

Traffic Note 31 – Revision 3

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Exceptions to requirements for passenger service and dangerous goods vehicles at rail level crossings – Guidelines

Background

The *Traffic Regulations 1976* permitted the Land Transport Safety Authority (now Land Transport New Zealand) to exempt passenger service vehicles (other than taxis) from the obligation to stop at any specific level crossing where barriers were not installed. The *Land Transport Rule: Traffic Control Devices Rule 2004* (the TCD Rule) largely confers this power to road controlling authorities (RCA). This document describes the exception criteria contained in the rule.

Criteria for Exception

The TCD rule states:

9.5(1) A road controlling authority may, in compliance with 9.5 of the Land Transport (Road User) Rule 2004, install an EXEMPT sign as a supplementary sign to each level crossing (symbolic train) warning sign installed in advance of the level crossing, if satisfied that:

- (a) rail vehicles are piloted across the level crossing at a speed of less than 15 km/h; and*
- (b) the level crossing does not have stop signs installed, and the visibility in either direction along the railway line from a point 37 m in advance of the limit line is 33 m or more; and*
- (c) the road is used by scheduled passenger service vehicles or is on a school bus route; and*
- (d) the rail access provider has approved the proposed exception.*

9.5(2) *If any of the conditions in 9.5(1) (a) to (d) does not apply, but the road controlling authority considers that an EXEMPT sign is justified, the road controlling authority must obtain the approval of the Director [of Land Transport] for its installation.*

Dangerous goods

Clause 8.4(2) of the *Land Transport Rule: Dangerous Goods 2005* now also provides for the exception described in this traffic note. Drivers of vehicles carrying certain dangerous goods¹ are required to stop before entering a level crossing unless:

(a) *the approach to the level crossing is controlled by a police officer, railway crossing keeper or a warning device in the form of barrier arms; or*

(b) *the road controlling authority has installed an 'Exempt' sign in advance of the level crossing in accordance with ... 9.5 of the land Transport Rule: Traffic Control Devices 2005.*

Where a road is on a regular route for vehicles carrying dangerous goods which are required to stop at a level crossing and all but condition (c) of the conditions in *clause 9.5(1)* of the TCD Rule apply (i.e. the road is not used for scheduled passenger service vehicles or is not a school bus route) an application to the Director should be made in terms of *subclause 9.5(2)*.

Applications to the Director in terms of *subclause 9.5(2)*

Where the conditions of *clause 9.5(1)* of the TCD Rule do not fully apply and the RCA considers there should be an exception the approval of the Director may be sought. Applications seeking an exception in terms of *clause 9.5(2)* should be directed to the appropriate regional engineer of Land Transport NZ. The application should include:

- grounds for seeking the exception
- details of the operation of the crossing in line with the criteria in *subclause 9.5(1)*
- views of the road controlling authority and rail access provider.

Sign-posting of an exception

It is important the exception for level crossings is indicated to drivers. While regular users of the crossing become aware of an exception, non-regular users are not. This leads to drivers of buses or vehicles carrying dangerous goods stopping unexpectedly or drivers making incorrect assumptions about the exempt status of a crossing.

¹ The list of dangerous goods includes

- ❑ Class 1 (explosives) with some exceptions; or
- ❑ Class 2.1 (flammable gases) or Class 3 (flammable liquids) in quantities of 250 litres or more or where they are transported in a tankwagon, portable tank or containers for bulk quantities of dangerous goods.

Any level crossing with an exception must have a sign installed. This is a rectangular 'supplementary' sign with the word EXEMPT (sign W15-10² in the rule) placed below the railway level crossing warning sign (symbolic train) erected in advance of the crossing.

A condition of any exception is the presence of the sign. *Subclause 9.5(a)* of the *Land Transport (Road User) Rule 2004* states the requirement for passenger service vehicles (other than taxis) including a school bus to stop '*does not apply if the road controlling authority has installed at the level crossing a sign indicating an exemption from the requirements ...*'. As described above a similar provision is contained in the *Land Transport Rule: Dangerous Goods 2005*. Thus, until the sign is installed, or if the sign is removed, the obligation to stop will be in place.

² A W15-10 sign is a rectangle at least 600 mm wide x 250 mm high, background reflective yellow, border black 25 mm wide, with the word EXEMPT in black letters 100 mm high, stroke width 14.