

ONRSR Fact Sheet

Works near or on railways and interaction with utilities

July 2021

Requirement to notify of works

Any person wishing to conduct works on or near a railway must notify the relevant rail infrastructure manager before works commence, if those works threaten or are likely to threaten:

- > the safety of the railway; or
- > the operational integrity of the railway.

This includes government authorities, councils and utilities providers (e.g. providers of gas, water or electricity). This notification allows the parties to discuss the intended works and to put in place measures to eliminate or reduce safety risks to railway operations, including through an interface or other access agreement. If the rail infrastructure manager believes there is a threat or a likely threat, they may also provide advice by written notice to the third party.

Section 199 of the *Rail Safety National Law* (RSNL) sets out these requirements and allows for significant penalties for failing to notify the relevant rail infrastructure manager of impending works. ONRSR can provide details of the relevant rail infrastructure manager.

Power to stop works & operations

If the Regulator believes that there is a threat or likely threat to:

- > the safety or operational integrity of the railway from works near it; or
- > the safety of nearby utility infrastructure or works from railway operations; or
- > the safe provision by a nearby utility of water, gas, electricity, or like services from railway operations;

the Regulator may direct party/s via written notice to stop, alter or not commence works or railway operations. There are significant penalties for failing to comply with such a notice, if there is no reasonable excuse.

Direction to remove work

Failure to notify the rail infrastructure manager before commencing works or failing to comply with a notice by the Regulator to stop works or railway operations may result in a direction to alter, demolish or take away the work.

This direction would be in addition to any penalties and would be issued via written notice to the person who has the care, control or management of the land where the infrastructure or works are located. There are further penalties for persons failing to comply with such a direction within the required timeframe, if there is no reasonable excuse.

Right of review

A person served a notice detailed above (other than for written advice) has a right to request that the decision be reviewed by the Regulator. Further information on the right of review will be included in the notice.