

Road Transport (Dimensions and Mass) B-Double, 4.6 Metre High Vehicle and 14.5 Metre Long Bus Exemption Notice 2009 (No 1)

Disallowable instrument DI2009–28

made under the

Road Transport (Dimensions and Mass) Act 1990, s 31A (Exemptions)

EXPLANATORY STATEMENT

Section 31A (1) of the *Road Transport (Dimensions and Mass) Act 1990* (the Act) allows the Minister to exempt a vehicle or combination from a provision of Part 2 (Dimensions and design of vehicles) or Part 3 (Loads and equipment) of the Act, allowing for that vehicle or combination to operate within the ACT.

Section 31A (2) of the Act allows the Minister to exempt a person from Section 37 (Use of trailer with articulated vehicle) of the Act, which prohibits driving an articulated vehicle coupled to a trailer, B-Double or road train on a road or road related area in the ACT.

The disallowable instrument effects an exemption by the Minister for:

- a B-Double;
- a vehicle up to but not exceeding 4.6 metres in height; and
- a bus with an overall length of greater than 12.5 metres but not exceeding 14.5 metres;

that complies with the instrument from the requirements of Section 9 (relating to vehicle dimensions) and Section 24 (Relating to the gross mass of vehicles and combinations) of the Act.

The disallowable instrument, allows access to certain approved routes for B-Doubles with a gross mass limit not exceeding 62.5 tonnes gross combination mass with a maximum height of 4.6 metres, width of 2.5 metres and length of 25 metres or 26 metres where the vehicle complies with specific conditions of the Regulations made under the United Nations Economic Commission for Europe Agreement for a front under-run protection system (UN ECE R93) and for cabin strength (UN ECE R29), and where the distance between the centre

line of the kingpin on the first trailer and the rear of the second trailer does not exceed 20.6 metres, compared to the normal limits of 19 metres and 42.5 tonnes for other combinations.

These and the other conditions that apply to the operation of B-Doubles in the ACT are contained in the schedule to the instrument:

- Part 1 of the schedule – Travel Requirements;
- Part 2 – Operating Conditions and Restrictions;
- Part 3 – Mass and Dimension Limits;
- Part 4 – Standards and Specifications (including requirements for tracking and turning capabilities, front under-run protection systems and cabin strength);
- Part 5 – Approved Routes and Travel Conditions (approved routes and the travel restrictions and conditions are listed in the attachment to the schedule of the instrument). B-Doubles will continue to require individual permits in order to operate on any route not listed in the attachment;
- Part 6 – Note Related to Road Trains; and
- Part 7 – Definitions.

The instrument also exempts a person who drives a B-Double, or other vehicle to which this notice or current permit applies, from committing an offence under Section 37 (2) of the Act, provided that he or she holds a current licence to drive these vehicles.

It is a condition of the instrument that a copy of the instrument be carried in any vehicle to which this instrument applies while operating in the ACT in accordance with its terms. The conditions specified in the instrument are consistent with those which apply in New South Wales.

A copy of the instrument and the map identifying approved routes within the ACT can be located at www.tams.act.gov.au/move/vehicles/Heavy_Vehicles

This instrument revokes the previous disallowable instrument number DI 2006-118 that was notified on the ACT Legislation Register on 29 June 2006.

As this is a Disallowable Instrument it must be presented to the Legislative Assembly within 6 sitting days after its notification in pursuance of Section 64 of the *Legislation Act 2001*.

Changes to exemption provisions for certain heavy vehicles effected by the disallowable instrument

The following changes to the exemption provisions for certain heavy vehicles have been effected by this disallowable instrument:

1. The name of the new exemption notice differs from the revoked instrument to assist in identifying the types of vehicles to which the exemption notice applies.
2. Definitions of the following terms have been included in the new instrument.
 - authorised person;
 - converter dolly;
 - extreme axle;
 - manufacturer's axle group load rating;
 - road train; and
 - pig trailer.

The following changes have been made to the schedule to the new disallowable instrument:

1. The version of clause 2.2 (Braking Requirements) in the new instrument omits the reference to a bridge on Canberra Avenue. This is due to an assessment regarding the use, by vehicles to which the exemption notice applies, of a route that includes this bridge as appropriate having regard to the impacts on infrastructure and the surrounding environment.
2. The version of clause 3.2.2 (Maximum Gross Mass Limits) in the new instrument does not repeat an extraneous reference to statutory limits relating to the maximum gross mass limit for a vehicle not exceeding 4.6 metres in height.
3. The version of clause 3.4.3 (Mass Limits Relating to Axle Spacing) in the new instrument has been drafted to make it clear that references to a "relevant notice" or "permit" are references to such a notice or permit that has been issued under section 30 of the *Road Transport (Dimensions and Mass) Act 1990*.

The attachment to the disallowable instrument which sets out the approved routes has been changed, from the version which formed part of the previous instrument in the following ways.

1. To clarify that references to the NSW border refer to the ACT/NSW border.
2. To reflect new street names within the developing Gungahlin Town Centre.
3. To reflect the renaming of Ballumbir Street to Cooyong Street.

4. To omit references to Bowman Street, Redfern Street, Tuggeranong Parkway, Woolley Street and Unnamed Street (Holt) because of an assessment indicating that it is not appropriate for certain heavy vehicles to use these streets.
5. To insert references to Jim Pike Avenue, Scollay Street, Wentworth Avenue and Sulwood Drive to correct incorrect street references.