

Road Transport (Mass, Dimensions and Loading) Class 3 Single Steer Axle Mass Limit Exemption Notice 2010 (No 1) *

Notifiable instrument NI2010–96

made under the

Road Transport (Mass, Dimensions and Loading) Regulation 2010, section 28 (Class 3 notices)

1 Name of instrument

This instrument is the *Road Transport (Mass, Dimensions and Loading) Class 3 Single Steer Axle Mass Limit Exemption Notice 2010 (No 1)*.

2 Commencement

This instrument commences on the day after its notification.

3 Vehicle Exemption

I exempt a vehicle or combination to which this notice applies under part 2 of schedule 1 from the 6 tonne mass limit specified in section 1.9 of schedule 1 of the *Road Transport (Mass, Dimensions and Loading) Regulation 2010* (the Regulation) in respect of the steer axle mass of the vehicle if the vehicle or combination complies with, and is operated in accordance with, the conditions set out in part 3 of the schedule.

4 Displacement of Legislation Act, s 47 (6)

The Legislation Act, section 47 (6) does not apply to this instrument.

Note The text of an applied, adopted or incorporated instrument, whether applied as in force at a particular time or from time to time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disapplied (see s 47 (7)).

Gary John Byles
Road Transport Authority

1 March 2010

*Name amended under Legislation Act, s 60

SCHEDULE 1 TO CLASS 3 SINGLE STEER AXLE MASS LIMIT EXEMPTION NOTICE 2010 (No 1)

Part 1 - Preliminary

A reference to UN ECE Regulation 29 or 93 is a reference to the regulation as in force from time to time.

Part 2 - Application

This notice applies to a Class 3 vehicle or combination if the vehicle or combination:

- a) has a manufacturer's gross vehicle mass (GVM) of 15 tonnes or more; and
- b) has a single steer axle mass that exceeds the limit for a motor vehicle other than a complying bus specified in section 1.9 of schedule 1 to the Regulation, but does not exceed the single steer axle mass limit in part 3 of this notice; and
- c) has a steer axle with a manufacturer's rating of at least 6.5 tonnes; and
- d) has appropriately rated tyres and suspension to allow 6.5 tonnes on its steer axle; and
- e) complies with front under-run protection systems requirements in part 3; and
- f) complies with the cabin strength requirements in part 3; and
- g) complies with Australian Design Rule (ADR) 80/01.

Note:

This notice applies to Class 3 restricted access vehicles that meet the operating requirements set out in this notice.

Part 3 - Operation And Travel Requirements

3.1 Mass Limits

3.1.1. The single steer axle mass of a vehicle to which this notice applies may exceed the 6 tonne single steer axle mass limit for a motor vehicle other than a complying bus specified in section 1.9 of schedule 1 of the Regulation by up to 500kg.

Note:

This notice does not provide an exemption from the mass limit set by section 2.18 (4) of schedule 2 to the Regulation.

3.2 Front Under-run Protection Systems

3.2.1 The vehicle must:

- a) be a front under-run protection vehicle, which is fitted with an approval plate that is affixed on the vehicle cabin and in the proximity of the vehicle's CPA

(Compliance) plate/label that is clearly visible to, and readable by, a police officer or an authorised person; or

- b) be fitted with a front under-run protection device which is fitted with an approval plate that is easily accessible to, and readable by, a police officer or an authorised person.

3.2.2 Any protrusion fitted to the front of a vehicle, must be fitted with an approval plate, that is clearly visible to, and readable by, a police officer or an authorised person. The approval plate must stipulate either that the protrusion is a front under-run protection device as mentioned in clause 3.2.1 (b) or that the fitted protrusion does not negate the vehicle's compliance with clause 3.2.1.

Note:

Protrusions covered by clause 3.2.2 are fittings such as 'Bull-bars', 'Roo-bars', 'Nudge-bars' 'Cowcatchers' etc. It does not include driving lights, fog lights, 'running' lights, aerials etc. To comply with clause 3.2 all vehicles will require an approval plate on their protrusion. Some vehicles may require two approval plates – one on the protrusion and one on the cab of the vehicle.

3.3 Cabin strength

3.3.1 The vehicle must comply with UN ECE regulation no. 29 for cabin strength.

3.3.2 A vehicle complying with clause 3.3.1 must be fitted with an approval plate that is affixed on the vehicle cabin and in the proximity of the vehicle's CPA (Compliance) plate/label. The approval plate must be easily accessible to, and readable by, a police officer or an authorised person.

3.4 Australian Design Rule (ADR) 80/01 - verification

3.4.1 For the purposes of this notice, a vehicle fitted with a compliance plate dated January 2008, or later, is taken to comply with ADR 80/01.

3.4.2 For all other vehicles, compliance with ADR 80/01 must be verified by either:

- a) an approval plate that is affixed on the vehicle cabin and in the proximity of the vehicle's CPA (Compliance) plate/label. The approval plate must be easily accessible to, and readable by, a police officer or an authorised person; or
- b) an original letter from the manufacturer of the vehicle that is carried in the cabin of the vehicle.

3.4.3 A letter referred to in clause 3.4.2 must:

- a) declare that the manufacturer holds a compliance plate approval (CPA) from the Australian Government; and
- b) identify the make, model and vehicle identification number (VIN) of the vehicle; and

c) state that the vehicle was supplied into the market fully compliant with Australian Design Rule 80/01.

3.5 Effect on other operating conditions

3.5.1 For a vehicle to which this notice applies, any other operating conditions applicable to that vehicle (or combination of which the vehicle forms a part) under a notice made under division 2.4 of the Regulation, are not affected by this notice other than to permit the additional single steer axle mass allowable under this part.

Part 4 Definitions

approval plate means a decal, label or plate issued by a competent entity that is made of a material and fixed in such a way that they cannot be removed without being damaged or destroyed and that contains the following information:

- for vehicles complying with clause 3.2, the trade name or mark of the front under-run protection vehicle or front under-run protection device;
- for vehicles complying with clause 3.2, the manufacturer of the front under-run protection vehicle or front under-run protection device;
- for vehicles complying with clause 3.2.1(b), the make of the vehicle or vehicles the component or device has been designed and certified to fit;
- for vehicles complying with clause 3.2.1(b), the model or models of vehicle the component or device has been designed and certified to fit;
- for vehicles complying with clause 3.3, the vehicle manufacturer's name;
- competent entity unique identification number;
- approval plates relating to 3.2.1(b) and 3.2.2 must include the approval number issued by the competent entity; and
- purposes of the approval i.e. approval for a front under-run protection device, and/or for a front under-run protection vehicle (UN ECE 93), or for cab strength (UN ECE 29).
- approval plates relating to clause 3.2.1(b) shall bear the words "UN ECE R93 FUPD" or other words or markings with a clearly equivalent meaning.
- approval plates relating to clause 3.2.2 must bear the words "UN ECE R93 FUP Compatible" or other words or markings with a clearly equivalent meaning.
- approval plates relating to either clause 3.2.1(b) and 3.2.2 may include both the words "UN ECE R93 FUPD" and "UN ECE R93 FUP Compatible" or other words or markings with a clearly equivalent meaning. Each statement must be annotated or marked, such as with either a "Yes" or "XXX", so as to clearly and unambiguously signify upon the plate which statement is applicable (A FUP compatible device is one that complies with clause 3.2.2).

- approval plates relating to clause 3.3 must include the statement “This vehicle was manufactured to conform with the cab strength requirements of UN ECE R29” or words with an equivalent meaning.
- approval plates relating to clause 3.4 must include the statement “This vehicle was manufactured to comply with Australian Design Rule 80/01 “Emissions Control for Heavy Vehicles”” or words with an equivalent meaning.

competent entity means a person or organisation appointed by an Australian road transport authority, and issued with a unique identification number, with the power to certify that the UN ECE requirements for front under-run protection and cab strength have been met, and continue to be met, and who may authorise the fixing of appropriate approval plates to a front under-run protection device or a front under-run protection vehicle.

A compliance plate approval (CPA) holding heavy vehicle manufacturer is taken to be a competent entity.

A competent entity, that is not a CPA holding manufacturer, is only approved to inspect and certify those vehicles that are registered in the same jurisdiction as the competent entity’s place of business.

With respect to ADR80/01 compliance a competent entity is a compliance plate approval (CPA) holding heavy vehicle manufacturer.

front under-run protection device means a device fitted to a prime mover

- that complies with UN ECE Regulation No. 93 and meets all of the requirements set out in Section 6 “Requirement For FUPDs” of Part I and Section 8 “Requirements for Installation of an Approved FUPD” of Part II of those regulations,
- whose compliance with the performance requirements of UN ECE Regulation No. 93 was established by laboratory testing carried out in accordance with the procedures set out in Annex 5 of UN ECE Regulation No. 93, and
- that was tested using the test conditions set out in Section 1 and the test procedure set out in Section 3 of Annex 5 of the *Guidelines for Implementing Front Underrun Protection and Cab Strength Requirements* published by the National Transport Commission (NTC). Note: Simulation of the test procedure by calculation or other such method as provided for in Section 1.3 of Annex 5 is not available under the NTC Guideline, except with the specific approval of the Authority or when approval has been granted using an “E-mark” issued pursuant to Annex 4 of UN ECE regulation no. 93).

front under-run protection vehicle means a vehicle that complies with UN ECE Regulation No.93 (UN ECE R93) because it is designed and constructed so that it meets all of the requirements of Section 10 “Requirements for a vehicle with FUP” of Part III of those regulations.