

Transport for NSW response to:

Easy Access to Suitable Routes Issues paper July 2019

SENSITIVE NSW GOVERNMENT. NOT NSW GOVERNMENT POLICY AND NOT FOR DISTRIBUTION

Contents

Overview	3
Introduction	6
Shift to a 'Network Approach'	8
Review of Access Decisions	9
The Use of Telematics	11
Performance Based Standards Vehicles	13
Cumulative Impact of Heavy Vehicle Movements	14
Public Amenity and Community	15
Clarification on the Definition of Road Managers and Road Manager Decision-Making	17
Tiered Access Approach	19
Attachment A	21

Overview

Transport for NSW (TfNSW) welcomes the opportunity to contribute to the Issues Paper developed by the National Transport Commission (NTC) on the Easy Access to Suitable Routes.

Safely and efficiently meeting the freight task now and into the future needs to be considered in the context of factors including:

- Growing freight demand, particularly non-bulk freight;
- National harmonisation of access through regulation;
- Government transport strategic plans;
- Changes to the heavy vehicle fleet, such as safety improvements, increases to the size and mass of heavy vehicles;
- Current and emerging technology and innovation;
- Ongoing costs of maintaining road infrastructure assets; and
- Urban network congestion.

The NSW Heavy Vehicle Access Policy Framework¹ aims to achieve safe and efficient freight movements which also address community concerns of local amenity, network impacts and infrastructure constraints. The review of access at a national level should be consistent with this overall approach.

Currently under the HVNL in NSW, access for restricted access heavy vehicles is managed through 40 access notices, which are supported by 28 legally enforceable access networks, and through the issuing of access permits. Since February 2014, a co-delegation has been in been place to enable the NHVR and NSW road managers to issue Class 1 and 3 access permits while the NHVR has retained the function to only issue Class 2 access permits. The return of the Class 1 and 3 co-delegation to the NHVR is being staged and commenced in December 2018. On the state road network there were 12,536 access permits issued over the 12 months to October 2018, which is broken down into 10,294 Class 1 and 3 oversize/overmass access permits and 2,242 Class 2 access permits. The volume of access permit activity is the cause of many of the concerns raised by industry.

There are significant opportunities to improve and futureproof access decision-making processes under the Heavy Vehicle National Law ('HVNL'). A range of policy and technological developments can be applied to enable improved and economically efficient processes for heavy vehicle access rather than issuing permits. However, it must be noted that the final decision regarding access should remain with the relevant road manager.

TfNSW acknowledges that industry has a range of issues with the current access decisionmaking processes, approvals and the HVNL which impact on access outcomes. Improvements to the HVNL discussed below may alleviate some of these industry painpoints. Other factors such as infrastructure improvements will lead to improved access outcomes.

This submission highlights the need for process and system reform and offers suggested improvements that the NTC should explore to address industry and road manager concerns and improve access outcomes. Where appropriate, changes to the HVNL may also be considered. For example, the HVNL should recognise the use of new and emerging

¹ <u>https://www.transport.nsw.gov.au/operations/freight-hub/heavy-vehicle-access-policy-framework</u>

telematics, and introduce an effective review mechanism of access decisions and allow for flexibility in the decision-making process, including reviews where no decision has been made by the road manager within the 28-day period.

What is also needed is improved clarity for all parties on the process and systems that should be followed.

Consistent with the broad principles in the NTC issues paper, the NSW Heavy Vehicle Access Policy Framework promotes access on an as-of-right 'network basis' rather than access through permits. This framework sees a shift away from thinking about heavy vehicle access in terms of individual vehicles making a journey on a particular road. Rather the focus should be on the best way to satisfy a particular freight task on the network of roads catering for the whole of freight journey.

Another key principle is to understand and accommodate different freight tasks. The current access arrangements and supporting regulatory frameworks could better service industry by accommodating different freight tasks with different decision-making processes. For example, some vehicles including mobile cranes and agricultural vehicles make journeys that are often unplanned, time sensitive and require broad access to the network. Other freight tasks are more planned and repetitive e.g. deliveries to distribution centres. A 'network approach' would eliminate the need for most permits and would take advantage of new technology and policies; including the Heavy Vehicle Access Productivity Framework (as implemented in NSW). This approach would also facilitate road infrastructure spending on those sections of the network which will deliver the greatest benefits.

TfNSW also encourages the NTC to investigate implementing a 'tiered access approach' which expands beyond the current two categories of access; i.e. 'general access' and 'restricted accesses'. Industry has suggested that general access which includes infrastructure constraints ("where vehicles can't run") should be considered. In response to this, a new category that could be further considered is 'access by exclusion.' This would involve access being provided on all roads of a particular classification subject to restrictions on specific roads or structures set by the relevant jurisdiction. A new category of access has the potential to simplify the administrative process and is consistent with the view that general access is preferred.

Overall, a new and improved approach to access should be based on empirical evidence. TfNSW suggests that the NTC conducts a thorough analysis of access decision-making particularly regarding the use of permits so the exact nature of issues are clearly understood, and options for addressing these issues can be properly developed and evaluated. This would also provide a better basis for refining the current vehicle classifications to deliver more targeted and efficient access decision making.

The NTC could also explore how to facilitate a more cooperative approach to access decision-making. In preparing its submission, TfNSW has held workshops with both industry and local government. A clear message from these stakeholders is that the best and most efficient access decisions occur when road managers and operators work together to achieve a mutually beneficial outcome. The best and fastest decisions are those based on the best available information, which can be achieved by parties working together. The NHVR has a crucial role to play in this regard. The NHVR's role in facilitating access should be more readily known and explained.

TfNSW considers that the review of access must include a proper consideration of performance based standard (PBS) vehicles under the HVNL and the administrative changes necessary to encourage renewal of the heavy vehicle fleet to more productive, safer and cleaner vehicles.

Greater clarity of the concept of 'amenity' in access decisions is required, including guidance on how to more effectively integrate land use planning, congestion and other environmental concerns into access decisions, linking to recent movement and place transport planning initiatives.

Road managers, especially local councils with local road network responsibilities, need to consider the cumulative effect of access decisions, rather than simply assessing individual impacts based on a single access application.

The HVNL should reassert the role of road managers to determine access to their road networks. In this context, it should also emphasise the role of the NHVR to facilitate this decision-making process, not to replace or diminish the road manager's role. Clarification of the definition of 'road managers' is also required to cover third parties, such as Rail Infrastructure Managers who may manage key road infrastructure pinch-points such as bridges or level crossings, so they can be properly integrated into the approval process.

Consideration:

- The need to shift to a 'network approach'.
- Ideas to create a more flexible, tiered approach to access.
- The external review of access decisions and 'deemed refusals' to help strengthen the approval process.
- The use of telematics under the HVNL to gain better intelligence on how networks are being used and to facilitate improved access.
- Proper consideration of PBS vehicles under the HVNL and the administrative changes necessary to enable renewal of the heavy vehicle fleet to more productive, safer and cleaner vehicles.
- Clarification of 'amenity' and how to better integrate land use planning concerns into access decisions, linking to recent movement and place transport planning initiatives.
- The need to consider the cumulative effect of access decisions, rather than assessing individual impacts.
- Confirm the role of road managers to determine access to their road networks, and the role of the NHVR to facilitate this decision-making process Clarification of the definition of 'road managers' is also required to cover third parties, such as Rail Infrastructure Managers..

Please refer to **Attachment A** at end of the submission for responses to the 14 questions raised by the NTC in the 'Easy Access to Suitable Routes' paper.

Introduction

Any attempt to improve how access decisions are handled by the HVNL should be guided by nationally agreed principles. NSW considered these principles in developing its Heavy Vehicle Access Policy Framework.

The overarching aim of the NSW Heavy Vehicle Access Policy Framework is to achieve safe and efficient movement of road freight in NSW now and into the future, consistent with the overarching policy objectives for freight.

The national overarching objectives for heavy vehicle productivity highlight complexities involved in opening heavy vehicle access. Heavy vehicle access needs to consider industry productivity, safety, public amenity, as well as road infrastructure and environmental impacts such that:

- Public safety is ensured so any significant risks to road safety are identified and addressed.
- Public amenity is considered to minimise adverse effects on the community from impacts such as road congestion in urban areas.
- Infrastructure impacts are understood and assessed to determine the feasibility of investments to address any deficiencies in the road network (including bridges and pavement wear) and maintenance.

Road freight access should also be considered in a holistic context so that the efficient movement of freight across modes is not compromised.

The policy objective is to achieve safe and efficient freight movements which also address community concerns of local amenity issues, network impacts and infrastructure constraints.

In doing this, it sees the objects of the Heavy Vehicle National Law (HVNL) as setting a clear vision that serves as guiding policy principles for NSW heavy vehicle access policy. The national overarching objectives are to establish a national scheme to facilitate and regulate the use of heavy vehicles on roads in a way that:

- Promotes public safety;
- Manages the impact of heavy vehicles on the environment, road infrastructure and public amenity;
- Promotes industry productivity and efficiency in the road transport of goods and passengers by heavy vehicles; and
- Encourages and promotes productive, efficient, innovative and safe business practices.

Each of these objectives interacts and need to be applied in concert to achieve safe, productive and sustainable road freight outcomes.

The productivity goal given in the NHVR's Strategic Directions document outlines a range of targeted actions including:

- Ensure a simple, consistent, transparent and efficient national access management system.
- Integrate demand, infrastructure conditions and vehicle performance into access decisions.
- Optimise access for high productivity vehicles and reduce the need for permits for low-risk vehicles.
- Continuously review and update the regulatory framework

These are seen as the principles which should guide the review of the Heavy Vehicle National Law and particularly how it applies to improving access decisions.

At an operational level this means that Heavy vehicle access needs to consider the net impact of the freight task with consideration to public safety, industry productivity, public amenity as well as road infrastructure and environmental impacts such that:

- An access decision does not pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic condition.
- An access decision does not impose adverse effects on the community from noise, emissions or traffic congestion. This is incorporated into the NSW Strategy Future Transport 2056² through the use of the movement and place framework in road planning.
- An access decision does not cause damage to road infrastructure
- The freight task is clearly stated and understood in terms of the cumulative impacts to road infrastructure, pavement wear, productivity and community impacts

Ensuring a high level of safety and efficiency of freight operations is the first priority. Where access is compatible with beneficial road safety outcomes and the freight task; granting access should be the preferred position. However, before deciding not to give consent a road manager must satisfy itself that it is not possible to grant access subject to road or travel condition that will avoid or significantly mitigate any relevant risks.

Non-regulatory options should be considered in the first instance, as legislative amendments may be unnecessary or an ineffective way to address issues. Clarity in roles and responsibilities, training, guidelines or technical guides and assistance, closer case management, culture and relationship development between the NHVR, industry and road managers require non-regulatory solutions. As such, while current roles should broadly be maintained, additional systems and processes should be devoted to improving or streamlining processes and equipping road managers, including local councils, with the resources to perform these tasks more effectively and efficiently.

The Commonwealth Department of Infrastructure, Regional Development and Cities in September 2018 also commissioned a report which identified improvements to the systems that support the efficient assessment and operation of transport tasks in the *'Review of Oversize Overmass (OSOM)* Access Arrangements' paper.³ This report touched upon issues identified in this NTC paper and suggests that the HVNL systems and processes are sufficient, but can be refined to better support road managers and regulators. In particular they recommended reissuing the assessment of the access guidelines for use by road managers.

The focus of any changes to access should be to clarify and improve the assessment systems and process rather than on specific prescriptive timeframes that fail to take into account underlying deficiencies in the process. If any changes to access assessment timeframes do occur, they should ensure that road managers are able (or have

² NSW Government's 40 year Future Transport Strategy, Future Transport 2056. <<u>https://future.transport.nsw.gov.au/plans/future-transport-strategy></u>

³<u>https://www.infrastructure.gov.au/vehicles/vehicle_regulation/files/Oversize_Overmass_review_Sept</u> ember_2018_FINAL_REPORT_sans_appendices.pdf

demonstrable capacity) to operate within those revised timeframes while still delivering to the same standards.

Shift to a 'Network Approach'

The review of the HVNL should encourage the development of a 'network approach' to the granting of road access. This involves greater use of notices and pre-approvals where appropriate to streamline application processes for vehicles using key roads to service freight tasks. This enables infrastructure funding to be linked to the most important parts of the network as well as ensuring land use planning complements rather than conflicts with the freight task.

In NSW this approach is consistent with our recently announced Heavy Vehicle Access Policy Framework, a key implementation component of the NSW Freight and Ports Plan 2018-2023.⁴ This new policy framework outlines a strategic 'network approach' to guide enhanced heavy vehicle access in NSW on both state and council roads. The aim of a 'network approach' is to achieve safe and efficient movement of road freight in NSW and to ensure that overarching policy objectives for the movement of freight are supported by heavy vehicles. This will enable the introduction of more productive vehicles, including networks for PBS vehicles on key freight routes; taking into account safety, congestion, road and bridge infrastructure and local communities.

Under this framework, state and local road managers will work together with industry to proactively target key freight corridors for improved access, including appropriate infrastructure investment where necessary.

We believe a similar approach should be adopted at a national level to provide a more strategic overall framework that outlines an aspirational national freight network, including financial and other resource assistance that may be required to achieve improved access. Much of this could be achieved through enhanced systems, processes and assistance to road managers, working with industry, without changing the existing legal provisions.

It is suggested that the NTC look at the best way of achieving such a policy approach nationally, building on existing work and linking with regional work at a local government level.

Consideration:

- TfNSW considers that the HVNL should reflect the development of the 'network approach to access'; through the greater use of notices and pre-approvals.
- A network approach should be used at a national level building on existing work and linking with regional work at a local government level.

Assessment information for access decision-making

⁴ NSW Government's Freight and Ports Plan.

<https://www.transport.nsw.gov.au/projects/strategy/nsw-freight-and-ports-plan>

The current approach to access decision-making relies upon an operator submitting an application to the NHVR. The NHVR sends the application to the road manager to make an access-decision, which may include the road manager undertaking a route or infrastructure assessment. The feedback from local councils is they often lack information on their own road network or sufficient resources to undertake the assessment. This can make it challenging for a road manager to make a well-informed access-decision if an assessment is required.

A new approach to access decision-making to enable improved access outcomes should be considered that supports road managers with the assessments of road infrastructure and helps operators to select routes as part of the application process. This approach should be based upon:

- Building and collecting road and structural data for a national database across the entire road network. This would provide a consistent record of all data and overcome the current issues faced by some road managers that face a lack of data to undertake access assessments.
- Undertaking road and structural assessments for all roads and structures using a
 nationally consistent approach to determine the level of suitable heavy vehicle
 access based on the data held in the national database. This could also identify
 network constraints to support the prioritisation of road infrastructure investment
 decisions to improve access outcomes.
- Linking the assessment outcomes undertaken on specific roads and structures to access application data in the NHVR Portal to generate a recommendation to the road manager on whether the requested vehicle on the requested route is suitable or not based on the road infrastructure assessment. This could benefit both an operator as part of the application process in selecting a route if this information is available through the NHVR Portal. This could also benefit road managers through an evidence-based recommendation being provided to the road manager with the access application that is sent by the NHVR. There could also be potential to link in other data sources, such as telematics data to increase network visibility. This would assist road managers in the access decision-making process.

It is recognised that this approach to the assessment of heavy vehicles on road infrastructure requires co-operation, resourcing and investment to achieve a nationally consistent outcome. At a state level, a similar project to the collection of data and undertaking of assessments has occurred in Tasmania by the Department of State Growth in partnership with local councils.

It is recommended that further consideration be given to foreseeing how this approach could be accommodated under a new HVNL. This could also include consideration of the evidence-based recommendation that is provided to a road manager being accepted as the access decision in the absence of a contrary decision by a road manager. It is agreed that the current access approvals process means that there is no clear process or action that the applicant can take after the 28 day period if no response is received from a road manager.

Currently the HVNL allows for reviews of decisions by road managers on the grounds that the proper process was not followed. However, where no decision has been made within the 28-day period, the HVNL should recognise this as a 'deemed refusal' of access. In such a case (now a refusal has been made) an applicant could request a review in the same way an application was declined once an assessment was completed.

In most circumstances, road authorities including local councils are able to deal with access applications within the prescribed 28-day period by issuing an approval, a decline, or seek an extension of time for up to 6 months to enable a more thorough technical route assessment to be conducted. e.g. for a vulnerable bridge structure or third party consultation for the requested route.

It is recognised however that there is a deficiency in the current HVNL that does not adequately deal with applications where road managers have simply not responded to an access request; these cases remain in an 'expired' state. If a response is not received within the legislated 28 days these should be a 'deemed refusal'. This would allow an applicant to request a review in the normal manner. Currently once an internal review has been completed and the original a decision upheld there is no other mechanism to take it to the next step. We believe an appropriate review mechanism where an access decision is not made after 28-days and the case has expired should be added to the HVNL to include a 'fix' to incentivise road authority action in this area. This review process could also be used for 'normal' reviews of decisions.

This review process could include the following features:

- Reviews would be dealt with by an independent "review panel" including appropriately qualified engineering personnel and a council member if there was no decision provided.
- A review panel would be triggered by:
 - i. Normal reviews by an applicant against a road manager decision or,
 - ii. Automatically by 'deemed refusals' (i.e. where an access application has not been responded to by a road manager within 28 days).
- Reviews against road manager decisions could only be made on the basis of administrative processes. Reviews against deemed refusals would involve a technical assessment of the access application, on the basis that such an assessment has not been undertaken by the road authority.
- A 'normal' review process would involve an application fee to ensure only genuine reviews are progressed. Reviews against deemed refusals would not require an application fee.
- Separate purpose review panels would be set up in each jurisdiction. Attempting to use existing review bodies is seen as a less effective approach as this is adding to the workload of these bodies which also don't possess the requisite expert knowledge.

Such a review mechanism may encourage greater cooperation between industry, regulator and road authorities without reducing the role or responsibilities of the road authority, as the final decision remains with them as the asset owner. Councils have raised the issue of liability for decisions that an independent review panel makes – this aspect would need to be considered as part of any changes to the HVNL in this area.

The NTC is encouraged to investigate opportunities for adopting an external review mechanism that takes into account the different process that occur from state to state. Consideration should also be given to developing supporting material for local applications of an external review panel.

Consideration:

- The current 28-day period for approvals is adequate in most cases.
- The HVNL already allows for review of access decisions, however, a review should be available in circumstances where no decision has been made at all.
- A 'deemed refusal' is automatically triggered after a road manager has not made a decision within 28-days. This is then reviewable by an independent "review panel"
- Decisions from the 'review panel' are remitted back to the road manager; who confirm the decision of the review panel.
- The regulator's role remains to facilitate the decision making process and to assist/encourage dialogue between operators and road managers.

The Use of Telematics

Telematics provides road managers with increased data on heavy vehicle usage on their road networks, assisting them to make better informed access decisions. This is achieved through aligning access with sharing telematics data in a de-identified, aggregated manner under an appropriate governance framework. It provides road managers with greater visibility of heavy vehicle usage of their roads, and also supports them in making decisions about infrastructure investment, road maintenance and network management to enable improved customer and community outcomes.

Consultation with the heavy vehicle industry has identified a willingness to share their telematics data within an appropriate governance framework to support improved access outcomes. It has also been identified that the market for monitoring of heavy vehicle mass is less sophisticated at this point in time with a range of mass monitoring systems used by industry, such as load sensors and weighbridges.

The only form of telematics recognised under the current HVNL is the Intelligent Access Program (IAP). There is a role for IAP in monitoring higher risk forms of heavy vehicle access because of its higher level of compliance assurance. New telematics applications have been developed by Transport Certification Australia (TCA) including IAP Lite and the Road Infrastructure Management (RIM) application which are designed for different purposes; that is network and asset management.

TfNSW recommends that the HVNL recognises the greater role that telematics can play in supporting improved heavy vehicle access decision-making while also being agnostic on the form of telematics to recognise the emergence of the new telematics applications. Consideration should be given to how the use of telematics can be broadened through a new HVNL. A similar approach should also be adopted for mass monitoring systems.

In June 2018 TfNSW hosted a telematics workshop for government agencies and industry groups to co-design approaches to improving heavy vehicle productivity while protecting

vulnerable assets on the NSW road network. This could be trialled in NSW to inform the national reforms. NSW is currently working with industry partners the National Heavy Vehicle Regulator (NHVR) and Transport Certification Australia (TCA) to progress some key projects. These include:

- Freight Data Sharing Platform and Freight Optimisation Trial, using freight operator telematics data to better assess the impact of heavy vehicles on the transport network, manage vulnerable assets, inform transport planning and assist congestion management
- Heavy Vehicle Routing Trial aimed to include live turn-by-turn electronic routing guidance.
- Live Permit Data in Trucks Trial to improve compliance and to potentially simplify permit information provided to drivers by enabling a transport operator to access permit data and the supporting information in real (or near real) time while on-board the vehicle.

Consideration:

- The HVNL should contemplate that industry are willing to share telematics data with an appropriate governance framework in support for improved access outcomes.
- The HVNL should remain silent on a specific type of telematics to be used. This is to recognise the emergence of new telematics applications.
- Trials in NSW may be able to better inform the NHVR on how telematics may be used to improve access.

Performance Based Standards Vehicles

PBS vehicles are considered to be the future of the road freight task and need to be better considered in the HVNL and associated approval processes. TfNSW recommends the approach it has taken in developing a NSW Access Policy Framework to focus on providing access for modern higher productivity PBS vehicles.

There are 4 main issues hindering PBS access at present

1. The PBS approval process is unnecessarily cumbersome.

The strict PBS process involves certifying designs and then accrediting vehicles before they are allowed on the road. Now that the scheme is over a decade old this can be reformed to take advantage of concept approvals and manufacturers certification so that the vehicles can be bought "off the shelf". The access process could also be improved so that an operator only needs to obtain access approval once for a PBS vehicle rather than twice at present for an In-Principle Support application and again, once the vehicle is built for an access permit. This should be integrated into the vehicle design process.

2. There is not ready access to suitable networks for PBS Vehicles.

Current efforts to create as of right networks for PBS vehicles have been based on the approach for prescriptive vehicles using the 'A' and 'B' categorisation for each of the PBS levels rather than designing a purpose built approach. This would involve:

- a) Identifying an access policy framework based on the key freight tasks. Access would focus on similar vehicles carrying out the same freight task. Different purpose built networks would be developed for different freight tasks so that suitable networks could be as extensive as possible.
- b) Developing new access guidelines focused on each PBS without using arbitrary length limits. Under the current framework, a Level 2B PBS vehicle cannot exceed 30 metres from an access point of view. It is apparent that vehicles designed to meet the Level 2 standards could safely exceed this limit (such as 32 metres). Therefore it is recommended that vehicles be categorised in their ability to meet the PBS standards (e.g. Level 2 or 3) rather than also including length. TfNSW recommends the PBS length limits (i.e. 'A' and 'B' classifications) be removed to facilitate increased innovation by industry to develop safer and more productive vehicles that meet the PBS standards. Given the lack of understanding about these vehicles, it is suggested that a coordinated NHVR communications strategy is implemented to explain to road managers and operators the nature of PBS vehicles and the basis for the new approach. This would guide road managers in provided appropriate access for them.

3. Bridge impacts have not been articulated to road managers.

PBS vehicles meeting the Tier 1 bridge assessment can be granted immediate access to suitable "geometric" networks. However, those that require a Tier 3 assessment will require special bridge assessments and are generally unsuited to being given an "as of right" network. This difference has not been clearly articulated to local government road managers or to industry. PBS Tier 3 vehicles are becoming increasingly popular due to their ability to carry increased payload and a key focus should be on grouping common types of PBS Tier 3 vehicles to develop "as of right"

access networks. These by their very nature will be different to the geometric networks discussed above.

4. Now the scheme has matured there is a need to modify it to deal with aging vehicles and changes to the PBS standards.

While PBS heavy vehicles are relatively young, on average 3.5 years old, the HVNL does not have a decommissioning process for a PBS vehicle at the end of its useful life or when a PBS vehicle is broken down and assembled in a new combination. The standards that are applicable to a PBS vehicle are set on a point-in-time basis and there is a significant opportunity to increase standards for PBS vehicles through setting forward-looking standards to be applied from a future point-in-time. This will future-proof the PBS scheme to accommodate advances in technology and vehicle design to ensure that PBS vehicles are modern, safer and more productive than similar prescriptive vehicles.

Consideration:

- PBS vehicles should be better recognised in the HVNL.
- The HVNL can take advantage of more concept approvals so PBS vehicles can be bought "off the shelf"; removing the need for two approvals.
- The HVNL should consider removing arbitrary length limits from the PBS guidelines; rather vehicles to be categorised by their ability to meet the PBS standards.
- Greater articulation required to local government road managers and industry regarding bridge impacts and as of right access.
- A decommissioning process for PBS vehicles is required.

Cumulative Impact of Heavy Vehicle Movements

The NSW Heavy Vehicle Access Policy Framework supports High Productivity Vehicle access on NSW Roads - moving more with less. The best combination to service a particular freight task will be the one with the least **cumulative** impact, rather than the one with the lowest individual impact. For example, a higher productivity vehicle that can carry out the freight task with a fewer number of trips can result in less pavement wear, increased safety benefits, lower pollution and congestion impacts. (It is recognised that cumulative movements of agricultural vehicles and mobile cranes may in certain circumstances have different impacts.)

Feedback to TfNSW is that councils have concerns about the cumulative impacts of heavy vehicle movements when assessing access applications on local roads. That is, road asset impacts include consideration of the vehicle characteristics and the overall volume of heavy vehicle movements along a particular road/route.

In some cases, to have some visibility of the heavy vehicle access and cumulative impacts on their roads, councils would prefer to issue individual permits to manage the numbers of operators/vehicles that have access. Alternatively they use a "pre-approval" of a vehicle on a particular route, so that the NHVR notifies the council each time a permit is issued. Once a route is gazetted, the road manager's ability to monitor and have knowledge of vehicles using the route, and therefore roughly estimate changes to volumes, is no longer possible.

However, these road manager considerations are not currently contemplated in the HVNL. A potential weakness in the current approach to HV access is that it focuses on the

suitability for a single vehicle making a single trip. It's then assumed that any number of trips by similar vehicles will be suitable. However, the reality is that many vehicles are being used to carry out a specific 'freight task', moving between particular freight centres.

A holistic view which enables road managers to have visibility of the freight demand and the optimal approach to enable freight movement on the network may support access decisions and ultimately improve access for heavy vehicles (and higher productivity vehicles).

In discussions with industry, TfNSW notes a willingness to supply information to road managers to inform and support access decisions, noting that individual data may be commercial in confidence.

TfNSW recommends that the NTC explores options to address this issue by improving information that is given to the road manager, with the potential of developing educational, system and supporting regulatory tools. For example, the assessment material used in making access decisions could be updated to provide for the use of this information. It is further recommended that consideration be given to operators providing details of the total 'freight task' they are intending to carry out so that the cumulative impact can be assessed. It is also recommended that when a road manager determines that a route is unsuitable on the basis of amenity that where possible the road manager nominates an alternative route.

The information that can be gathered through the use of anonymised disaggregated heavy vehicle data can make a substantial contribution to such an analysis, particularly by road managers looking to optimise the movement of freight through particular areas. Such an approach dovetails with the delineation of heavy vehicle networks to meet specific freight tasks.

Consideration:

- Access decisions should be made with regard to the cumulative impact of the journey. The best combination to service a freight task is the one with the lowest cumulative impact, rather than the one with the lowest individual impact.
- High productivity vehicles can carry out the freight tasks with fewer number of trips resulting in less wear etc.
- The NTC may consider improving the information that is given to road managers so that road managers may assess the cumulative impact of an access decision.

Public Amenity and Community

Many local communities, especially in urban contexts, have concerns about the effect increased numbers, dimensions and mass of heavy vehicles will have on their area, particularly regarding Local Road safety and amenity. This community concern may not reflect the benefits of modern and safe PBS vehicles.

The HVNL objects include facilitating and regulating heavy vehicles in a way that "manages the impact of heavy vehicles on the environment, road infrastructure and public amenity". However, "public amenity" is not defined in the HVNL.

It is evident that when the Act was considered, public amenity was to capture a range of potential impacts of heavy vehicle movements on the surrounding population. This is due to the inevitable conflict between the movement of heavy vehicles through the places where people travel and live. When considering granting access, public amenity by road managers

appear to attend to a range of factors such as noise, emissions, road congestion or dust imposing adverse effects on the community.

However, to date, there has not been a clear definition of public amenity. As road environments vary, the definition of amenity has become rather elusive. However, it is clearly an important consideration for many members of the community, particularly in inner city areas.

This is reinforced by the development of the Movement and Place approach to transport planning based on the Australian Transport Planning and Assessment Guidelines. Planning in transport requires the need to balance a range of competing needs, including those of customers, local communities, regional and State economies and the environment.

The NSW Government's Future Transport Strategy acknowledges that the challenges and opportunities of projected population growth mean that networks will need to handle double the current metropolitan freight loads in NSW.⁵ Aligning how we plan the future of the transport network with how we plan land use is critical, and the Strategy focuses on the role of transport in delivering movement and place outcomes that support the character of the places and communities we want for the future – to ensure the productivity, liveability and sustainability of our communities.

TfNSW recommends that the NTC works on defining amenity to support road manager decisions and to help to build community confidence and support in access decisionmaking. A definition of public amenity needs to consider the cumulative impact of expected movements on congestion, safety, noise and air emissions, within the context of movement and place planning. The necessity of the freight task to service the community (and businesses) also needs to be recognised. If the freight task itself is a given, then it follows that access decisions need to take into account total number of vehicle movements associated with a particular freight task rather than the impact of a single heavy vehicle movement. Viewing amenity in this way would enable a clear comparison of the impacts of higher productivity vehicles with a larger number of movements of general access freight vehicles. More detailed consideration of the demands of the freight task (e.g. time of day) would also help road managers to develop improved travel conditions designed to reduce unnecessary impacts or conflicts of road use.

NTC is well placed to research how best to improve the consideration of public amenity to ensure the liveability of local communities while introducing greater efficiencies into the road freight task.

It should be possible to develop suitable thresholds for cumulative impacts in terms of these considerations for different road environments. Such an approach could be readily incorporated in tools like the web based RAV RAT (Restricted Access Vehicle Route Assessment Tool developed for Local Government) to provide an evidence based approach to dealing with this issue.

This approach is also likely to encourage greater community discussion and understanding of the role of heavy vehicles moving through their communities. A better balance could be achieved between freight operators and communities that movements are occurring through.

⁵ NSW Government's 40 year Future Transport Strategy, Future Transport 2056. <u>https://future.transport.nsw.gov.au/plans/future-transport-strategy</u>

Consideration:

- Public amenity is not well defined in the NHVL, TfNSW considers amenity to include the cumulative impact of access decisions, safety, noise and air emissions within the context of movement and place planning.
- The Movement and Place approach to transport planning offers potential in this regard.
- Better guidance of the definition of amenity would support road managers making access decisions and build community confidence and support in access decision making.
- Applications such as RAV RAT may help provide evidence based data for access decisions that require an assessment of amenity.

Clarification on the Definition of Road Managers and Road Manager Decision-Making

The HVNL could be improved to provide clearer roles and responsibilities for the key parties involved in the access decision-making process. This is important for ensuring that each party focuses on the relevant risks and there is no duplication of roles. In doing so it needs be clarified that access decisions are made by road managers. There appears to be some confusion over this at present.

The HVNL must assert the role of road managers to ultimately determine access to their road networks. In this context, it should also emphasise the role of the NHVR to facilitate this decision-making process, not to replace or diminish the road manger's role.

Clarification of the definition of 'road managers' is also required to cover third parties, such as Rail Infrastructure Managers who may manage key road infrastructure pinch-points such as bridges or level crossings, so they can be properly integrated into the approval process.

The current HVNL differentiates between a road manager and a third party, who a road manager must consult with if required under another law such as a Rail Infrastructure Manager under the Rail Safety National Law. A road manager is subject to the statutory timeframes and decision-making processes of the HVNL while a third party is not as they sit outside of the HVNL access decision-making process. This can impact on decision-making times of a road manager as consent or refusal may not be provided by a road manager until consultation with a third party has been completed which may exceed the statutory 28-day period. TfNSW recommends the HVNL broaden the definition of a road manager to include an entity that is responsible for managing or maintaining road infrastructure. This would provide increased transparency, clarity and accountability in the heavy vehicle access decision-making process.

The HVNL enables a road manager to grant consent, grant consent with conditions or refuse consent. It is recommended that improvements be made to the HVNL to clarify the application of conditions and the circumstances in which a refusal can be granted by a road manager. The HVNL currently enables a road manager to impose a road or travel condition as part of road manager consent as well as asking the Regulator to impose a vehicle condition on an access authorisation. The definition of a road condition and vehicle condition are sufficiently broad and overlap to an extent to cause ambiguity as to the ability of the Regulator and a road manager to impose a condition. TfNSW recommends that the

condition definitions be reviewed to provide increased clarity and the role of the Regulatory and road manager in being able to impose a condition to be reviewed.

If a road manager is unable to grant consent with or without conditions, the HVNL enables a road manager to refuse a road manager a consent request. The circumstances in which a refusal can be granted by a road manager are broad and the reasons for refusing a decision can lack supporting reasons to inform the Regulator and the applicant the grounds upon which access is refused. It is recommended that the refusal process is reviewed to support evidence-based reasons for refusals that are commensurate to the identified risks.

Consideration:

- The HVNL must assert the role of road managers to determine access to their road networks, and emphasise the role of the NHVR to facilitate this decision-making process, not to replace or diminish the road manger's role.
- There is confusion regarding the definition, roles & responsibilities of a road manager. TfNSW considers that the definition of road manager could be broadened to include entities that are responsible for managing or maintaining road infrastructure
- The definition of 'road conditions' be better defined to increase clarity and the role of regulatory/road managers who are able to impose 'road conditions'
- The regulator's role is to facilitate access decision making processes and assist/encourage dialogue between operators and regulators. It remains the responsibility of the road manager to make access decisions.

Tiered Access Approach

TfNSW recognises that general access is preferred and industry has expressed a view that exceptions to access would be helpful.

In light of this, the NTC could broadly investigate whether the current two categories of access, 'restricted access' and 'general access', should be expanded. For example, a third category of access – 'access by exclusion.' may facilitate improved access to the network while focusing road manager decision-making on the areas of greatest risk. TfNSW encourages the NTC to undertake an assessment of creating a third category of access and determine whether this solution has any practical impact on safety and productivity as well as the mechanism by which it could be implemented.

An example is given below of a broad approach that could be further developed and considered.

Tier 1: General access – access to all roads

General access provides access on all roads, subject to sign-posted limits and restrictions for general access vehicles up to 2.5 metres wide, 4.3 metres high, 20.0 metres long and 42.5 tonnes. The NTC is encouraged to review if general access could be expanded to include:

- 19m B-doubles and prescriptive truck and dog combinations up to 50.5 tonnes; and
- PBS Level 1 vehicles up to 50.5 tonnes.

These additional vehicles are recognised as being comparable to general access vehicles and they comply with the Bridge Formula to mitigate their impact on road infrastructure from the additional mass. Access is currently facilitated for these vehicles under notice.

Tier 2: Access by exclusion - access provided subject to identified restrictions

Access by exclusion would provide a new tier of heavy vehicle access by applying a riskbased approach to considering access for suitable types of heavy vehicles to focus road manager decision-making on the greatest risk on their roads. Under this approach, access by exclusion would enable access to be provided on all roads or all roads of a particular classification for suitable categories of heavy vehicles subject to any restrictions on a specific road or structure identified by a road manager. The restrictions identified by a road manager could be displayed on an interactive map. The types of categories of heavy vehicles that could be considered include:

- PBS Level 2 vehicles on state and regional roads;
- Class 1 special purpose vehicles up to 40 tonnes on all roads; and
- Controlled Access Buses up to 14.5 metres long on all roads.

This risk-based approach to considering access for suitable types of heavy vehicles would enable road manager decision-making to be focused on the areas of greatest risk by considering parts of the road network that are unsuitable because of network constraints, such as a bridge with an unsuitable load rating or a narrow road with unsuitable land widths.

A similar approach has been recently used by the NHVR to developing the network for the National Agricultural Vehicle Notice with road managers. Road managers identified restrictions, such as dimension restrictions on specific roads and structures, to exclude

access on specific parts of their road network. A total of 97 out of 142 road managers in NSW have identified network exclusions as at June 2019.

Tier 3: Restricted access - roads to be approved by a road manager

Restricted access provides access for restricted access vehicles on each road that is approved by a road manager subject to any conditions or restricted applied by a road manager. Access is provided by way of an access authorisation in terms of an access permit or notice.

Consideration could also be given to reviewing the current classes of vehicles. Vehicle classification makes it possible to group similar vehicles carrying out similar tasks to make the assessment process easier.

While this has been done quite successfully for Class 2 vehicles this approach hasn't been properly followed for Class 1 vehicles. This is an issue that was highlighted by the recent review of OSOM approvals, which suggested the use of envelopes to help simplify the OSOM decision making process. There is considerable potential for considering such an approach as outlined above.

Clearly there a significant differences between the use of agricultural equipment at harvest times involving short distances on road compared with moving mining equipment across the continent. Similarly the range of OSOM movements range from very large and heavy equipment to freight like swimming pools or pipes that occupy a much smaller envelope. NSW has employed an envelope type approach in how it handles its OSOM permit load.

Special Purpose Vehicles like cranes also fall into a different category given the different nature of their use and dimensions.

Consideration:

- The NTC should consider whether the current two categories of access 'restricted access', and 'general access' should be expanded to include a third category of access; 'opt-out access'
- TfNSW considers access by exclusion to be a risk-based approach; classifying all roads of a particular classification to be suitable to categories of vehicle subject to restriction on a specific road or structure identified by a road manager.
- Access by exclusion restrictions may be identified on interactive maps
- Similar vehicles carrying out similar tasks should be classed the same. This is an issue for class 1 vehicles. The use of envelopes may simplify OSOM decision making.

Attachment A – Responses to specific questions raised by NTC

1. Why do access decision timeframes vary so significantly? To what extent does the HVNL cause or allow access decision delays?

The development of access networks which are supported by notices to provide 'as-of-right' removes the need for a road manager to consider access on a case-by-case basis under the access permit process for roads which have been approved by a road manager for a network. A road manager continues to retain the ability to remove access of a network, if needed, in responses to issues that may arise, such as a change in the condition of a bridge. There is a need to continue to develop access networks across more types of heavy vehicles to further reduce the need for access permits.

A risk-based approach to access for heavy vehicles enables a road manager to use their resources to consider access for heavy vehicles that are of higher risk or travelling on a higher risk road. A greater focus on higher risk access applications may require more time and resources to consider and assess these types of applications. Key factors which can contribute to the time taken to make an access decision can include the need for the following:

- A bridge assessment;
- Third party consultation, such as a Rail Infrastructure Manager; and
- A road assessment, which can include a swept path assessment, a desktop assessment of the route or a physical inspection of the route.

Two key issues with the HVNL covered in this response, which can contribute to longer timeframes for access decision delays are:

- The timeframes for a road manager consultation with a third party, such as a Rail Infrastructure Manager, are not covered under the HVNL. This can lead to consultation exceeding the 28-day statutory timeframes for a road manager which can contribute to a longer access decision. TfNSW has recommended that third parties that maintain or manage road infrastructure be recognised as road managers and subject to the access decision-making processes of the HVNL.
- 2. For an access decision that exceeds the 28-day statutory timeframe, there is no requirement under the HVNL for a road manager to provide an access decision or seek an extension of time to undertake a route assessment. Consent is neither treated as granted or refused. This may lead to a road manager not responding to an access application.

Any changes to the HVNL could be complimented with improvements to operational processes, business rules and systems as well as road manager support access-decision. This may lead to improvements in the timeframes for determining a given application. An example of an operational process improvement that could be made is providing road managers with the ability to recommend an alternative route on their road network rather than having to refuse the application for the requested route. It is also worth noting that ultimately the decision to grant or refuse access will be made based on the suitability of the vehicle to operate on the requested route.

Permit times are a function of the access decision-making process; about how well it's being implemented and the complexity of the approval being sought. For example does the mass of the vehicle being applied for put at risk bridges on the proposed route or will traffic

management plans be required to enable sections of the route to enable the vehicle to pass? More time will be required to assess such proposals. HVNL facilitates the decision making process which determines how long approvals take.

The aim should be to make decisions as quickly as possible, where they are required (e.g. access not already covered under a notice). However, given the different complexity of decisions, the "correct" time varies from application to application.

2. Most road managers can grant consent within seven days. Given this is the case, should we reduce the 28-day timeframe currently in the HVNL? Should we introduce a mechanism to deal with a nil response?

The current 28-day statutory review process appears to be appropriate to cover difficult, high risk applications, noting that the aim should be to minimise the number of permits that need to be issued.

Feedback from Local Government is that applications not involving bridges can be carried out within 10 days, while bridge assessments take much longer. Where operators work with councils and provide all the necessary information in their applications, approvals can be issued within hours. These are essentially process issues and are best addressed through improving the assessment process by better supporting road managers.

It is more accurate to say that where consent only requires the geometric fit of a vehicle on a network, which can be done using a desktop analysis, the consent can be granted within 7 days. However if a bridge assessment is required and/or approval from a third party such as a rail infrastructure manager then the 7 day period will be exceeded.

If 7 days is to be written into the law then a mechanism will be needed to allow for these other critical assessments which will take longer. Consideration could be given to introducing a stop the clock mechanism so the 7 days would allow a consistent period of time once all the necessary information is available to the road manager. Another alternative would be to require operators to provide this information when making an application as occurs under land use planning law, such as the NSW Environmental Planning and Assessment Act. Again the principle would be allowing 7 days for consideration of the application after all the relevant information is available.

It is a gap in the law at the moment that it is silent on what happens after the 28 days has expired without an access decision. This can be readily dealt with by assuming a deemed refusal and allowing an external review of the decision, as occurs under NSW land use planning law.

A decision to reduce the decision making time would complicate such an approach as it would increase the number of refusals if insufficient time was allowed.

There should be greater utilisation of as-of-right access and notices for more routine, lower risk heavy vehicles that are typically quicker to review and make an access decision for. This will allow road manager more resources to assess higher risk and more complex access applications under access permit that require increased time because of the need for route assessments, such as bridge and road assessments, to determine the suitability of the heavy vehicle on the requested roads. It would also more effectively address the concerns industry has about the timeliness of access decision making.

3. Is vehicle classification useful? Does the new HVNL need a vehicle classification system and, if so, should it be different from the current system?

Access approval for heavy vehicles is a complex task given the large variety of freight vehicles servicing an ever changing and growing freight task using a wide variety of freight infrastructure. Vehicle classification makes it possible to group similar vehicles carrying out similar tasks to make the assessment process easier.

While this has been done quite successfully for Class 2 vehicles this approach hasn't been properly followed for Class 1 vehicles. This is an issue that was highlighted by the recent review of OSOM approvals, which suggested the use of envelopes to help simplify the OSOM decision making process. There is considerable potential for considering such an approach as outlined above.

Clearly there a significant differences between the use of agricultural equipment at harvest times involving short distances on road, compared with moving large mining equipment across the continent. Similarly the range of OSOM movements range from very large and heavy equipment to freight like swimming pools or pipes that occupy a much smaller envelope. NSW has employed an envelope type approach in how it handles its OSOM permit load.

Special Purpose Vehicles like cranes also fall into a different category given the different nature of their use and dimensions.

This issue is covered in the submission above where recommendations are made for the better integration of PBS vehicles into the decision-making process and a suggestion for consideration of a 3 tier approval system.

The key to developing such an approach is not to make envelopes too big or try to cover too diverse a range of freight movements. This is because access is determined by the critical dimension which may not be an issue for many movements in a too encompassing envelope.

4. What are the challenges road managers face under the HVNL access decisionmaking framework? Which road managers do it well, and why? Why are some road managers struggling with access?

The answer to better decision making is having access to all the relevant information. Thus the challenges facing road managers depend on their expertise, their resources, the information that is available to them and the nature of their road network. These are issues that need to be addressed in turn and clearly vary between jurisdictions and different local government authorities and also relate to the information provided by operators and the NHVR.

- a) By a clear outline of the assess decision making process. As noted in the OSOM review access decision making has been hampered by the withdrawal of clear guidelines outlining the decision making process.
- b) By looking at how to strengthen the process by providing improved support such as expertise at a regional level to councils so they have a similar skill level to jurisdictions.
- c) By road managers working collectively at a regional level to develop strategic access frameworks and networks to provide as of right access on key freight

routes to the most appropriate combinations. This would greatly reduce the burden being placed on road managers.

d) By operators who understand their vehicles better providing better information to inform decision makers without forcing them to "reinvent the wheel".

Key challenges also include:

- Growth in PBS Tier 3 vehicles which require individual, unique assessments, in particular to determine their impact on road infrastructure.
- Clearly defined roles and responsibilities for the Regulator, road managers and third parties.
- Lower risk access permits progressively being transferred into access notices. This leaves higher risk and more complex access applications which require more detailed assessments which can take more time.

5. Should the law allow for external review of access decisions?

A major weakness with the law at the moment is the lack of the ability to review cases where no decision is made. It is suggested that external review should be permitted to consider these cases. There is value in allowing for a panel to be able to review how well the process has been followed by a road manager. The decision should then be referred back to the road manager for further consideration.

- a) Where an interested party wishes to have an external review of a road manager decision TfNSW suggests that an administrative review be conducted by an independent panel. Such a review will consider whether the road manager has followed the access process as recommended. The panel would make recommendations to the road manager for their final determination.
- b) In the case of a nil response by a road manager, an interested party could seek an external review on the basis that the road manager was not in a position to determine the application. The relevant road manager would be an involved party to the external review and would be able to make submissions to the panel. The panel would make a decision in place of the road manager.

The actual systems and processes may vary from jurisdiction to jurisdiction depending on local administrative review mechanisms.

In terms of covering the costs of such a review it is suggested that operators pay a fee for a review of a decision. However, fees should be waived in cases where the road manager has failed to make a decision within the specified timeframe.

It would be inappropriate to have merits based review of road manager decisions as it would not be possible to find a panel to cover all the factors a road manager needs to consider and the liability for decisions rests with the road manager.

6. Have we covered the issues with access under the current HVNL accurately and comprehensively? If not, what else should we consider?

The focus of the paper has been on individual permits for individual trips. A superior approach is now possible involving developing access frameworks and freight networks which can be used to provide as of right access on the most suitable roads through their recognition in notices. Such an approach would eliminate most of the problems raised. It can be further strengthened with the use of telematics and web-based Route Assessment Tools which offer the potential to result in transparent better informed and speedier decision-making.

Transport for NSW has worked collaboratively with the National Heavy Vehicle Regulator, to identify and implement Notices to reduce access permit volumes since 2014. This has included implementation of the following Notices in NSW that have reduced access permit volumes on state and council road networks:

Notice	Access permit reduction on state roads	Local council participation in Notice
Multi-State Class 1 Load	11,400	0*
Carrying Vehicle Notice 2016		
National Class 1 Special	800	17
Purpose Vehicle Notice 2016		
National Class 2 PBS Level	400	64
1 and 2A Truck and Dog		
Trailer Authorisation Notice		
2016		
National Class 1 Agricultural	241	97
Vehicle Notice 2019		
NSW Class 3 Platform	514	10**
Container Exemption Notice		
2018		

* A road manager consent process with local councils for publication of the Notice.

**Only a limited road manager consent process was undertaken with local councils for publication of the Notice.

The introduction of Notices has removed approximately 13,355 access permits on the state road network in NSW. Key issues have been:

- The level of participation by local councils has been varied across Notices which can impact on network connectivity and continue to require operators to obtain access permits for first and last mile access.
- Efforts to harmonise have delivered mix results across jurisdictions and road managers.

The introduction of Notices has typically removed more routine, lower risk access permits that are quicker to review and make an access decision on as a road manager. This typically leaves access permits that require more complex, detailed assessments and typically require more time to make an access decision. In the 12 months to October 2018, Transport for NSW as the road manager for the state road network made 12,536 access decisions. This comprised 10,294 access decisions for Class 1 and 3 OSOM heavy vehicles and 2,242 access decisions for Class 2 heavy vehicles.

7. How can the new HVNL work, most likely with other reforms, to best support optimised use of our transport assets and vehicles?

Please see the answer to the previous question (Q.6), about creating networks supported by the use of new telematics approaches; to track anonymised vehicle movements providing the ability to develop and properly maintain freight networks. The process can be built into web-based route assessment tools, which incorporating expert systems, can provide all the relevant information needed by the decision maker. Further, this means that decisions can be properly recorded for review, or for ensuring consistency with subsequent decisions. Availability of this information would also support the role of the NHVR by updating them on the suitability for heavy vehicle use on different parts of the road network.

An integral part of the new approach suggested is to focus on the cumulative impact of carrying out freight tasks rather than considering a single vehicle carrying out a single task. Using this new approach will lead to improved outcomes for the whole community including increased productivity and safety and reduced environmental and infrastructure impacts.

A network approach, linked to providing better access for PBS vehicles, provides the best opportunity to provide the access needed and link it to prioritised infrastructure investment. This emphasises the need to think about the cumulative movement of the freight task, not individual vehicle movements.

8. How can the new HVNL expand as-of-right access and generalise access authorisations? Can we remove time limits for notices, for example?

Again as outlined previously the answer to expanding as of right access is the pro-active approach outlined above in establishing 'road networks' according to strategic freight access frameworks. Such approaches provide an ability to continually monitor and expand as of right networks.

The period of notices is irrelevant as they tend to roll over automatically and the systemic approach proposed above provides for continual review and updating of networks, as now permitted by modern technology.

It should be noted that it is a legal principle to reduce red tape to review legal instruments every 5 years. It is, however, recommended that increased flexibility is provided in the process used in amending or changing notices in a way that does not adversely impact upon road managers. For example, re-publication of the National B-double Notice in NSW when the only change to the content of the Notice was to amend the Bridge Formula to increase minimum axle spacing in a way that better protected road infrastructure. This required the NHVR to seek full 28-day road manager consent of all road managers in NSW to reapprove existing access networks which required a substantial allocation of resources from the Regulator and road managers for no change in access networks.

9. Do we have the right tools to implement access decisions? How can we modernise the tools for access authorisations?

The existence of the right tools is a process and systems question rather than a legal question. As argued our preferred approach is to clearly define the process through guidelines and put in place system involving all key parties to continually improve the process using technological innovations and the development of new assessment approaches. New telematics approaches and the development of particularly the NHVR Portal, the RAVRAT for Local Government, and enhanced industry-sourced telematics data on heavy vehicle usage on their road networks enables technology to make significant improvements to the quality of decision-making and to ensure consistency between the decisions of different road managers. These are best accommodated through the continual improvement of the decision-making process, and its supporting tools, rather than limiting it to what is specified in the law. Of particular value would be developing improved approaches and information about the capacity of bridges to accommodate the masses (and their distribution) in modern higher productivity vehicles.

10. How can the new HVNL accelerate access decisions? Is a proactive approach possible?

The purpose of the NSW submission has been to outline how proactive approaches can be taken to improve access decisions under the HVNL; allowing the HVNL to support development of proactive processes and fostering a culture of continual improvement. This is the approach typically taken in the 'Land Use planning law' which uses guidelines and development control principles to guide improved decision-making. The strength of such a process relies on the resources invested by all parties involved in the decision. Note the existence of such support materials sets out the (continually improving) standards would be used to review decisions.

Such a process is suggested above in the TfNSW submission.

11. How should the new HVNL implement access decision-making? Should it specify process and roles? What role is there for the operator? What improvements to access decision-making can be made?

As has already been stated there is a well-recognised need to reissue an improved set of guidelines about the process. It would be a mistake to outline the process in the law as this would lock it into place and make it by definition almost immediately outdated. Rather it should facilitate preparation best practice processes, their use and their continual review and reform.

TfNSW would expect a greater role for operators in decisions through improved communication and sharing of data between operators and decision makers. This could include operators providing improved information about their vehicle and proposed freight task to the road manager. This role should be captured in the upgraded guidelines.

Consideration can also be given to improving processes involving the NHVR. A current weakness is the lack of case managers in the NHVR compared to decisions that are processed by jurisdictions. Councils have reported that their ability to talk to operators, to identify the mutually best access for specific freight tasks has led to improved decision-making. At the moment some applications have to be rejected before they can be reconsidered.

As outlined, there is a need for increased clarity in terms of roles and responsibilities of the Regulator and road managers in the access decision-making process. The role of third

parties such as Rail Infrastructure Managers should be better considered as this currently can introduce significant delays in approval times as these parties are not governed by time limits at the moment.

12. How do we reach consistent and predictable risk-based access decision-making? How can we make sure decision-making is transparent and fair?

A consistent and predictable risk-based access decision-making process will be achieved by following a common process and system that uses common information and approaches in a consistent manner. This can be achieved by issuing improved assessment guidelines that outline how to carry out the risk-based decision making process. This could be incorporated into a web-based tool, such as the RAV RAT which is built around existing guidelines.

The second necessary element is using this approach in a coordinated fashion to develop Access Frameworks and regional freight networks which obviate the need to use permits. Facilitating and resourcing the same process with the involvement of all parties is the guarantee to encourage transparency and fairness.

Adding the ability to initiate a process review (see comments on appeals) would allow sufficient checks to ensure the process has been properly followed by a road manager, the right information used and all relevant considerations taken into account.

13. How do we best share the risk management responsibilities between parties with a role in heavy vehicle access?

Risk management rests with the road manager who is responsible for the access decision, but the process would be improved by a collective role involving operators, the NHVR and the public recognising what they can do to improve the quality of the information on which decisions are based. This will allow operators to better understand what factors need to be taken into account, what information they can provide and how they can better align their demands with these factors. There are significant opportunities to improve the trust between the various parties and have them working together rather than in opposition with each other as tends to occur at the moment.

14. How do we manage the accountability of parties with a role in heavy vehicle access?

As explained above the key to managing accountability is to focus on all parties working together to facilitate the decision-making process. This would be assisted by developing improved guidelines for access decisions that display the role of parties in the decision including applicants/operators and the NHVR. Every party will be invested in the outcomes of the process which increases accountability as each knows what their responsibility is for ensuring good outcomes. However it is important that the law relates more clearly to the role of third parties. It is suggested that there role be specifically recognised in the law.