

INSTRUMENT OF GENERAL APPROVAL
INSTALLATION OF TRAFFIC CONTROL DEVICES
ROAD TRAFFIC ACT (1961) SECTION 17

COMMISSIONER OF HIGHWAYS

APPROVAL FOR THE TEMPORARY USE OF TRAFFIC CONTROL DEVICES BY PERSONS OTHER THAN ROAD AUTHORITIES

REVOCACTION

I, **Michael Francis Deegan, Commissioner of Highways**, delegate of the Minister for Transport and Infrastructure, in accordance with the powers delegated to me in the Minister's Notice, **REVOKE** the previous notice entitled 'Instrument of General Approval, Installation of Traffic Control Devices, *Road Traffic Act (1961)* section 17, Commissioner of Highways – Approval for the temporary use of traffic control devices by persons other than road authorities' dated 7 June 2013.

A. TEMPORARY USE OF TRAFFIC CONTROL DEVICES WHEN UNDERTAKING ROADWORKS

I, **MICHAEL FRANCIS DEEGAN, Commissioner of Highways**, delegate of the Minister for Transport and Infrastructure, grant **GENERAL APPROVAL** pursuant to section 17(3)(a) of the Act to persons to install, display, alter, operate or remove traffic control devices in relation to an area where persons are engaged in work or an area affected by works in progress.

This **GENERAL APPROVAL** is subject to the following conditions:

A.1. Specified Traffic Control Devices

You may only use traffic control devices specified in the *SA Standards for Workzone Traffic Management*.

A.2. Conformity with the legislation.

You must comply with the requirements of the Act and associated Regulations and Rules. This includes adherence to the requirements placed on a public authority at work areas and work sites by Section 20(2) of the Act. You must also comply with the requirements of the *Work Health and Safety Act 2012* and associated Regulations.

For short term low impact works, a public authority or contractor engaged by a public authority, is exempt from section 20(2) of the Act by regulation 19H of the Road Traffic (Miscellaneous) Regulations 1999, provided the

authority or contractor complies with section 8.2 of the *SA Standards for Workzone Traffic Management*.

A.3. Conformity with the Code and the SA Standards for Workzone Traffic Management

You must comply with:

- the Code; and
- the *SA Standards for Workzone Traffic Management*.

Note: Where the works impact on traffic movement on a road under the care, control and management of the Commissioner of Highways, you must obtain a *Notification of Works Impacting DPTI Roads Permit* for approval from DPTI¹.

A.4. Obeying reasonable directions of a police officer

You must obey any reasonable direction of a police officer or emergency worker.

A.5. Training and Accreditation

At all times that a worker is present at an area where persons are engaged in work or an area affected by works in progress, at least one worker must:

- have gained accreditation in the DPTI approved Workzone Traffic Management Training Program; and
- carry a card or certificate certifying accreditation in this course when engaged at a work area or work site; and
- have undertaken re-training in the DPTI approved Work Zone Traffic Management Training Program within the last 3 years.

A.6. Record Keeping and Risk Assessment

You must comply with the *SA Standards for Workzone Traffic Management*.

If carrying out long term works, you must undertake an additional risk assessment at the end of each day. For further information see the *SA Standards for Workzone Traffic Management*.

¹ The process for obtaining a permit can be found in the *SA Standards for Workzone Traffic Management*

B. TEMPORARY USE OF TRAFFIC CONTROL DEVICES WHEN NOT UNDERTAKING ROAD WORKS

I, **MICHAEL FRANCIS DEEGAN, Commissioner of Highways**, delegate of the Minister for Transport and Infrastructure, grant **GENERAL APPROVAL** pursuant to Sections 17(3)(b) and 17(3)(c) of the Act, to any person who is not undertaking roadworks but is undertaking a temporary work activity on a road, to temporarily install, display, alter, operate or remove specified traffic control devices in relation to a part of a road temporarily closed to traffic under this or any other Act, or for any temporary purpose.

This approval only applies if the work activity is *planned* or is *reasonably foreseeable* to occur and will:

- a) obstruct traffic flow; or
- b) occupy a part of the road in which stopping is prohibited.

Note: an example of an obstruction that is reasonably foreseeable or planned but does not involve roadworks includes the use of cranes for assisting in building construction taking place adjacent to a road, or the placement of an RAA vehicle on the road while the RAA patrol driver is engaged in his duties.

This **GENERAL APPROVAL** is subject to the following conditions:

B.1. Specified Traffic Control Devices

You may only use the traffic control devices specified in the *SA Standards for Workzone Traffic Management*.

B.2. Conformity with legislation

You must comply with the requirements of the Act and any Regulations and Rules made under the Act. You must also comply with the requirements of the *Work Health and Safety Act 2012* and associated Regulations.

B.3. Conformity with the Code and the SA Standards for Workzone Traffic Management

You must comply with:

- the Code; and
- the *SA Standards for Workzone Traffic Management*.

as if the references to “roadworks” were references to “a temporary work activity on a road”.

Note: Where the activity impacts on traffic movement on a road under the care, control and management of the Commissioner of Highways, you must

obtain a *Notification of Works Impacting DPTI Roads Permit* for approval from DPTI².

B.4. Parking Controls

Where the obstruction occurs in an area where parking or stopping is not permitted, such as a no stopping zone, clearway, bicycle lane or bus lane, you *must* comply with the applicable parking controls unless you have obtained an exemption from the relevant council or the Commissioner of Highways.

You should plan your activity in such a way that will result in minimal traffic disruptions.

B.5. Obeying reasonable directions of police officer etc.

You *must* obey any reasonable direction of a police officer or emergency worker.

B.6. Training and Accreditation

At all times that a worker is present at an area where persons are engaged in an activity or an area affected by an activity in progress, at least one worker *must*:

- have gained accreditation in the DPTI approved Work Zone Traffic Management Training Program; and
- carry a card or certificate certifying accreditation in this course when engaged at a work area or work site;
- have undertaken re-training in the DPTI approved Work Zone Traffic Management Training Program within the last 3 years.

B.7. Record Keeping

You *must* comply with the *SA Standards for Workzone Traffic Management*.

If carrying out long term activities, you must undertake an additional risk assessment at the end of each day. For further information see the *SA Standards for Workzone Traffic Management*.

² The process for obtaining a permit can be found in the *SA Standards for Workzone Traffic Management*

C. TEMPORARY USE OF TRAFFIC CONES WHEN NOT UNDERTAKING ROAD WORKS

I, **MICHAEL FRANCIS DEEGAN, Commissioner of Highways**, delegate of the Minister for Transport and Infrastructure, grant **GENERAL APPROVAL** pursuant to section 17(3)(c) of the Act to any person that is *not undertaking* roadworks, to temporarily install, display or remove traffic cones on a road.

This approval only applies if the intended use of traffic cones involves an activity that is *reasonably unforeseeable* to occur or is *unplanned*; and

- a) obstructs traffic flow; or
- b) occupies a part of the road in which stopping is prohibited.

This grant of **GENERAL APPROVAL** is subject to the following conditions.

C.1. Use must be for a legitimate purpose

You may *only* use traffic cones pursuant to Clause C if:

- it is for the legitimate purpose of warning other road-users of a potential obstruction on the road; and
- it is impracticable or unsafe to remove the obstruction from the road.

This includes situations where the obstruction is on a part of a road that is a clearway, intersection, bus lane or bicycle lane and there is no other reasonable alternative.

C.2. Conformity with legislation.

You *must* comply with the Act and any Regulations and Rules made under the Act. You must also comply with the requirements of the *Work Health and Safety Act 2012* and associated Regulations.

C.3. Obeying reasonable directions of police officer

You *must* obey any reasonable direction of a police officer or emergency worker.

C.4. Parking Controls

Where the obstruction occurs in an area where parking or stopping is not permitted, such as a no stopping zone, clearway, bicycle lane or bus lane, you *must* comply with the applicable parking controls unless you have obtained an exemption from the relevant council or the Commissioner of Highways.

You should plan your activity in such a way that will result in minimal traffic disruptions.

C.5. Hazard lights

Where the obstruction involves a motor vehicle, you *must*, if practicable, activate that vehicle's hazard lights for the purpose of warning other road users of the obstruction.

C.6. Conformity with Traffic Cone Guideline

You *must* comply with DPTI's *Traffic Cone Guideline*³, as amended from time to time.

DEFINITIONS

For the purpose of this instrument, unless the contrary intention appears words which are defined in section 5 of the Act have the same meaning in this Instrument:

'the Act' means the *Road Traffic Act 1961*.

'Authority' means any authority or body established by Statute or otherwise.

'Code' means DPTI's *Code of Technical Requirements*, (formerly known as the *Code of Technical Requirements for the Legal Use of Traffic Control Devices*) as amended from time to time⁴.

'Commissioner' means the Commissioner of Highways who is a body corporate established under the *Highways Act 1926*.

'DPTI' means the Department of Planning, Transport and Infrastructure in South Australia.

'emergency worker' has the same meaning as that term is defined in regulation 39 of the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999.

'long term works' means works which require traffic control devices to be operated both day and night and may be required to be left unattended, ie for more than one day.

³ The *Traffic Cone Guideline* can be found at <http://www.dpti.sa.gov.au/standards/tass>

⁴ The *Code of Technical Requirements* can be found at <http://www.dpti.sa.gov.au/standards/tass>

'Minister's Notice' refers to the Minister for Transport and Infrastructure's Notice to the Commissioner of Highways dated 29 October 2012 and entitled *Instrument of General Approval and Delegation – Traffic Control Devices Road Traffic Act 1961 (section 17) – Minister for Transport and Infrastructure*.

'person(s)' means any person authorised to act on behalf of authorities (other than road authorities), bodies or organisations and includes any contractor or sub-contractor. This includes a utilities company.

'road' – a reference to a road includes a reference to road-related area unless it is otherwise expressly stated.

'roadworks' has the same meaning as that word is defined by section 7 of the *Highways Act 1926*, namely:

- (a) the construction of a road; or
- (b) the maintenance or repair of a road; or
- (c) the alteration of a road; or
- (d) the construction of drains and other structures for the drainage of water from a road; or
- (e) the installation of fences, railings, barriers or gates; or
- (f) the installation of traffic control devices, traffic islands or parking bays; or
- (g) the improvement of a road including (for example)—
 - (i) landscaping and beautification; or
 - (ii) installation of road lighting; or
- (h) the installation of amenities or equipment on or adjacent to a road for the use, enjoyment or protection of the public; or
- (ha) the construction of buildings or facilities relating to public transport or parking for users of public transport; or
- (i) the installation of signs on or adjacent to a road for the use or benefit of the public; or
- (j) any work in connection with a road.

'SA Standards for Workzone Traffic Management' means the *SA Standards for Workzone Traffic Management* published by DPTI in August 2012, as in force from time to time.

'short term low impact works' means works that involve the occupation of a road for not more than 20 minutes.

'traffic flow' refers to the free movement of vehicles, pedestrians and other road users.

'use' means the use as permitted pursuant to the relevant approval (eg installation, removal and so on).

'you' means person to whom this Instrument of General Approval applies.

OFFENCE

Section 21 of the *Road Traffic Act 1961* makes it an offence to install and display a traffic control device without proper authority, and is punishable by a maximum penalty of \$5,000 or 12 months imprisonment.

FUTURE VARIATIONS TO THIS INSTRUMENT

This Instrument may be revoked or varied at any time by me by further instrument in writing.


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Michael Francis Deegan
Commissioner of Highways

Dated this 22 day of August 2014