

Part 8 of the Traffic Control Devices Manual (TCD Manual)

Code of Practice for Temporary Traffic Management (CoPTTM)

(CoPTTM) - (SP/M/010)

Fourth Edition – Technical Note HSWA April 2015

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Date of issue:	3 June 2016	

Circulation	Regional Operations Managers, holders of the Code of Practice for Temporary Traffic Management and NZTA website. Please forward to your consultants and contractors.
Objective	To update the July 2015 version of the Fourth Edition of the CoPTTM.
Effective Date	1 July 2016.
Status	This document is a guideline for use by the roading industry, road controlling authorities, network utility operators and event holders.
Implications	The majority of amendments are required as the result of the introduction of the Health and Safety at Work Act 2015 (HSWA) which took effect from 4 April 2016. The amendments contained within this technical note will be added to the next update of CoPTTM.
Reminder for all holders	It is important to keep holders of our documents up to date.
Additional Copies	These may be downloaded from NZTA's website, free of charge or purchased direct from our distributor either via the website, or directly to NZ Print, PO Box 2491, Wellington, 6140.

Key to changes	Additional text	Highlighted in yellow
	Deleted text	Red strike through
	Comments about the change	Italic text

Issued June 2016

	Changes as a result of the HSWA
Reference in 4 th Edition	Change
Foreword	Code of Practice for Temporary Traffic Management
	6th paragraph amended as follows:
	Road controlling authorities, their consultants, those who work on the roads, and those that drive on the roads, them and cyclists and pedestrians must all share in the responsibility of making roadwork sites safe.
Preface to	СоРТТМ
CoPTTM	1 st bullet point amended as follows:
	The statutory duty of road controlling authorities (RCA) to ensure so far as reasonably practicable the safe and efficient operation of the roading network under their authority.
CoPTTM feedback	Feedback is important to the ongoing development of an effective and meaningful industry-supported code of practice. Comments on the content, format and overall methodology are encouraged.
	Ongoing experience from a wide range of organisations using CoPTTM may result in further modification and upgrading.
	Suggestions regarding innovation to improve safe working practices and TTM equipment are also welcome. A form for submission of proposed changes is available on the NZTA website.
	The NZTA will gratefully receive any improvement submissions to CoPTTM. These submissions will be reviewed by the IRG at their annual meeting.
	The NZTA regularly meets with industry groups to discuss the application of and any proposed amendments to CoPTTM.
	The CoPTTM Governance Group (CGG) is another forum enabling the NZTA to engage with industry groups/associations. The group is made up of representatives from the following industry sectors; contractors, consultancies, Road Controlling Authorities and CoPTTM trainers. The CGG provides industry oversight to the direction and procedures of CoPTTM.
	The NZTA offers a training programme for practitioners to receive training on CoPTTM. The range of training workshops provide an opportunity for contractors and managers to engage with NZTA approved trainers and give feedback on CoPTTM requirements. The NZTA meets regularly with senior trainers to discuss changes to training material based on this feedback.
	Please forward suggestions to:
	CoPTTM.Consult@nzta.govt.nz
	or
	Senior Traffic and Safety Engineer (CoPTTM) NZ Transport Agency National Office Private Bag 6995 Wellington 6141
	Phone: +64 4 894 6355 Email: stuart.fraser@nzta.govt.nz

	Changes as a result of the HSWA
Reference in 4 th Edition	Change
A3 Principles	To ensure, so far as reasonably practicable, safe and efficient TTM, the CoPTTM is based on the following fundamental principles:
	TTM must be consistent throughout New Zealand.
	 TTM must be fit for purpose, suitable for the nature and duration of the work, installed, set up, and used correctly.
	 TTM must ensure, so far as reasonably practicable, the provision and maintenance of safe systems of work for on road activities for road workers and road users.
	All on-road activities must be carried out in accordance with a TMP that has been approved by the RCA or delegated person (refer to section A7 Traffic management plans (TMPs).
	The provision of an environment that is without risks to health and safety of road users and road workers must be an integral part of all activities carried out on the road from planning the activity through to completion.
	Clear and positive guidance must be provided for road users approaching, travelling through and exiting the worksite.
A5.1.1 Relevant	Biosecurity Act 1993
acts, regulations and rules	Building Act 2004
and rules	Crimes Act 1961
	Electricity Act 1992
	Fencing Act 1978
	Fire Service Act 1975
	• Gas Act 1992
	 Health and Safety at Work Act 2015 Health and Safety in Employment Act 1992
	Impounding Act 1955
	Land Transport Act 1998
	Land Transport Management Act 2003
	Litter Act 1979
	 Local Government Act 1974 and 2002 (the roading provisions of the 1974 Act are still in force)
	Public Works Act 1981
	Resource Management Act 1991
A5.1.2 Statutory	Duty of Care
Health and Safety Responsibilities	Any person conducting a business or undertaking ('PCBU') in connection with or pursuant to temporary traffic management (TTM) and the CoPTTM, has a 'duty of care', so far as is reasonably practicable, that the health and safety of workers who work for the PCBU or whose activities in carrying out work are influenced or directed by the PCBU, are not exposed to health and safety risks arising from that business or undertaking.
	A PCBU must ensure, so far as reasonably practicable, that the health and safety of other road users are not exposed to health and safety risks arising from any TTM and CoPTTM business or undertaking.
	A PCBU includes all types of working arrangements such as crown agencies,

Changes as a result of the HSWA	
Reference in 4 th Edition	Change
	organisations, companies, principals, contractors and sub-contractors. All people and organisations undertaking activities on the road must install, or arrange to have installed, TTM before commencing their activities, except as necessary to save lives and/or prevent serious injury.
A5.2.3 Eliminate, isolate or minimise the	All those involved with activities on, or adjacent to, the road have a statutory duty to systematically identify any hazards and if a hazard is identified all reasonably practical steps must be taken to ensure no person is harmed. This will include steps to eliminate, isolate or minimise the hazard, in this order of priority.
hazard	This will include steps to eliminate risks to health and safety and if it is not reasonably practicable, minimise risks to health and safety by implementing risk control measures in accordance with Health and Safety at Work (General risk and Workplace Management) Regulations 2015.
A5.3.1 Responsibilities of the RCA	The RCA has a statutory duty to ensure so far as reasonably practicable the healthy, the safe and efficient operation of the roading network under their authority.
A5.5.1 TMC's	Amendment to the 6 th bullet point
responsibilities	 refusing to allow any TMP to be implemented where they consider it to be unsafe or in contravention of CoPTTM, and/or the Health and Safety at Work Act 2015, or where reasonable reasonably practicable alternatives may exist that may eliminate the risk, or minimise the risk to health and safety and are be safer, or cause less traffic delay. Brief reasons Reasons must be given Amendment to the 9th bullet point
	 ensuring there is adequate monitoring and audit of all traffic management within the RCA's roading network by monitoring documentation and worksite activities to ensure compliance with CoPTTM and/or the Health and Safety at Work Act 2015. These checks are to be selected randomly and represent a minimum of five percent of all worksites in any month.
	Amendment to the 11 th bullet point
	 suspending the STMS and removing all TCs from the worksite without advance notice where a serious non-compliance with the TMP is found, or the STMS and/or the TC has been found to be acting outside the requirements of CoPTTM or in breach of their obligations in the Health and Safety at Work Act 2015. The activity is to be stopped and the worksite made safe immediately
	Amendment to the 16 th bullet point
	 notifying the RCA, within 24 hours of any crash at a worksite (definition of a crash is provided in A5.7.3 Definition of a crash)
	 for any crash at a worksite, notifying the RCA as soon as possible after the event has occurred and providing a report within 24 hours (definition of a crash is provided in A5.7.3 Definition of a crash)
A5.6.1	Amendment to the 6 th bullet point
Engineer's responsibilities	 refusing to allow any TMP to be implemented where they consider it to be unsafe or in contravention of CoPTTM, and/or the Health and Safety at Work Act 2015, or where reasonable reasonably practicable alternatives may exist that may eliminate the risk, or minimise the risk to health and safety and are be safer, or cause less traffic delay. Brief reasons Reasons must be given
	Amendment to the 9 th bullet point

	Changes as a result of the HSWA
Reference in 4 th Edition	Change
	The engineer has the authority to suspend the STMS and remove all TCs from the worksite without advance notice where a serious non-compliance with the TMP is found, or the STMS and/or the TC has been found to be acting outside the requirements of CoPTTM or in breach of their obligations in the Health and Safety at Work Act 2015. The activity is to be stopped and the worksite made safe immediately Amendment to the 15 th bullet point
	 notifying the RCA, within 24 hours of any crash at a worksite (definition of a crash
	is provided in A5.7.3 Definition of a crash)
	 for any crash at a worksite, notifying the RCA as soon as possible after the event has occurred and providing a report within 24 hours (definition of a crash is provided in A5.7.3 Definition of a crash)
A5.6.3 Reporting	Amendment to the 5 th bullet point
on TTM	detail any requirements recommended to eliminate or minimise risk and improve safety, capacity or reduce road user delays.
A5.7.1 Contractors	Amendment to the 8th bullet point
responsibilities	 ensuring, so far as reasonably practicable, the safe and efficient movement of all road users through and around the working space, particularly cyclists and pedestrians
A5.7.2 Contractor's support of STMS in matters of safety	The contractor is responsible for ensuring that the STMS is supported in matters of safety. In safety situations where the STMS is overridden by the contractor, any non-conformance will apply to the organisation. The STMS may contact the RCA with any concerns or contact WorkSafe NZ.
	The Health and Safety at Work Act 2015 at section 144 provides for private prosecutions (http://www.legislation.govt.nz/act/public/2015/0070/latest/DLM6455600.html)
	The following detail is provided on the Ministry of Business, Innovation and Employment website (http://www.dol.govt.nz/hs/law/guickguide/administered/prosecutionothers.shtml):
	PROSECUTION BY OTHERS
	In limited circumstances the Act now allows for people other than an inspector to take prosecution action.
	This possibility depends on what the regulator (being WorkSafe or any other designated agency) or a regulatory agency, such as NZTA, New Zealand Police or other agency identified in the Health and Safety at Work Act 2015 an inspector has decided to do about a particular incident or situation.
	A prosecution by someone else is only possible if the regulator or a regulatory agency an inspector has looked at the circumstances and has decided to take no action at all against any of the parties involved. If the regulator or regulatory agency has chosen or intends to take enforcement or prosecution action against inspector
	has chosen to prosecute one party for one offence, this includes issuing or even issue an infringement notice to one party, then prosecution action by anyone else is no longer possible.
	This is because the prosecuting authority (the regulator or regulatory agency) the Department of Labour) has made a judgement about what formal enforcement action

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Reference in 4 th Edition	Change
	is appropriate in the circumstances and the alleged offender(s) should not thereafter be subject to further scrutiny.
	But if the regulator and the regulator agency inspector has decided to take no action at all, a private prosecution may proceed.
	Persons interested in pursuing prosecution action need to express their interest to the regulator and regulatory agency Department can tell them whether or not they are going to prosecute or use an infringement notice.
	If a person wishes to pursue prosecution action after the regulator and regulatory agency has Department decided to take no action at all, they normally need to do so within 2 years of the regulator 6 months of the Department finding out about the offending. But they can get the District Court to give them longer if the inspector's decision-making took up most of the 6 month timeframe.
	A person considering taking prosecution action needs to be able to prove the offending beyond reasonable doubt in the same way that an inspector would have had to.
A5.7.3 Definition of a crash	A crash is defined as any incident involving a road user, resulting in damage to any installed TTM equipment, vehicles, plant or injury to a person.
	Any crash resulting in either the death of a person, or a notifiable injury or illness, or a notifiable event or incident (any immediate or imminent exposure to a serious risk to a person's health or safety) a serious harm accident must be reported to WorkSafe NZ as soon as possible after the accident crash becomes known to:
	an employer
	a self-employed person, orthe principal.
	Notifiable events and incidents must also be reported to copttm.incident@nzta.govt.nz.
	For the definition of notifiable injury or illness or event serious harm see schedule 1 see sections 23-25 of the Health and Safety at Work Act 2015 Health and Safety in Employment Act 1992.
	If WorkSafe is notified of the crash, reasonable steps must be taken to ensure the site is not disturbed until authorised by an inspector.
A5.10 Site	Individual worksite personnel must:
personnel	wear high-visibility garments in accordance with section B3 High-visibility garments
	comply with the requirements of the approved TMP Comply with the requirement of the approved TMP Comply with the approved TMP Comply
	 follow instructions given by the STMS or TC in charge follow company health and safety procedures, eg wear appropriate personal
	 protective equipment (PPE) comply with the requirements of the Health and Safety at Work Act 2015 and its
	regulations
	 take reasonable care for his or her own health and safety; and take reasonable care that his or her actions do not adversely affect the health and safety of other persons
	comply with the requirements of the traffic rules and <i>The official New Zealand road code</i> .

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A6.2 Extract from the Health and Safety in	Set out below are the duties of employers PCBUs in relation to training and supervision as stated in the Health and Safety at Work Act 2015 section 36Health and Safety in Employment Act 1992 Part II Clause 13:
Employment Act 1992	'The provision of any information, training, instruction, or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.'
	13 Training and supervision
	Every employer shall take all practicable steps to ensure that every employee who does work of any kind, or uses plant of any kind, or deals with a substance of any kind, in a place of work—
	(a) either—
	(i) has; or
	(ii) is so supervised, by a person who has,—
	such knowledge and experience of similar places, and work, plant, or substances of that kind, as to ensure that the employee's doing the work, using the plant, or dealing with the substance, is not likely to cause harm to the employee or other people; and
	(b) is adequately trained in the safe use of all plant, objects, substances, and protective clothing and equipment that the employee is or may be required to use or handle.
A7.1.1 About TMPs	A TMP details the measures to ensure, so far as reasonably practicable, the safety for all people involved in the activity.
A7.3.1 Principles	The following principles are to be used when designing a TMP: • The TMP must be consistent with CoPTTM.
	 The TMP must identify reasonably foreseeable hazards that could give rise to risks to health and safety.
	Traffic management measures must prioritise the treatment of the hazard(s) created by the activity in the following order:
	 Elimination eliminate risks to health and safety isolation
	o minimisation. minimise those risks so far as is reasonably practicable by implementing risk control measures in accordance with the Health and Safety at Work Act 2015 and its regulations.
	Actions to ensure this occurs on-site must be recorded on the TMP.
	Actions to ensure this occurs on site must be recorded on the TMP and the on- site record
	 Any risk control measure to eliminate or minimise risk must be effective, maintained and reviewed in accordance with the Health and Safety at Work Act 2015 and its regulations
	The person approving the TMP must be satisfied that the hazards have been managed.
	The TMP must be designed and drafted by an STMS trained and qualified to the

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	level of TTM required by the RCA for the activity.
	 The activity and associated TTM must be carried out in such a manner as to avoid, or at least minimise, inconvenience or delay to road users whilst still providing safe conditions for both the road user and those carrying out the activity.
	The activity must be separated from road users wherever possible.
	 The TTM measures proposed must not be over restrictive nor use an excessive number of signs.
	The TSLs must have the minimum possible reduction in speed limit for the minimum time and over a minimum length while still providing for the safety of road users and those carrying out the activity. Refer to section C4.
	Activities with varying on-site phases must have multiple TMPs or TMDs covering each phase. This includes unattended worksites.
C19.4.1	Everyone on a worksite must:
Personal protective	 take reasonable care for his or her own personal safety; and
equipment (PPE)	 take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
	 comply with any reasonable instruction that is given in relation to health and safety; and
	 cooperate with any reasonable policy or procedure relating to health or safety that they have been notified of.
	PPE is essential for the safety of workers on site.
	Wearing a high-visibility garment is a critical element of personal safety.
	Other PPE that may be required includes (but is not limited to):
	hard hats
	reinforced toe cap boots
	ear muffs
	lanterns
	wet weather clothing.
C19.5.1 Monitoring	Traffic management measures provided in the TMP must be monitored to ensure they remain:
frequency for TTM measures	 fit for purpose; and
1 TWI III Casules	 suitable for the nature and duration of the work; and
	 installed, set up and used correctly.
	Monitoring frequency is included in the approved TMP. The frequency will depend on individual worksite conditions and traffic volumes.
	Crashes or near crashes, skid marks, traffic queues, unusually high or low speeds, any change in the work environment that is likely to give rise to a new or different risk, or the identification of a new hazard risk - are indicators that traffic management measures may need to be reviewed.
	If actions are required each time traffic management measures are monitored, then the monitoring frequency should be increased.

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Reference in 4 th	Change	
Edition	Minimum inspection frequency for traffic management devices such as portable traffic signals at unattended worksites should be worksite specific and stated in the TMP.	
Section E1	New field added to the TMP form and other minor text changes	
Amendments on all TMPs (Examples of short and full TMPs, Guidelines	TMP reference: Contractor Contractor (Working space): Principal (Client): Contractor (TTM): RCA:	
for Short and Full TMPs)	Major Incident	
	A major incident is described as:	
	Fatality or notifiable injury - real or potential	
	Significant property damage, or	
	Emergency services (police, fire, etc) require access or control of the site.	
	Actions	
	The STMS must immediately conduct the following:	
	stop all activity and traffic movement	
	secure the site to prevent (further) injury or damage	
	contact the appropriate emergency authorities	
	render first aid if competent and able to do so	
	notify the RCA representative and / or the engineer	
	under the guidance of the officer in charge of the site, reduce effects of TTM on the road or remove the activity if safe to do so	
	re-establish TTM and traffic movements when advised by emergency authorities that it is safe to do so	
	 comply with any obligation to notify WorkSafe. 	
	Note also the requirements for no interference at an accident scene:	
C	In the event of an accident involving serious harm the STMS must ensure that nothing, including TTM equipment, is removed or disturbed and any wreckage article or thing must not be disturbed or interfered with, except to:	
	save a life of, prevent harm to or relieve the suffering of any person, or	
	 make the site safe or to minimise the risk of a further accident; or 	
	to maintain the access of the general public to an essential service or utility, or	
	• to prevent serious damage to or serious loss of property, or	
	 follow the direction of a constable acting in his or her duties or act with the permission of an inspector. 	

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	Qualifier for engineer or TMC approval
	Approval of this TMP authorises the use of any regulatory signs included in the TMP or attached traffic management diagrams.
	This TMP is approved on the following basis:
	 To the best of the approving engineer's/TMC's judgment this TMP conforms to the requirements of CoPTTM.
	 This plan is approved on the basis that the activity, the location and the road environment have been correctly represented by the applicant. Any inaccuracy in the portrayal of this information is the responsibility of the applicant.
	 The TMP provides so far as is reasonably practicable, a safe and fit for purpose TTM system.
	 The STMS for the activity is reminded that it is the STMS's duty to postpone, cancel or modify operations due to the adverse traffic, weather or other conditions that affect the safety of this site.
On-site record	New fields added to the On-site record to record person responsible for the working space

Person in charge of TTM								
STMS in charge of worksite								
	Name	TTM ID Number	Warrant expiry date	Signature	Time			
Worksite handover accepted by replacement STMS								
	Name	ID Number	Warrant expiry date	Signature	Time			
	Tick to confirm handover briefing completed							
			•					

Working space							
Person responsible for							
working space	Name		Signature				
Where the STMS/TC is responsible for both the working space and TTM they sign above and in the appropriate TTM box below							
TTM							
STMS in charge of TTM							
	Name	TTM ID Number	Warrant expiry date	Signature	Time		
Worksite handover accepted by replacement STMS							
	Name	ID Number	Warrant expiry date	Signature	Time		
	Tick to confirm handover briefing completed						

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Section J	Level 1 TTM handbook			
Principles (A3)	To ensure safe and efficient TTM, CoPTTM is based on the following fundamental principles:			
	TTM must be consistent throughout New Zealand			
	 be fit for purpose, suitable for the nature and duration of the work, installed, set up and used correctly 			
	 ensure, so far as reasonably practicable, the provision and maintenance of safe systems of work for on road activities for road workers and road users 			
	there must be a TMP for all activities			
	 safety for road workers and users must be an integral part of all activities carried out 			
	clear and positive guidance must be provided for road users			
	 activities must be planned so as to cause as little disruption to road users as possible without compromising safety. 			
Road controlling authority (A5.3)	The Road Controlling Authority (RCA) is responsible for: Amendment to first bullet point			
	 ensuring, so far as reasonably practicable, the healthy (in terms of HSWA), the safe and efficient operation of the roading network under their authority 			
Contractors	Added new bullet point after 10th bullet point			
(A5.7)	 ensuring, so far as reasonably practicable, the safe and efficient movement of all road users through and around the working space, particularly cyclists and pedestrians 			
Definition of a crash	A crash is defined as any incident involving a road user, resulting in damage to any installed TTM equipment, vehicles, plant or injury to a person.			
	Any crash resulting in a death, serious injury or illness, or an immediate or imminent exposure to a serious risk to a person's health or safety serious harm accident must be reported to the WorkSafe NZ as soon as possible after the accident becomes known.			
Principles for	TMPs must be consistent with CoPTTM.			
traffic management	Traffic management measures must prioritise the treatment of the hazard(s) created by the activity in the following order:			
plans (A7.3)	 eliminate risks to health and safety; 			
C	 where elimination of risks to health and safety is impracticable, minimise those risks so far as is reasonably practicable by implementing risk control measures in accordance with any applicable regulations. 			
	• elimination			
	•—isolation			
	• minimisation.			
	 The person approving the TMP must be satisfied that the hazards have been managed. 			
	Added new paragraph at bottom of sub-section			
	Any risk control measure to eliminate or minimise risk must be effective, maintained and reviewed in accordance with the Health and Safety at Work Act 2015 and its regulations.			

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