

Attachment 8

Road Management Act 2004

Code of Practice

Operational Responsibility for Public Roads



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ROAD MANAGEMENT ACT 2004

CODE OF PRACTICE

OPERATIONAL RESPONSIBILITY FOR PUBLIC ROADS

SPECIAL

Road Management Act 2004

NOTICE OF MAKING OF A CODE OF PRACTICE
FOR OPERATIONAL RESPONSIBILITY FOR PUBLIC ROADS

I, Peter Batchelor, Minister for Transport, in accordance with section 29 of the **Road Management Act 2004**:

1. publish the Code of Practice for Operational Responsibility for Public Roads, a copy of which is set out below; and
2. give notice that –
 - (a) the date of commencement of the Code of Practice is 1 January 2005; and
 - (b) copies of the Code of Practice may be obtained from VicRoads Head Office, 60 Denmark Street, Kew.

Dated 9 December 2004

PETER BATCHELOR
Minister for Transport

Note: A copy of the Code of Practice may be viewed on the VicRoads website at www.vicroads.vic.gov.au.

Road Management Act 2004

CODE OF PRACTICE FOR OPERATIONAL RESPONSIBILITY FOR PUBLIC ROADS

I, Peter Batchelor, Minister for Transport, in accordance with section 28 of the **Road Management Act 2004**, make a Code of Practice for Operational Responsibility for Public Roads.

Dated 9 December 2004

PETER BATCHELOR
Minister for Transport

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Road Management Act 2004

CODE OF PRACTICE

OPERATIONAL RESPONSIBILITY FOR PUBLIC ROADS**1. Purpose of Code**

- (1) The purpose of this Code is –
 - (a) to provide practical guidance by clarifying or determining how the operational responsibility for different parts or elements of a road reserve is to be allocated between road authorities; and
 - (b) to establish principles giving practical guidance for determining the boundary between a “roadway”, “pathway” or “shoulder” in any particular case, and for determining which road authority is responsible for road-related infrastructure.
- (2) This Code is intended to –
 - (a) support responsible road authorities in the performance of their road management functions with respect to the provision of a safe and efficient road network for use by road users and the community; and
 - (b) recognise that VicRoads, other State road authorities and local government are partners in managing Victoria’s road network.

2. Authorising Provisions

- (1) This Code of Practice (“this Code”) is made by the Minister for Transport (“the Minister”) under section 28 of the **Road Management Act 2004** (“the Act”).
- (2) This Code includes guidelines relating to principles for ascertaining which road authority is responsible where parts of a road which are allocated to different road authorities abut, in accordance with section 37(3)(a) of the Act.

3. Consultation

In accordance with section 28 of the Act, the Minister consulted relevant road Ministers and the Municipal Association of Victoria before this Code was made.

4. Application

- (1) This Code applies to all responsible road authorities within the meaning of section 3 of the Act.
- (2) This Code commences on the date specified by a notice in the Government Gazette in accordance with section 29 of the Act.

5. Interpretation

- (1) Unless the context otherwise requires, terms used in this Code that are defined in the Act have the same meaning as in the Act.
- (2) In this Code –
 - “**beneficiary**” with respect to a road means a department or agency which provides or operates infrastructure or other facilities which benefit from access by means of the road;
 - “**bridge**” includes all structures, including culverts, on, over or under a road that have a single span or diameter of 1.8 metres or greater, or have a waterway area of 3 m² or greater and includes all structural components (eg. abutments, retaining walls, traffic safety barriers), and associated pathways, within the limits of the structure, but excludes approach embankments;
 - “**sign**” includes any associated support structure;
 - “**urban area**” has the same meaning as in section 3(1) of the Act; and
 - “**State road authority**” does not include VicRoads.

Note: The diagrams included in this Code represent the generic demarcation of responsibilities between road authorities, and may be varied by any specific arrangements entered into between two or more road authorities.

- (3) This Code is to be interpreted in accordance with the **Interpretation of Legislation Act 1984** as if it were a subordinate instrument within the meaning of that Act.

6. Legal Effect of the Code

- (1) The legal effect of a Code of Practice is set out in section 24(4) and section 27 of the Act.
- (2) A Code of Practice is admissible in evidence in any proceeding to which the Act or section 99A of the **Road Safety Act 1986** applies.

**PART 1 – PHYSICAL LIMITS OF RESPONSIBILITY BETWEEN
VICROADS AND MUNICIPAL COUNCILS**

7. Purpose

The purpose of this Part of this Code is to provide practical guidance in clarifying or determining how operational responsibility for different parts or elements of the road reserve of a freeway or arterial road is to be allocated between VicRoads and municipal councils.

Division 1 – Freeways

8. VicRoads

- (1) VicRoads is the coordinating road authority and the responsible road authority for the whole of the road reserve of a freeway.
- (2) Without limiting sub-clause (1), VicRoads is the responsible road authority with respect to –
- (a) entry and exit ramps;
 - (b) other roads and pathways; and
 - (c) any road-related infrastructure (eg. fences, noise walls)
- that are part of the freeway.
- (3) VicRoads is generally the responsible road authority with respect to all bridges on, over or under freeways. Where the responsibility for any road infrastructure which forms part of the freeway (including traffic safety barriers attached to a bridge) does not align with the declared boundary of the freeway, details of limits of responsibilities should be shown on registered plans detailed in any arrangement between VicRoads and the relevant Council.
- (4) VicRoads is the responsible road authority with respect to freeway advance direction and electronic traffic condition signs on approach roads.

Division 2 – Arterial Roads

9. Urban Area – Intersections

- (1) **VicRoads performs the functions of a responsible road authority** with respect to the parts of an arterial road intersecting with a municipal road within the limits of responsibility shown in Figures 1 and 2.
- (2) **VicRoads performs the functions of a responsible road authority** with respect to all road infrastructure that is provided for the operation of the intersection with the arterial road, including –
- (a) all traffic signal hardware, including detector loops in municipal road pavements and pathways;

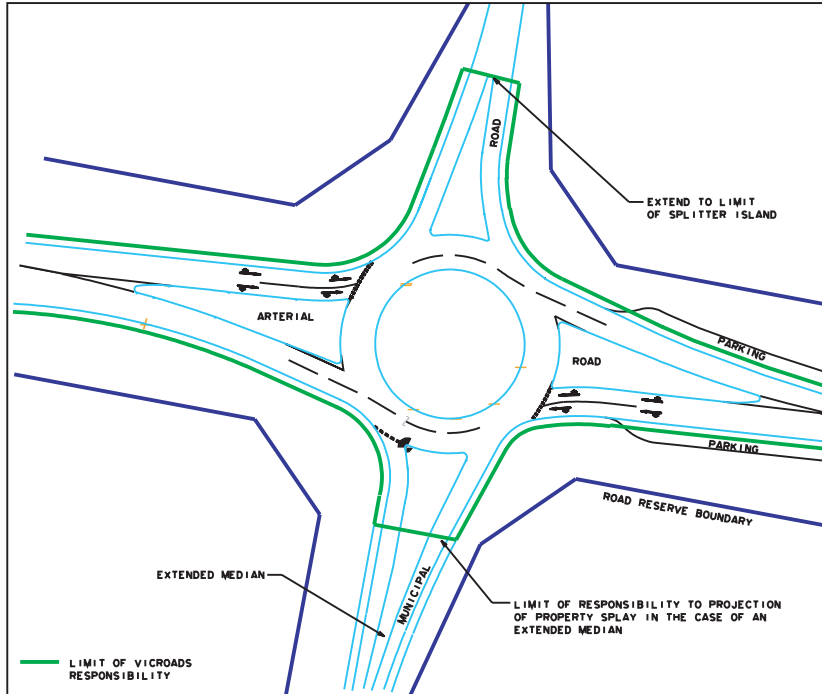
- (b) slip lanes, acceleration and deceleration lanes, and roadway areas where detector loops are installed;
 - (c) any traffic or splitter islands on municipal roads up to the limits shown on the drawings, where such traffic or splitter islands contribute to the operation of the intersection and not for the purpose of separating traffic for an extended length along the municipal road;
 - (d) any signs (eg. Statcon, traffic direction signs) that control the movement of traffic to and from the arterial road, being located on either the arterial road or intersecting municipal road;
 - (e) advance direction signs on the municipal road, and any advance warning signs on the municipal road that are directly related to the operation of the intersection with the arterial road;
 - (f) road markings, including painted chevrons (or painted islands) on the municipal road, that control the movement of traffic to and from the arterial road;
 - (g) Tactile Ground Surface Indicators (TGSIs) in central medians, and splitter islands;
 - (h) all kerb and channel within the defined limits of VicRoads responsibility; and
 - (i) pathways across a central median, traffic or splitter islands within the intersection within the 'kerb to kerb' limits of the intersection.
- (3) **Council performs the functions of a responsible road authority** with respect to the municipal road up to the limits of VicRoads' responsibility shown in Figures 1 and 2, with the exception of the road infrastructure specified in sub-clause (2) above.

Note: Traffic signals at the intersection of two municipal roads that are linked to the VicRoads coordinated traffic signals system (SCATS) are maintained by VicRoads at Council cost, unless otherwise agreed between VicRoads and a Council.

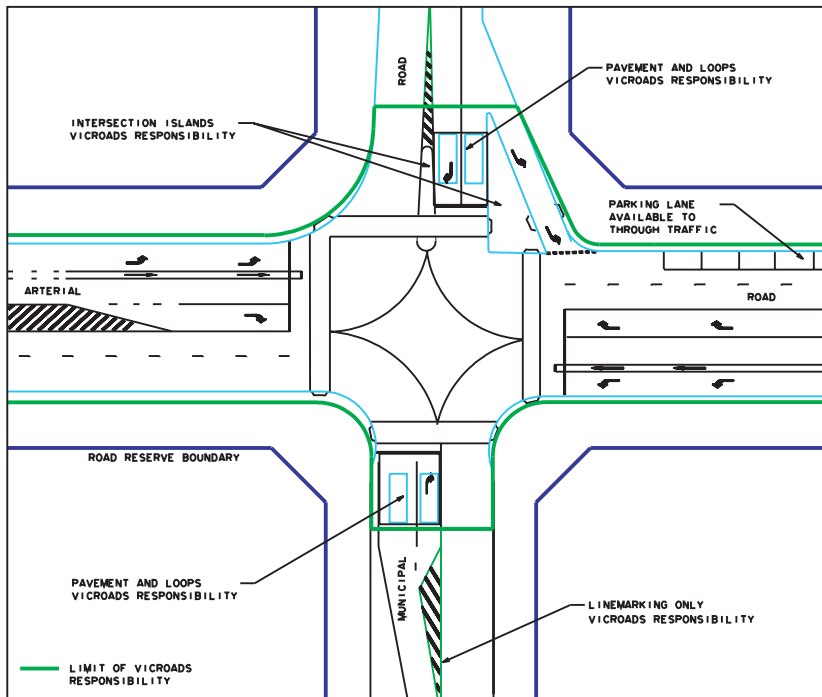
10. Urban Area – Between Intersections

- (1) **VicRoads performs the functions of a responsible road authority** with respect to all parts of the arterial road and all road infrastructure (wherever located) that is provided for the operation of through traffic on the arterial road, as generally shown in Figures 3, 4 and 5, including –
- (a) any part of the roadway located 'kerb to kerb' that could be made available for through traffic (including acceleration and deceleration lanes) (refer Note 1 below);
 - (b) shoulders (sealed or unsealed) where there is no formal designated parking;
 - (c) on-road bicycle lanes;
 - (d) kerb and channel, or table drains, adjacent to any part of the roadway that could be made available for through traffic (refer Note 2 below);
 - (e) drainage pits and underground drainage collecting runoff from through carriageways and associated junction pits in medians, outer separators and through carriageways;
 - (f) all road markings on the through carriageways (but excluding parking bays);
 - (g) traffic safety barriers where the traffic safety barriers are for the safety and protection of through traffic;

Figure 1

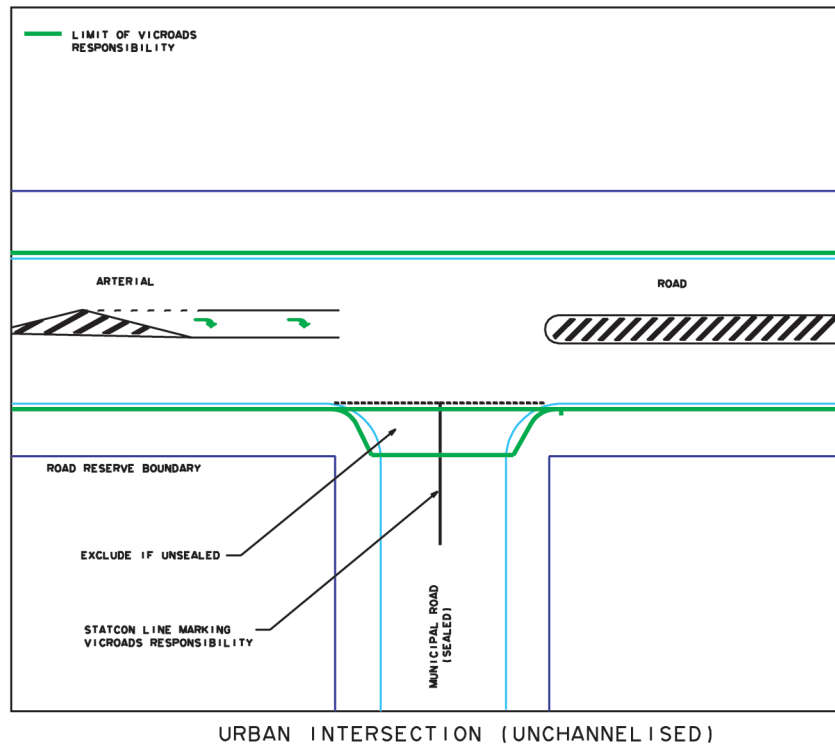
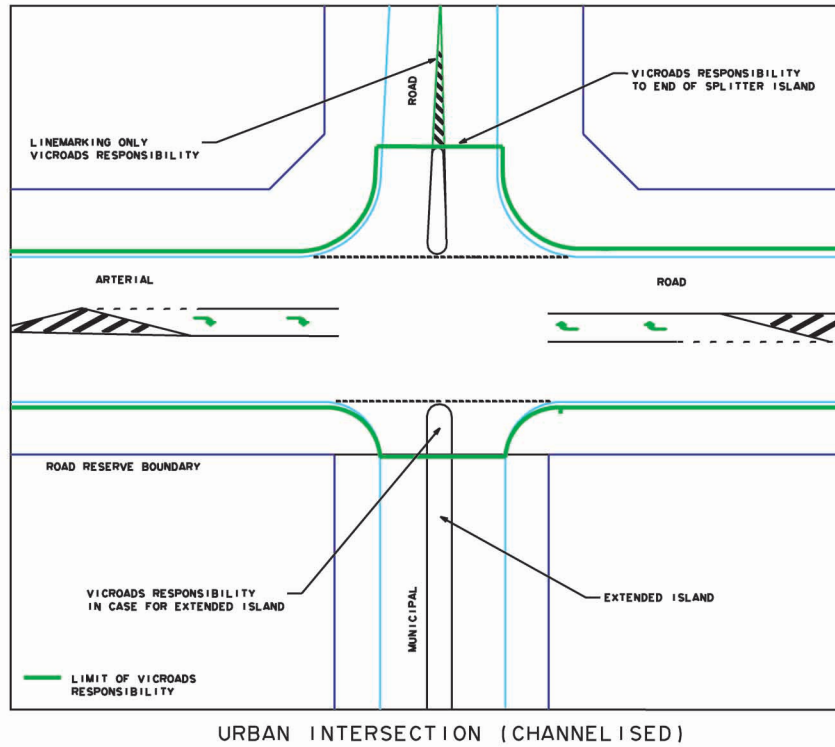


URBAN ROUNDABOUT



URBAN INTERSECTION (major)

Figure 2



- (h) signs and delineation provided for the control and guidance of traffic travelling along, or entering, the through carriageways of the arterial road (whether located in either the central median, outer separator or roadside), plus clearway signs;
 - (i) central medians and any VicRoads assets or vegetation thereon, including pedestrian fencing, Tactile Ground Surface Indicators (TGSIs) and pathways linking to a pedestrian crossing or children's crossing on the arterial road;
 - (j) all traffic signals and electronic traffic signs including variable speed signs, and other on-road electrical assets for traffic management on the arterial road;
 - (k) pedestrian crossings; and
 - (l) any ancillary area designated for the arterial road by VicRoads, as the coordinating road authority.
- (2) **VicRoads does not perform the functions of a responsible road authority** with respect to –
- (a) safety barrier systems used at tram safety zones and platform tram stops; and
 - (b) assets on central medians which are owned by bodies other than VicRoads (eg. community facilities installed thereon by a council).
- Note: Further details regarding street lighting and public transport facilities are covered in clauses 16 to 20 of this Code.
- (3) **Council performs the functions of a responsible road authority** with respect to the parts of the arterial road, and road infrastructure located in, on, over or under those parts of the arterial road, generally shown in Figures 3, 4 and 5, being –
- (a) service road traffic lanes and shoulders;
 - (b) pathways outside of the 'kerb to kerb' limits of the through carriageways, and central medians;
 - (c) indented parking bays and any other part of the roadway located 'kerb to kerb' that could not be made available for through traffic (being located either on the side of the road, in the outer separator or in the central median), and adjacent kerb and channel;
 - (d) drainage pits and underground drainage outside of through carriageways or outer separators and underground drainage that is part of a municipal drainage scheme (refer also to clause 15, Drainage);
 - (e) off road bicycle paths within the road reserve;
 - (f) bus shelters, passenger waiting areas (including TGSIs) and other associated passenger facilities at bus stops;
 - (g) road markings for all parking bays, plus road markings on service roads;
 - (h) outer separators and roadside, including any Council assets or vegetation thereon (refer Notes 3, 4 and 5 below);
 - (i) nature strips including vegetation;
 - (j) local signage including street name signs, local direction signs, parking signs (but excluding clearway signs) for the control of stopping or parking in accordance with Part 12 of the Road Rules (whether located between intersections or on the approach/departure sides of intersections);
 - (k) pedestrian fencing outside of central medians;
 - (l) children's crossings;

- (m) TGSIs in footpaths and kerb ramps and at bus stops (except at central medians); and
- (n) assets on central medians that are owned by the Council.

Notes:

1. *Parking* – VicRoads’ responsibility for any part of the roadway located ‘kerb to kerb’ that could be made available for through traffic includes areas of the roadway used for parking, but excludes isolated parking areas of lengths less than 200 metres located between kerb outstands extending onto, or trees located within, the roadway (distances less than 200 metres are considered to be of limited use for through traffic).
 2. *Table drains* – where there is no clearly defined table drain adjacent to the roadway, the limits of VicRoads responsibility may include either:
 - (a) a cleared verge area to a maximum width of 3 metres from:
 - (i) the edge of a constructed shoulder; or
 - (ii) the edge of the roadway (eg. seal) where there is no constructed shoulder; or
 - (b) an area up to 3 metres behind any guide posts, or to the edge of any Council owned infrastructure (eg. footpath) or trees if the distance is less than 3 metres.
 3. *Outer separators and roadside* –
 - (a) Subject to any arrangement of the type entered into in paragraph (b), Council is the responsible road authority with respect to the outer separator and roadside.
 - (b) VicRoads and Council may enter into an arrangement for the transfer of responsibility for certain road-related infrastructure within the outer separator or roadside, where that infrastructure is clearly required to support or protect the structural integrity of the adjacent through carriageways of the arterial road.
- Example:**
- VicRoads and a Council may enter into an arrangement for the transfer to VicRoads of road management functions with respect to retaining walls, road embankments or cuttings where a retaining wall, road embankment or cutting:
- (i) exceeds 1.5 metres in height; or
 - (ii) exceeds a slope of 1 in 2; or
 - (iii) extends over a substantial length and prohibits direct access from adjacent residential areas; or
 - (iv) is best maintained by VicRoads from the arterial road for safety, traffic operation or access reasons.
4. *Roadside* – VicRoads may consider requests from Councils for a transfer to VicRoads of road management functions with respect to the roadside within an urban area where substantial lengths of roadside (eg. continuous lengths of roadside greater than 1 kilometre) have adjacent residential areas that back onto the road (with no direct access) and where it is considered that the roadside principally performs an arterial (rather than a community) function.
 5. *Driveways* – The Act provides that a road authority is not liable for private driveways and pathways on road reserves that provide access to land adjoining a road. This is consistent with the general principle in the Act that the owner of an asset is responsible for the condition and maintenance of that asset. This does not, however, prevent the responsible road authority from imposing conditions on the construction of the driveway.

Figure 3

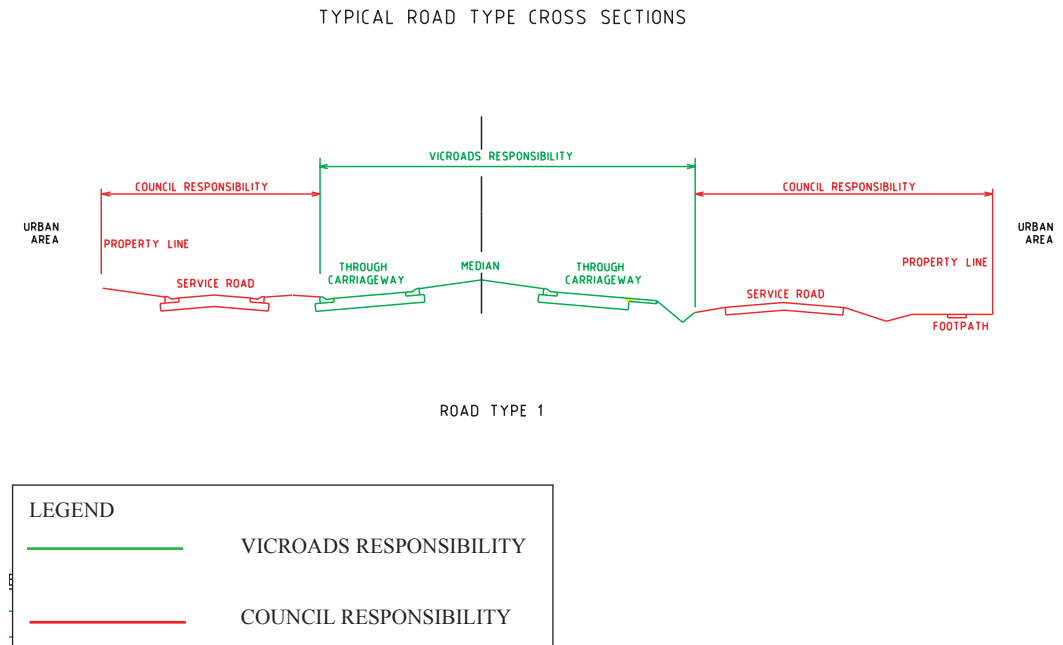


Figure 4

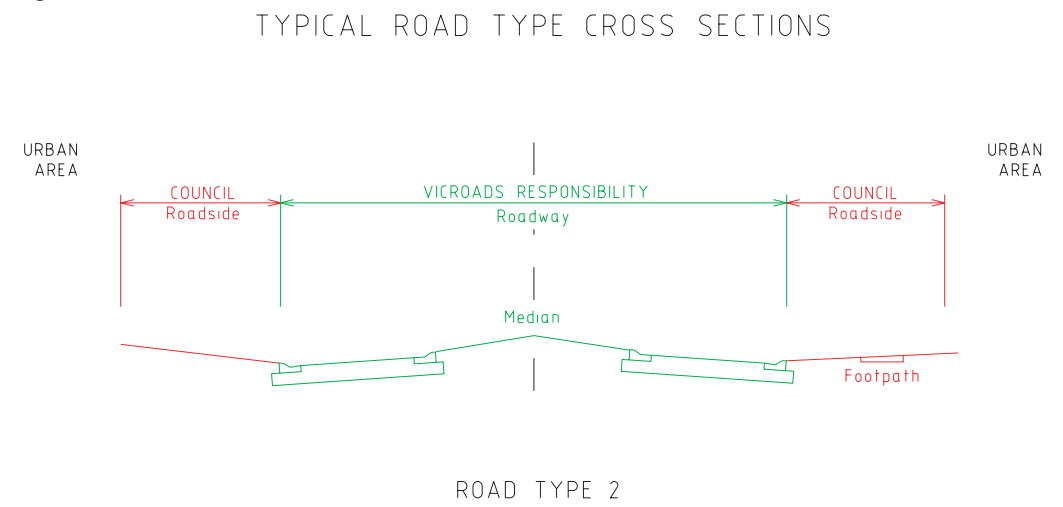
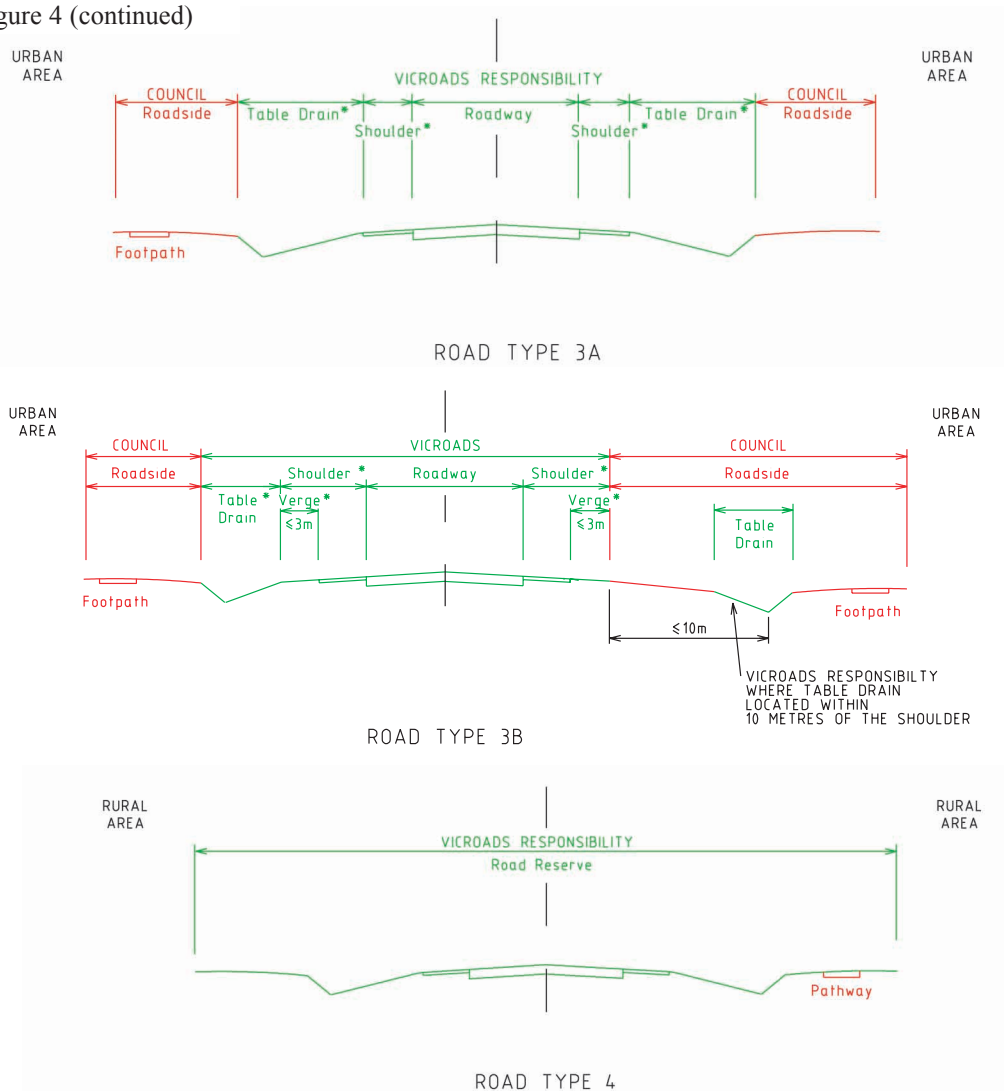


Figure 4 (continued)



Note:

- * **Shoulder** – for the purposes of an urban area, the shoulder may include a cleared verge area to a maximum width of 3 metres either from the edge of a constructed shoulder or behind any guide posts. The cleared verge area is to be maintained for sight distance, fire hazard and appearance purposes. The Act defines ‘shoulder’ as “the cleared area, whether or not constructed or sealed, next to a roadway that provides clearance between the roadway and the roadside but does not include any area that is not in the road reserve”.
- * **Table drain** – is road-related infrastructure and is the responsibility of the responsible road authority for the roadway or pathway to which the table drain relates.

VicRoads is the responsible road authority with respect to:

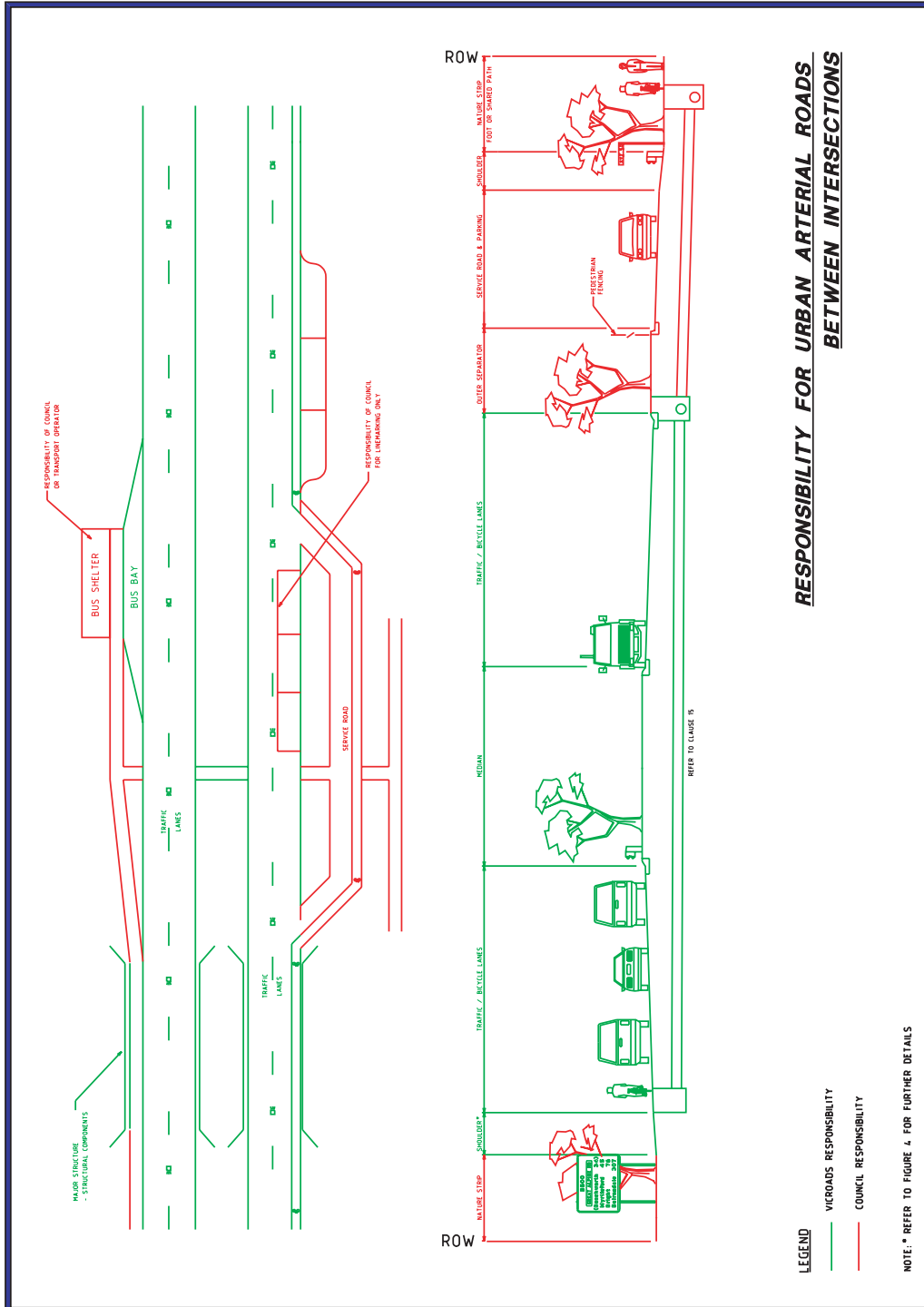
- (i) By area – roadway plus shoulder.
- (ii) By road-related infrastructure – infrastructure for road-related purposes that facilitates the operation or use of the roadway, or pathway or support or protect the roadway or pathway, for which VicRoads is the responsible road authority.

Council responsibility:

- (i) By area – roadside.
- (ii) By road-related infrastructure – infrastructure for road-related purposes that facilitates the operation or use of the roadway or pathway, or support or protect the roadway or pathway, for which Council is the responsible road authority.

Non-road infrastructure – is the responsibility of the relevant infrastructure manager.

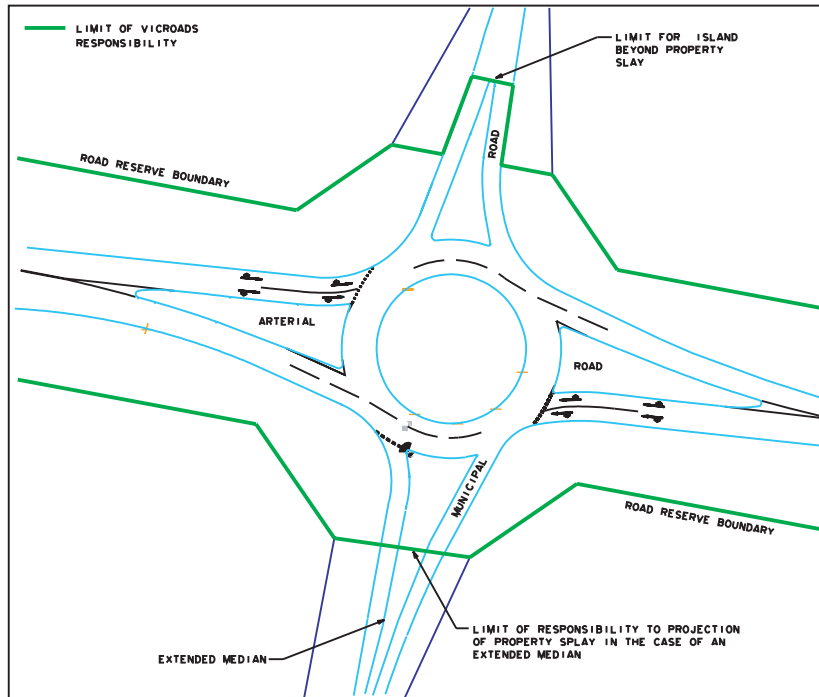
Figure 5



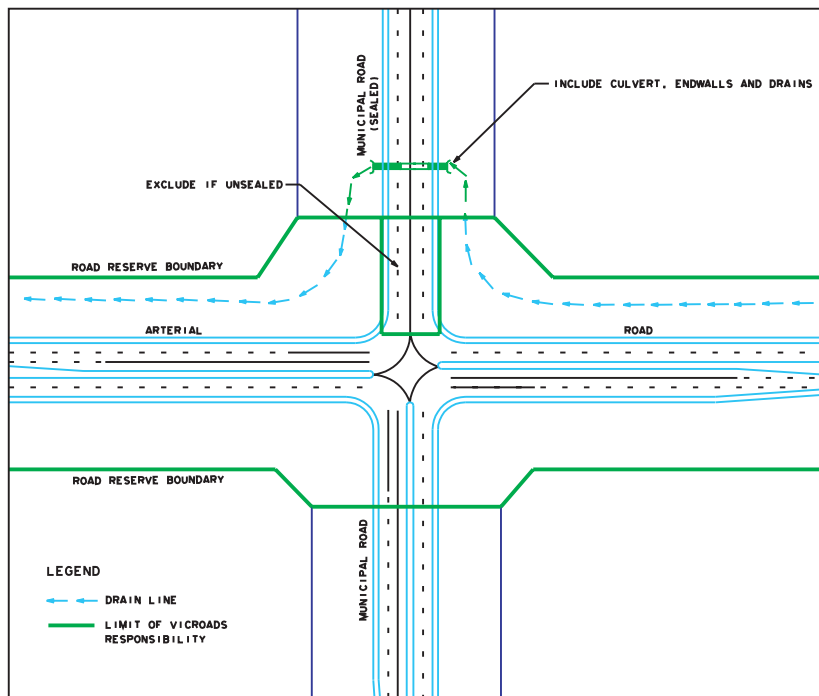
11. Rural Area – Intersections

- (1) **VicRoads performs the functions of a responsible road authority** with respect to the intersection of an arterial road with a municipal road within the limits of responsibility shown in Figure 6.
- (2) If the limits of responsibility are not able to be determined by reference to Figure 6, those limits shall be a line square to the entering roadway defined as the greater of –
 - (a) the limit of the property splay at the intersection;
 - (b) the limit of the longest splitter island;
 - (c) five (5) metres measured from the stop line.
- (3) The intersection includes:
 - (a) culverts under municipal roads that carry major road drainage, including upstream and downstream table drains;
 - (b) road markings, including painted chevrons (or painted islands) on the municipal road;
 - (c) all traffic signal hardware, including detector loops in municipal road pavements and pathways;
 - (d) slip lanes, acceleration and deceleration lanes, and roadway areas where detector loops are installed;
 - (e) any signs (eg. Statcon, traffic direction signs) that control the movement of traffic to and from the arterial road, being located on either the arterial road or intersecting municipal road;
 - (f) advance direction signs on the municipal road, and any advance warning signs on the municipal road that are directly related to the operation of the intersection with the arterial road; and
 - (g) all kerb and channel within the defined limits of VicRoads responsibility.
- (4) **Council performs the functions of a responsible road authority** with respect to the municipal road up to the limit of VicRoads responsibility shown in Figure 6.

Figure 6



RURAL ROUNDABOUT

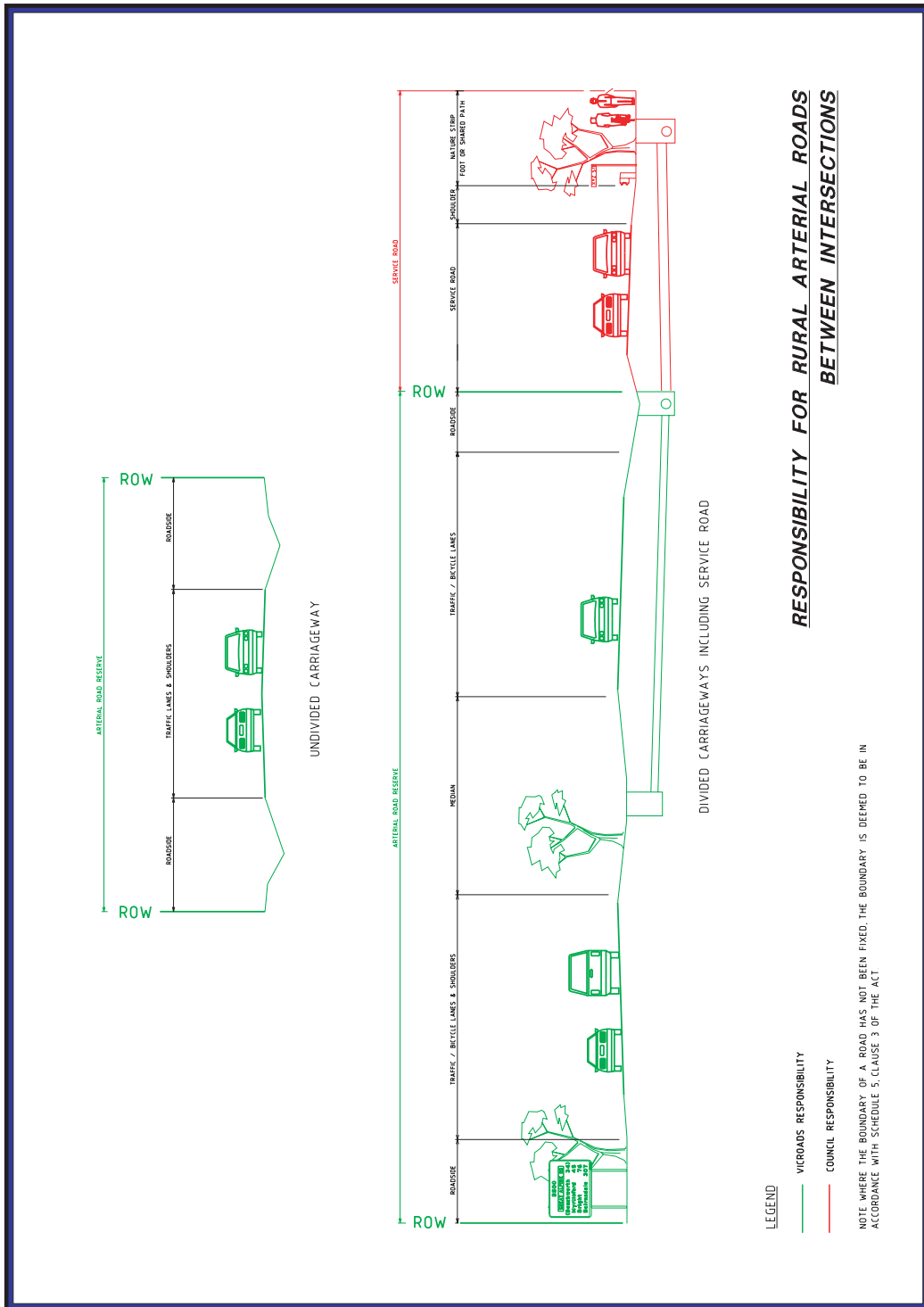


RURAL INTERSECTION

12. Rural Area – Between Intersections

- (1) **VicRoads performs the functions of a responsible road authority** with respect to the –
 - (a) roadway;
 - (b) roadside (including any ancillary area designated by VicRoads as the coordinating road authority for the arterial road eg. rest stops, scenic lookouts); and
 - (c) subject to sub-clause (2), any road-related infrastructure (eg. table drains) for the full width of the road reserve.
- (2) **Council performs the functions of a responsible road authority** with respect to service roads, off road bicycle paths within the road reserve, pathways, associated local signage, and underground drainage that is part of a municipal drainage scheme, as shown in Figures 4 and 7.

Figure 7



Division 3 – Bridges**13. VicRoads**

VicRoads generally performs the functions of a responsible road authority with respect to bridges on, over or under freeways and arterial roads including pathways, to the extent of the limits of the structure, unless clause 14(2) applies. VicRoads is also responsible for separate footbridges where it has administered government funds to construct these bridges, unless there is an arrangement in place under which VicRoads has transferred the responsibility to the Council.

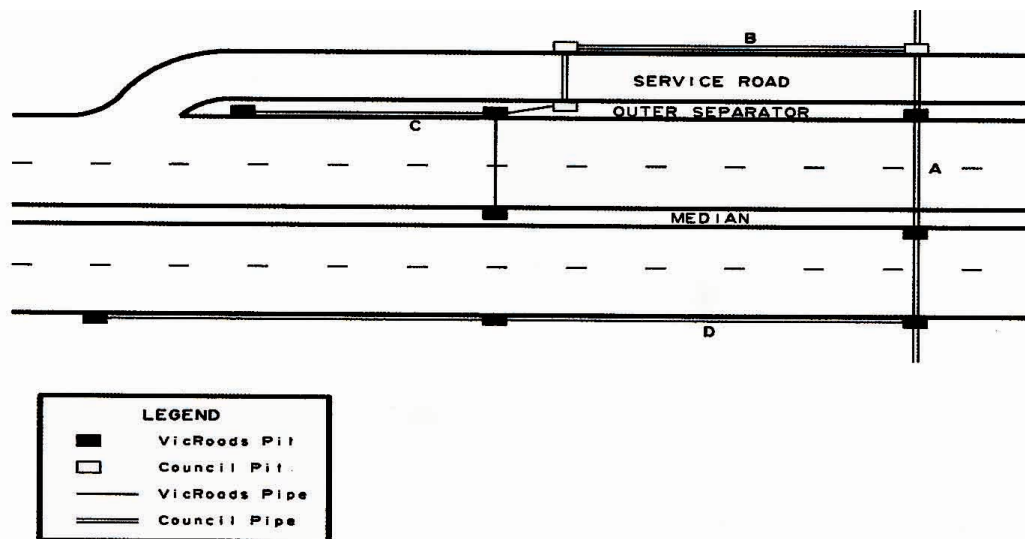
14. Councils

- (1) **Council performs the functions of a responsible road authority** with respect to a footbridge if it is a separate bridge constructed at Council's expense.
- (2) Responsibility for a municipal road bridge over an arterial road may be as specified in an arrangement between VicRoads and the Council.

Division 4 – Drainage**15. Responsible Road Authority**

- (1) The body that performs the functions of the responsible road authority with respect to underground drainage depends on the location and function of the drainage as shown in Figure 8.

Figure 8



- (2) **VicRoads performs the functions of a responsible road authority** with respect to those pits and pipes that take the surface runoff from the through carriageway (ie. the black pits and drainage line C and drainage line D provided that it is not part of a municipal scheme), and for subsurface drainage associated with the through carriageway.
- (3) **Council performs the functions of a responsible road authority** with respect to those pipes and pits that take the surface runoff from the service road or from part of a municipal drainage scheme ie. the white pits and drainage line B, the main drain A across the road reserve (unless it is the responsibility of some other drainage authority) and drainage line D if it is part of a municipal drainage scheme.

Division 5 – Lighting**16. VicRoads**

- (1) **VicRoads performs the functions of a responsible road authority** with respect to lighting infrastructure on freeways, including entry and exit ramps.
- (2) **VicRoads performs the functions of a responsible road authority** with respect to frangible poles and the lighting infrastructure for some specific cost-shared street lighting schemes, which are separately metered.
- (3) Details of the lighting infrastructure and schemes referred to in sub-clauses (1) and (2) will be documented in an arrangement entered into between VicRoads and an individual municipal council.

Note: The ongoing maintenance and management (excluding costs) of street lighting facilities on arterial roads are generally the responsibility of the relevant electricity distribution business. Schedule 5 to the **Transport Act 1983** sets out provision for who is responsible for the cost of operating street lighting on freeways and arterial roads.

17. Councils

- (1) **Council performs the functions of a responsible road authority** with respect to lighting infrastructure for some specific schemes (such as decorative schemes).
- (2) Details of the schemes and infrastructure referred to in sub-clause (1) will be documented in an arrangement entered into between VicRoads and an individual municipal council.

Division 6 – Public Transport Facilities**18. Bus Passenger Facilities**

Bus shelters, passenger waiting areas (including TGSIs) and other associated passenger facilities at bus stops are the responsibility of the municipal council, public transport operator, Department of Infrastructure or a private company. Any involvement by VicRoads will be communicated to the municipal council via an arrangement entered into between VicRoads and that municipal council (eg. installation of Smart Bus electronic passenger information signs, retrofit of existing or provision of new bus stop passenger facilities to comply with the Disability Standards for Accessible Public Transport 2002 (as amended) made under the Commonwealth Disability Discrimination Act).

19. Bus Bays

VicRoads performs the functions of a responsible road authority with respect to –

- (a) any paved area immediately adjacent to the through traffic lanes of the arterial road (including pavement markings) where buses pull off; and
- (b) unsealed areas for buses on arterial roads in both urban and rural areas.

20. Roads with Tram Lines and Rail Crossings

Responsibilities of public transport operators and road authorities for roads with tram lines (including tram stops and safety zones) and rail crossings are set out in the relevant franchise agreements and infrastructure leases, and other relevant Ministerial Codes of Practice made under the Act.

Note: The responsible road authority with respect to the roadway or pathway abutting, or providing access to, public transport infrastructure or facilities is as specified in Division 2 of Part 1 of this Code.

**PART 2 – PHYSICAL LIMITS OF RESPONSIBILITY BETWEEN VICROADS
AND OTHER STATE ROAD AUTHORITIES****21. Purpose**

The purpose of Part 2 of this Code is to provide practical guidance in clarifying or determining how the operational responsibility for different parts or elements within the road reserve of a freeway, arterial road or non-arterial State road is to be allocated between VicRoads and other State road authorities.

Division 1 – Freeways**22. VicRoads**

VicRoads performs the functions of a responsible road authority with respect to the parts of freeways and road infrastructure to the extent set out in Division 1 of Part 1 of this Code.

Division 2 – Arterial Roads and Non-Arterial State Roads**23. Urban Area – Intersections**

- (1) **VicRoads performs the functions of a responsible road authority** with respect to the intersection, and all road infrastructure that facilitates the operation of an intersection of an arterial road and a non-arterial State road within the limits of responsibility specified in clauses 9(1) and 9(2) and shown in Figures 1 and 2 of this Code.
- (2) **The relevant State road authority performs the functions of a responsible road authority** with respect to a non-arterial State road within the limits of responsibility that are the equivalent of the limits of responsibility that apply to a Council for a municipal road as specified in clause 9(3) and shown in Figures 1 and 2 of this Code.
- (3) **A State road authority does not perform the functions of a responsible road authority** with respect to any Council owned infrastructure.

24. Urban Area – Between Intersections

- (1) **VicRoads performs the functions of a responsible road authority** with respect to all parts of the arterial road and road infrastructure (wherever located) that is provided for the operation of the part of the road used by through traffic, within the limits of responsibility specified in clauses 10(1) and 10(2) and Figures 3, 4 and 5 of this Code.
- (2) **The relevant State road authority performs the functions of a responsible road authority** with respect to any part of the arterial road not used by through traffic (eg. arterial road within an alpine resort village) within the limits of responsibility that are the equivalent of the limits that apply to a Council for a municipal road as specified in clause 10(3) and Figures 3, 4 and 5 of this Code.
- (3) **A State road authority does not perform functions of a responsible road authority** with respect to any VicRoads or Council owned infrastructure within the road reserve.

25. Rural Area – Intersections

- (1) **VicRoads performs the functions of a responsible road authority** with respect to the intersection, and all road infrastructure that facilitates the operation of an intersection of an arterial road and a non-arterial State road, within the limits of responsibility specified in clauses 11(1), 11(2) and 11(3) and in Figure 6 of this Code.
- (2) **The relevant State road authority performs the functions of a responsible road authority** with respect to the non-arterial State road within the limits of responsibility that are the equivalent of the limits that apply to a Council for a municipal road specified in clause 11(4) and Figure 6 of this Code.

- (3) **A State road authority does not perform the functions of a responsible road authority** with respect to any VicRoads or Council owned infrastructure within the road reserve.

26. Rural Area – Between Intersections

- (1) **VicRoads performs the functions of a responsible road authority** with respect to the –
- (a) roadway;
 - (b) roadside (including any ancillary area designated by VicRoads as the coordinating road authority for the arterial road eg. rest stops, scenic lookouts); and
 - (c) any road-related infrastructure (eg. table drains) for the full width of the road reserve of the arterial road.
- (2) **VicRoads does not perform the functions of a responsible road authority** with respect to vehicle parking areas, roadside parking, pathways, chain-fitting bays and associated lighting in respect of which the relevant Alpine Resort Management Board is the responsible road authority.
- (3) **The relevant State road authority performs the functions of a responsible road authority** with respect to –
- (a) any part of an arterial road in an alpine resort area which is not used by through traffic, including vehicle parking areas, roadside parking, pathways, chain-fitting bays and associated lighting and signage, but excluding infrastructure owned by VicRoads; or
 - (b) any part of an arterial road where the State road authority is the primary beneficiary of the road or parts of the road (e.g. parking areas supporting a recreational or tourist facility within a national or state park); or
 - (c) infrastructure located within the road reserve that is owned by the State road authority.
- (4) **A State road authority does not perform the functions of a responsible road authority** with respect to any VicRoads or Council owned infrastructure within the road reserve.

Note: The physical limits of operational responsibility as they relate to the different parts or elements within the road reserve of alpine resort areas will be further defined in arrangements between VicRoads and the respective Alpine Resort Management Boards.

Division 3 – Bridges

27. VicRoads

VicRoads performs the functions of a responsible road authority with respect to arterial road bridges (including pathways), and bridges over a structure owned by a rural water authority (eg. channel, aqueduct or dam to the extent of the limits of the structure).

28. Relevant State Road Authority

- (1) **The relevant State road authority performs the functions of a responsible road authority** with respect to a bridge (eg. a footbridge) on an arterial road if it is a separate structure constructed at the State road authority's expense.
- (2) A rural water authority is responsible with respect to a structure owned by that authority that has a size less than that included in the definition of "bridge" as defined in clause 5 of this Code.

Division 4 – Drainage**29. VicRoads**

VicRoads performs the functions of a responsible road authority with respect to those pits and pipes that take the surface runoff from the through carriageway of the arterial road (excluding any drainage line that is part of a local drainage scheme) as generally shown in Figure 8 of this Code.

30. Relevant State Road Authority

The relevant State road authority performs the functions of a responsible road authority with respect to any drainage line that is part of a local drainage scheme abutting or across the road reserve of an arterial road (unless it is the responsibility of some other drainage authority or municipal council) as generally shown in Figure 8 of this Code.

Division 5 – Public Transport Facilities**31. Bus Passenger Facilities**

Bus shelters, passenger waiting areas (including TGSIs) and other associated passenger facilities at bus stops are the responsibility of either the municipal council, public transport operator, Department of Infrastructure or private company.

32. Bus Bays

- (1) **VicRoads performs the functions of a responsible road authority** with respect to any paved, or unsealed, area (including pavement markings) on arterial roads where buses pull off.
- (2) **The relevant State road authority performs the functions of a responsible road authority** with respect to any paved, or unsealed, area (including pavement markings) on non-arterial State roads where buses pull off.

PART 3 – PHYSICAL LIMITS OF RESPONSIBILITY BETWEEN STATE ROAD AUTHORITIES AND MUNICIPAL COUNCILS**33. Purpose of Part**

The purpose of this Part is to provide practical guidance in clarifying or determining the physical limits of operational responsibility between State road authorities and municipal councils for different parts or elements of non-arterial State roads and municipal roads.

34. Arrangements

Where two or more road authorities enter into an arrangement to transfer road management functions for parts of roads or road infrastructure, the details of such a transfer should be documented in an arrangement between the relevant road authorities in accordance with section 15 of the Act.

35. Interpretation

In this Part –

“**major road**” means a non-arterial State road or municipal road that performs a major traffic function, having regard to the volume and nature of road use.

“**minor road**” means a non-arterial State road, municipal road or other public road that performs a minor traffic function, having regard to the volume and nature of road use.

36. General Principles regarding Operational Responsibility

In determining whether a Council or a State road authority is the responsible road authority for public roads, other than freeways and arterial roads, regard is to be had to the general principles set out in this Part.

Note: the Act specifies the responsible road authorities for non-arterial State roads –

- (a) Persons or bodies prescribed in accordance with section 37(1)(c);
- (b) VicRoads, in accordance with a declaration under section 37(1)(d)(i);

- (c) For roads through land administered under the **Forests Act 1958** and the **National Parks Act 1975**, generally, the responsible road authority is the relevant State road authority as specified in the respective Acts;
- (d) For roads which are part of a Crown land reserve under the **Crown Land (Reserves) Act 1978**, the responsible road authority may be –
 - (i) if a Council is the committee of management – the Council; or
 - (ii) the person or body nominated in a notice published in the Government Gazette by the relevant Minister; or
 - (iii) if there is a non-Council committee of management – that committee of management; or
 - (iv) there is no committee of management – Secretary to the Department of Sustainability and Environment; or
- (e) The Crown, in accordance with section 37(1)(d)(iii) of the Act.

A municipal council is generally responsible for municipal roads.

Where the legislation is not considered to represent the most effective allocation of responsibilities having regard to any particular public road, then this Part may provide guidance to road authorities for the purpose of determining whether to transfer functions or responsibility to each other.

Note: Section 36(b) of the Act provides that in the case of a non-arterial State road, the relevant responsible road authority is also the coordinating road authority.

37. Purpose of the Public Road

- (1) If a public road, other than a freeway or arterial road, runs through land administered under the **Forests Act 1958**, the **National Parks Act 1975** or the **Crown Land (Reserves) Act 1978** and provides access exclusively to freehold land, the responsible road authority should be the Council of the municipality in which the road is situated.
- (2) If a public road, other than a freeway or arterial road, runs through land administered under the **Forests Act 1958**, the **National Parks Act 1975** or the **Crown Land (Reserves) Act 1978** and provides one of many means of access to both freehold land and land administered under the **Forests Act 1958**, the **National Parks Act 1975** or the **Crown Land (Reserves) Act 1978**, the responsible road authority with respect to that road is to be determined by identifying the major beneficiaries of the road, taking into consideration the following –
 - (a) the primary and other purposes of the road;
 - (b) the beneficiaries of the road;
 - (c) whether the road is, or is not, a through road;
 - (d) the type, composition and volume of traffic;
 - (e) the type of road use that causes the greatest deterioration in road infrastructure condition; and
 - (f) the length of public land through which the road passes.
- (3) For the purposes of sub-clause (2)(b), the following guidelines should apply–
 - (a) if the primary beneficiaries are the Department of Sustainability and Environment, Parks Victoria, or users of the public land (eg. timber industry, or recreational or tourist visitors), the responsible road authority should be that Department or Parks Victoria respectively; or
 - (b) if the primary beneficiaries are landowners, tourist through traffic, or the local community, the responsible road authority should be the Council.

- (4) Where road authorities wish to transfer these functions, the details of such transfers should be documented in an arrangement between the relevant road authorities.
- (5) Where a Council is the responsible road authority for a public road that is not on land managed under the **Forests Act 1958**, the **National Parks Act 1975** or the **Crown Land (Reserves) Act 1978** and that public road provides access to –
 - (a) freehold properties along that road; and
 - (b) a public road on land managed under the **Forests Act 1958**, the **National Parks Act 1975** or the **Crown Land (Reserves) Act 1978** –
the Council may enter into an arrangement with the relevant road authority under which –
 - (c) the Council accepts operational responsibility for the length of the subject road extending to the last point of access to the freehold land, or to the end of the sealed section of the subject road, whichever is the greater; and
 - (d) the relevant State road authority accepts operational responsibility for the subject road from the point defined in sub-clause (c) to the boundary of the land that is managed under the **Forests Act 1958**, or **National Parks Act 1975** or **Crown Land (Reserves) Act 1978**.

38. Past Management of the Public Road

Where agreement is not reached as to which road authority is the responsible road authority, any past documented management arrangements for the road should be used to determine this issue.

39. Arrangements for Operational Responsibility between Road Authorities

In determining whether or not to enter into an arrangement to transfer road management functions for parts of roads and road-related infrastructure, road authorities should have regard to the circumstances where it may be mutually beneficial for those road authorities to vary their respective operational responsibilities, including –

- (a) where one road authority wishes to construct or maintain a road to a higher standard than it is currently maintained; or
- (b) where one road authority is in a better position financially or otherwise to perform certain road management responsibilities.

40. Dispute Resolution Process

- (1) Where two or more road authorities (other than VicRoads) cannot reach agreement on the limits of their operational responsibility for parts of roads and road-related infrastructure, any one or more of those road authorities may, with the agreement of all road authorities involved, refer the matter to VicRoads for resolution.
- (2) VicRoads may make a written recommendation communicated to the relevant road authorities within a period of two months from notification.
- (3) If the road authorities are still unable to agree, the matter in dispute is to be referred to the relevant road Minister or his or her nominee, or the relevant road Ministers or their joint nominees, in accordance with the dispute resolution process as provided under section 125 of the Act.

41. Urban Area – Intersections

- (1) Where there is an intersection between two roads in respect of which there are different responsible road authorities (ie. a State road authority (other than VicRoads) and a Council), the following principles should apply to establish the limits within which each road authority performs the functions of a responsible road authority for the different parts or elements within the intersection –

- (a) **Major road** – the responsible road authority for the major road performs the functions as generally assigned to VicRoads (for the arterial road) in clauses 9(1) and 9(2) and as shown in Figures 1 and 2 of this Code, in relation to all road infrastructure that provides for the operation of the intersection for the control of the major traffic function.
 - (b) **Minor road** – the responsible road authority for the minor road performs the functions as generally assigned to the Council for the municipal road in clause 9(3) and as shown in Figures 1 and 2 of this Code.
 - (c) A responsible road authority for either a minor or major road does not perform the functions of a responsible road authority with respect to any road infrastructure that is owned by another road authority.
- (2) Traffic signals at the intersection of two roads under this clause are the responsibility of the responsible road authority for the major road.
 - (3) Where the traffic signals are linked to the SCATS system, VicRoads is the responsible road authority with respect to these signals.
 - (4) Funding for maintenance of traffic signals as specified in sub-clause (3) will be provided by the responsible road authority for the major road, unless otherwise agreed between VicRoads and that road authority.
 - (5) Where a pathway on the major road continues into the minor road at an intersection, the responsible road authority with respect to the pathway on the major road is the responsible road authority within the limits of responsibility as shown in Figures 1 and 2 of this Code.

42. Urban Area – Between Intersections

Where both a State road authority (other than VicRoads) and a Council have operational responsibility for different parts of a non-arterial State road, municipal road or other public road (excluding freeways and arterial roads), the following principles should apply to establish the limits of operational responsibility for the different parts or elements within that road reserve –

- (a) **Through traffic function** – the responsible road authority for the road performs road management functions as generally assigned to VicRoads (for the arterial road) in clauses 10(1) and 10(2) and as shown in Figures 3, 4 and 5 of this Code, including all road infrastructure that provides for the operation of the major through traffic function of the road.
- (b) **Local function** – the responsible road authority with respect to the local function of the subject road performs the road management functions as generally assigned to the Council in clause 10(3) and as shown in Figures 3, 4 and 5 of this Code.
- (c) A responsible road authority with respect to the parts of the road not used by through traffic does not perform the functions of a responsible road authority with respect to road infrastructure that is owned by another road authority.

43. Rural Area – Intersections

Where there is an intersection between two roads in respect of which there are different responsible road authorities (ie. a State road authority (other than VicRoads) and a Council), the following principles should apply to establish the limits within which each road authority performs the functions of a responsible road authority for the different parts or elements within the intersection –

- (a) **Major road** – the responsible road authority for the major road performs the functions as generally assigned to VicRoads (for the arterial road) in clauses 11(1), 11(2) and 11(3) and as shown in Figure 6 of this Code, in relation to all road infrastructure that provides for the operation of the intersection for the control of the major traffic function.

- (b) **Minor road** – the responsible road authority for the minor road performs the functions as generally assigned to the Council (for the municipal road) in clause 11(4) and as shown in Figure 6 of this Code
- (c) A responsible road authority for either the major or minor road does not perform the functions of a responsible road authority with respect to any road infrastructure that is owned by another road authority.

44. Rural Area – Between Intersections

Where both a State road authority (other than VicRoads) and a Council have operational responsibility for different parts of non-arterial State roads, municipal roads and other public roads (excluding freeways and arterial roads), the following guidelines should apply to establish the limits of operational responsibility for the different parts or elements within the road reserve –

- (a) **Through traffic function** – the responsible road authority with respect to the parts of the subject road used by through traffic performs road management functions as generally assigned to VicRoads (for the arterial road) in clause 12(1) and as shown in Figures 4 and 7 of this Code, including all road infrastructure that provides for the operation of through traffic.
- (b) **Local function** – the responsible road authority with respect to the parts of the subject road which are not used by through traffic performs road management functions as generally assigned to the Council in clause 12(2) and as shown in Figures 4 and 7 of this Code.
- (c) A responsible road authority for the subject road does not perform the functions of a responsible road authority with respect to any road infrastructure that is not owned by that road authority.

45. Change of Responsible Road Authority

- (1) Where, in accordance with an arrangement entered into between two or more road authorities, there is a transfer of the functions of the responsible road authority with respect to a part of a non-arterial State road, municipal road or other public road (excluding a freeway or arterial road), the new limit of operational responsibility is to be a line –
 - (a) at right angles to the road reserve boundary at the change point; or
 - (b) where there is no defined road reserve boundary, at right angles to the centre line of the road at the change point.
- (2) The boundary defining the new change is to be established by agreement between the two relevant responsible road authorities, who may wish to erect signage in some appropriate manner at the new limit of operational responsibility to indicate the above change of responsible road authority.

46. Through Roads on Crown Reserves

- (1) Following agreement with the Committee of Management responsible for land reserved under the **Crown Land (Reserves) Act 1975** (“Crown Reserve”), a Council or State road authority (other than VicRoads) may consider registering a road used by through traffic (ie. a ‘through road’), for public purposes on the Crown Reserve, as a public road in its register of public roads.
- (2) The limits of operational responsibility between the ‘through road’ with other internal roads on the Crown Reserve should be in accordance with the same principles as for major and minor roads, with the ‘through road’ being designated as the major road.
- (3) The remaining roads on the Crown Reserve are the responsibility of the responsible road authority for that Reserve and may form part of that road authority’s register of public roads.

47. Roads forming the Boundary between Municipalities

- (1) Where the boundary between municipalities falls within the road reserve, the responsible road authorities with respect to different parts of the road may enter into an arrangement to determine the allocation between them of operational responsibilities in respect of the subject road.
- (2) Any such arrangement should be documented and recorded in the register of public roads of each coordinating road authority.

48. Bridges

- (1) Subject to the matters specified in clauses 13 and 14 of this Code, this clause provides general guidance for determining which road authority performs the function of the responsible road authority. The road authority which performs the functions of the responsible road authority with respect to –
 - (a) a road bridge over a non-arterial State road – is the responsible road authority for the road underneath the bridge;
 - (b) a road bridge over rail – is the responsible road authority for the road, unless specified otherwise in the infrastructure lease with the relevant rail corporation;
 - (c) a rail bridge over road – is the relevant rail corporation, unless specified otherwise in the infrastructure lease with the rail corporation;
 - (d) a road bridge over watercourses – is the responsible road authority for the road;
 - (e) a road bridge, and like structures with a size less than that included in the definition of a ‘bridge’ in clause 5 of this Code, over a structure owned by another authority (e.g. channels, aqueducts, dams) – is the owner of the bridge or structure (eg. a rural water authority), subject to any agreement to the contrary.

Note: Maintenance of the road surface on all such bridges, and any road-related infrastructure (eg. traffic safety barrier, sign) either on the bridge or along the roadway approaching the bridge, is the responsibility of the responsible road authority for the road.

- (f) a pedestrian footbridge over a road or waterway or a pedestrian underpass – is the responsible road authority in relation to the funding and construction of the footbridge;
- (g) a pedestrian footbridge over rail – is the relevant rail corporation, unless specified otherwise in the infrastructure lease with the rail corporation.
- (2) Special cases for negotiation of an arrangement may exist where a rail corridor has been closed and redeveloped for another purpose.
- (3) Where road authorities wish to transfer road management functions with respect to bridges, the details of such variations should be documented in an arrangement between them under section 15 of the **Road Management Act 2004**.

49. Drainage

Responsibility for underground drainage, which will in general depend on its function and location within the road reserve, is determined in accordance with the following guidelines–

- (a) **Through traffic function** – the responsible road authority with respect to the parts of roads used by through traffic should be the responsible road authority with respect to the underground drainage, as assigned to VicRoads in clause 15 and shown in Figure 8 of this Code.

- (b) **Local function** – the responsible road authority with respect to the parts of roads not used by through traffic is the responsible road authority with respect to the underground drainage, as assigned to Council in clause 15 and Figure 8 of this Code.
- (c) A responsible road authority with respect to the parts of roads not used by local traffic does not perform the functions of the responsible road authority with respect to any infrastructure within the road reserve that is owned by another road authority.

50. Lighting

Where a road authority performs the functions of a responsible road authority with respect to street lighting infrastructure for some specific schemes (such as decorative schemes), the details of such schemes and poles and the responsible road authority with respect to such schemes and poles will be documented in an arrangement entered into between the relevant road authorities.

Note: Standard street lighting is generally the responsibility of the electricity distribution business.

51. Public Transport Facilities

The responsible road authority with respect to public transport infrastructure located in the road reserve should be determined in accordance with the following principles –

- (a) **Bus passenger facilities** – Bus shelters, passenger waiting areas (including TGSIs) and other associated passenger facilities at bus stops are the responsibility of either the responsible road authority with respect to controlling access to abutting land, the public transport operator, the Department of Infrastructure or a private company.
- (b) **Bus bays** – Any paved area (including pavement markings), or unsealed area, where buses pull off should be maintained by the responsible road authority which is the responsible road authority in respect of the parts of the road used by through traffic.
- (c) **Roads with tram lines and rail crossings** – operational responsibilities of public transport operators and road authorities for roads with tram lines and rail crossings are set out in the relevant franchise agreements and infrastructure leases, and other relevant Ministerial Codes of Practice made under the Act.

Note: The responsible road authority with respect to the roadway or pathway abutting, or providing access to, public transport infrastructure or facilities is as specified in other sections of this Code.

**PART 4 – PHYSICAL LIMITS OF RESPONSIBILITY
BETWEEN MUNICIPAL COUNCILS**

52. Purpose

The purpose of this Part is to provide practical guidance in clarifying or determining the physical limits of operational responsibility between Councils with respect to different parts or elements within the road reserve of municipal roads, where such roads define the boundary between two Councils.

53. Operational Responsibility between Councils

Subject to any agreement or understanding to the contrary, where a municipal road defines the boundary between two Councils, each Council should have operational responsibility for that part of the road that lies within its municipal boundary.

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