

**POLICY ON
'OPEN ROADS'**

Prepared by: Road and Corridor Use
Road System Operations Branch
Road Safety and System Management Division

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Status

Version	Document Status	Date	Consultation	Tick Box
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V1.3	Endorsed	08/12/2009	Technical Alliance Group (TAG)	✓

POLICY APPROVAL

This policy has been endorsed by:

Policy Owner

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Position Executive Director (Road System Operations) 22/12/09

This policy has been approved by:

General Manager

Name Bruce Ollason 
Position General Manager (Road Safety and System Management) 23/12/09

1 POLICY STATEMENT

The Department of Transport and Main Roads is committed to improving safety and reducing incident related congestion on the road network by expeditiously clearing incidents to restore traffic flow at the earliest possible time through the implementation of Open Roads.

2 APPLICABILITY

The *Traffic Operations (Road Use Management) Act 1995* (part 4C) allows:

- Authorised officers to move or remove, when necessary, abandoned or otherwise stationary vehicles, loads or other things from the road that are causing or likely to cause a hazard or obstruction, whether or not the owner or driver is in attendance, and where the owner or driver is in attendance but is unable or unwilling to move the vehicle or load immediately.
- Authorised officers to immediately dispose of, in appropriate circumstances, loads and other things removed from the road (for example, where the proceeds of the sale of such things would be unlikely to cover the moving and selling expenses).
- The department to recover actual expenses associated in moving and/or removing vehicles, loads and other things from the road and any subsequent storage and disposal costs incurred.
- For authorised officers exercising these powers, or for persons assisting others exercising the powers, an appropriate level of protection from civil liability (where a duty of care is performed) even if it means in certain circumstances causing further damage to the vehicle or cargo.

The legislation applies to all roads, including State-controlled, local government and franchised roads in Queensland.

This 'Open Roads' policy framework is supported by the *Transport Operation (Road Use Management) Act 1995* and should be read in conjunction with the 'Open Roads' Operational Guidelines supporting the various traffic incident management services including traffic response units, motorway breakdown service, and heavy vehicle breakdown response service for quick clearance of abandoned or otherwise stationary vehicles. As well as the heavy vehicle recovery unit to reposition and/or move rolled or damaged trucks and/or loads for the road.

This policy applies to Department of Transport and Main Roads regional staff and contractors or service providers involved in delivering traffic incident management services on behalf of the department.

3 CONTEXT

Traffic incidents that significantly affect traffic flow are occurring more frequently and causing increasing disruption. These incidents result in congestion and delays for road users, reduce the reliability of travel and have safety impacts for incident and emergency responders and the travelling public. Traffic congestion imposes significant costs on the community (including private and commercial motorists) and the environment. The Bureau of Transport and Regional Economic (2006) estimates the cost of congestion in Brisbane to hit \$3.0 billion

in 2020. Some estimates have attributed around 25% of congestion to traffic incidents (FHWA). As vehicle travel increases and peak periods extend, becoming longer and more intense, traffic incidents pose a great risk to the reliable operation of the network. On strategic, high-traffic routes, incidents such as vehicle breakdowns and crashes, while potentially causing physical, financial and emotional trauma, also have the potential to create a multiplier effect where one incident causes congestion often resulting in secondary incidents, which causes further congestion and delays.

Given the impact that traffic incidents and other road blockages have on traffic congestion, there is an overriding public need to quickly and efficiently clear all types of hazards or obstructions from our roads to ensure the roads operate efficiently. However, due consideration needs to take account of other safety and legislative requirements at the incident scene such as Emergency Services management and clean-up of hazardous loads, Police investigations and Transport Inspectors heavy vehicle investigations for certain types of crashes.

Roadways can be cleared of abandoned or otherwise stationary vehicles, cargo or spilled loads and other things as soon as it is safe and practical to do so, where it is causing or likely to cause a hazard or obstruction to other road users. Further, damage to vehicles or loads may occur as a result of clearing the roadway. While reasonable attempts to avoid such damage shall be taken and the owner/driver will be advised and /or consulted where practicable, the highest priority is restoring traffic to normal conditions. The department does not accept liability for damage or loss occurring from executing this policy under the legislation where the authorised officer or persons assisting others exercising the powers have operated responsibly.

The Department of Transport and Main Roads recognises the significance of our partnering agencies and local government with the coordinated approach that must be taken to achieve the road safety and congestion management objectives of this policy. This committed and cooperative approach to traffic incident management in Queensland strengthens the 'Open Roads' policy framework through:

- A multi-agency protocol between the Department of Transport and Main Roads and, Queensland Police relating to Traffic & Road Use Management (December 2003) is currently being reviewed and extended to include Department of Community Safety (Emergency Services)
- A Memorandum of Understanding on Incident Management in Brisbane (February 2003) between Brisbane City Council, Queensland Police Service and the former Department of Main Roads is currently being reviewed and extended to include Department of Community Safety (Emergency Services)
- Incident management coordination working groups, in South East Queensland and some other regions.

4 OBJECTIVES AND BENEFITS

This policy provides the framework and high level objectives of the Queensland Government Priorities and Community Outcomes for Queensland, "Safe and Secure Communities" and aligns with the department's Ministerial Charter of Goals and strategic priorities, including:

- Improve safety of the road environment and manage the impact of urban traffic growth
- Travel efficiency and reliability of the road network

- Drive more efficiency out the major road network through operations and improved incident management.

The overall objectives and benefits of this 'Open Roads' policy are:

- To have a single policy that guides all traffic and incident management services (replacing the Traffic Response Unit, Pushing Immobilised Vehicles on State-controlled Roads and the Quick Clearance of Abandoned Vehicles from State-controlled Roads policies)
- Avoids duplication of effort in updating multiple policies
- Ensuring consistency in meeting government priorities and standards
- Supports the implementation of consistent state-wide multi-agency systems, processes and practices.

The benefits of implementing this 'Open Roads' policy will be:

- Improved road safety for road users and incident responders
- More efficient restoration of normal traffic flow
- Safer incident and traffic management practices
- Efficient operation of the road network
- Reduction in costs to the community resulting from traffic incidents, congestion and delays.

5 CONSULTATION

This policy was developed in consultation with:

- The Department of Transport and Main Roads ITS Technical Reference Group/Traffic Alliance Group, Regions, Road Safety & System Management and Assets & Operations Divisions, Congestion Management Office and RoadTek
- Queensland Police Service
- Department of Community Safety
- Heavy Vehicle Industry - Road Freight Industry Council (RFIC) and Queensland Trucking Association (QTA)
- Insurance industry - National Transport Insurance (NTI) & Suncorp
- Brisbane Incident Management Coordination Group (BIMCG)
- Brisbane City Council
- Ipswich City Council.

6 EVALUATION

Road System Operations branch is responsible for reviewing this policy.

This policy will be reviewed in December 2010 in conjunction with the associated 'Traffic Incident Management Services (TIMS) guidelines.

7 DEFINITIONS

The definitions are for the purpose of this policy and associated guidelines.

Authorised officer – a Department of Transport and Main Roads employee who has the delegated authority to exercise the legislative powers under the *Transport Operations (Road Use Management) Act 1995*, relating to part 4C - Chief executive's powers for vehicles, loads or other things (for full list of departmental authorised officers refer to MR Junction\Legislation Delegations\TORUM legislative delegations\TORUM Act 1995 for PDF attachments - schedule of positions delegated powers and instrument of delegation)

Incident - an occurrence, such as a crash, vehicle breakdown or spilled load, or another unplanned event, road blockage or closure that affects or impedes the normal flow of traffic.

Load – includes any goods, equipment or thing that is carried by, in or on, including being attached to a vehicle or has become separated from the vehicle

Other things – something that is on the road, but which may have no present or past connection with any vehicle

8 REFERENCES

Transport Operations (Road Use Management) Act 1995 part 4C sections 51G – 51P
Transport and Other Legislation Amendment Bill 2008 (Explanatory Notes)
'Open Roads' Operational Guidelines
The Bureau of Transport and Regional Economics (BTRE) research
US Department of Transport - Federal Highway Administration (FHWA)