

Construction of New Level Crossings Policy

Purpose

To provide guidance and direction to transport planners and infrastructure managers in the ongoing development and management of the NSW rail network.

Background

Level crossings are the points at which roads and rail meet at substantially the same grade; they can represent significant collision potential for pedestrians, road and rail users.

Although the number of collisions appear to have stabilised in recent years and is at a historically low level, crashes at level crossings have the potential for high consequences.

In addition, there is concern about the number and significance of level crossing safety incidents involving heavy vehicles. Findings from a 2011 national research project show heavy freight vehicles are over represented in collisions at level crossings and the likelihood of fatalities is greater in crashes involving heavy freight vehicles compared to other types of road vehicles. This is also of concern given the projected growth in Australian freight over the next few decades; between 2010 and 2030 truck traffic is predicted to increase by 50% and rail freight is expected to jump by 90%.¹

TfNSW Position

The approach taken by TfNSW and rail and road agencies is to avoid building new level crossings wherever possible given the inherent risk attached to any level crossing, even those with modern active controls.

The Process for Opening a New Level Crossing and Issues to be Considered

Under the *State Environmental Planning Policy (SEPP) (Infrastructure) 2007* (section 84), permission to build a new level crossing must be obtained from the consent authority (the relevant council or, where specified in the *Environmental Planning and Assessment Act 1979*, a Minister or public authority).

The consent authority must give written notice of the development application to the relevant rail infrastructure manager and, before determining the application, take into consideration:

- The implications for traffic safety including the costs of ensuring an appropriate level of safety having regard to the existing traffic characteristics and any likely change in traffic affecting the crossing as a result of the development, and
- The feasibility of alternative means of access to the development that does not involve use of level crossings and
- Any comments received from the CEO of the rail authority on the proposal.

The consent authority must only approve the development application if the rail infrastructure manager agrees. The SEPP also specifies that the rail infrastructure manager must consider rail safety and operational issues, and traffic safety issues, before indicating their agreement.

¹ Sources: ITSr, *NSW Level Crossing Strategy Council Six-monthly report covering occurrences to 31 March 2012*, April 2012 and Source: [Infrastructure Australia](#)

The NSW Department of Planning, *Development near Rail Corridors and Busy Roads – Interim Guideline* (2008), states “new level crossings are to be avoided wherever possible because of their inherent safety risks. Alternative arrangements should always be explored first prior to the option of a new crossing being considered”.

Consequently, developers and other organisations seeking to open a new level crossing should exhaust all other options including grade separation and use of existing level crossings prior to proposing to build a new level crossing. If it is considered that a new level crossing is still required, the organisation will need to demonstrate that they have taken these steps to consider all the possible alternatives to a new level crossing. They also need to provide information about the safety and operational impacts and/or benefits of the proposed new crossing.

If a new crossing is approved, an interface agreement between the relevant road and rail infrastructure managers must be developed under the *Rail Safety National Law (NSW)*. Interface agreements clarify responsibilities for installing and maintaining traffic controls at level crossings.

If a new crossing is approved, it would also be likely that the organisation proposing the crossing would have to obtain a licence from the rail agency for the new crossing. This licence would outline any cost and maintenance responsibilities of the proponent for the new level crossing.

TfNSW and the Level Crossing Strategy Council (LCSC) can be asked to provide advice on proposals for new level crossings.