply,
- requirement for transverse rather than longitudinal placement,
- freedom from other connections, and
- reduction in need for access for maintenance.

It is preferred to provide for installations where loss of direct customer service is not an issue as there will be circumstances when the NZTA will be unable to approve urgent access for maintenance on motorway sections.

6.4 Guidelines for Services

The following guidelines shall be applied:

1. Wherever practicable, services are to be located so as to avoid using or crossing motorways.
2. Services are to cross motorways as far as practicable at 90° to the motorway centreline. Longitudinal placement is not permitted except in exceptional circumstances.
3. The capacity of all services should be sized to cater for the maximum envisaged long term development to the area to avoid duplications or future replacements.
4. With the exception of overhead wires or cables, all services shall cross motorways in ducts or galleries.
5. Multiple use of crossing ducts should be encouraged (but see below).
6. Maximum use shall be made of existing ducts or galleries within bridges and service culverts.
7. NZTA shall process a single agreement for the relocation of multiple services of the same type belonging to the same Utility Operator within the limits of a capital works project.

6.5 Dispensations for Proposed Motorways

Services with a short life span in relation to the likely commencement date of motorway construction may be permitted with reduced restrictions.

In all other cases service ducts or galleries should be located so as to minimise potential conflict with future motorway construction.

6.6 Access for Maintenance

In all cases for both existing and proposed motorways, access to services for maintenance purposes is to be from areas outside the motorway reserve.

6.7 Notice of Consent

The form of consent shall include all conditions required for roads plus the following additional clause:

Access to the installation for maintenance purposes is to be from areas outside the motorway reserve. Access is not permitted from the operating motorway carriageway.