Policy W19 – Heavy Vehicle Cost Recovery – Guidelines for Sealed Roads

1. Policy Intention

The intention of this policy is to present a methodology and framework for heavy vehicle charging for a defined task on a sealed Local Government road. This includes the calculation of heavy vehicle charges, qualifying scenarios, funding administration and development of agreements.

2. Definitions

In this Policy, the following definitions apply:

'Agreement' An agreement between the Local Government or Shire of Murray and a proponent defining the conditions of access including charges for a defined transport task.

'Proponent' The party that is requesting to use a Local Government road for a defined freight task.

'Equivalent Standard Axle (ESA)' The number of standard axle-loads which are equivalent in damaging effect on a pavement to a given vehicle or axle loading. Every vehicle combination can be expressed as a number of ESA.

'Annual Design ESA (ADESA)' The predicted annual ESA that was used to design a road pavement structure. If this is unknown it may be estimated based on the average annual ESA from historic traffic counts or the annual ESA that would reasonably be expected for a particular Category of road under normal circumstances.

'Extraordinary Load' An Extraordinary Load is defined as a freight task that will result in a significant increase in the ADESA resulting in damage to the road pavement and reduction in the structural design life of the road giving rise to extraordinary expenses as a result of increased routine and planned maintenance and premature failure necessitating rehabilitation or reconstruction of the road.

'Routine Maintenance' Unplanned activities that maintain the serviceability of the road e.g. repairing potholes, cleaning drainage structures, repairing edge breaks and sweeping pavements.

'Preservation' Planned maintenance and rehabilitation that are designed to preserve or extend the serviceable design life of the road e.g. crack sealing, resealing with a bituminous sprayed seal, rehabilitation of gravel shoulders and replacing culverts and kerbs.

3. Policy

3.1 Application

This policy applies to any party that plans to run a defined vehicle freight task on a Local Government Road(s). The task must be deemed to be of such a volume (extraordinary load) that it is likely to cause damage resulting in "extraordinary expenses", which is damage that is well beyond what would normally be anticipated for the category of road(s) concerned.

If the Local Government considers that the defined freight task is likely to also effect roads in adjacent Shire(s) it will notify them accordingly.

3.2 Extraordinary Load

An Extraordinary Load is defined as a task that will result in a significant increase in the Annual Design ESA (ADESA) and will result in damage to the pavement and reduction in the structural design life of the road leading to extraordinary expenses.

An Extraordinary Load is assigned a nominal value of an annual ESA that is greater than 50% of the ADESA for the category of road concerned. The Local Government may decide that a different percentage is more appropriate depending on the individual circumstances. A lower percentage or a sliding scale may be deemed appropriate in circumstances where it is clear that the task is likely to cause damage resulting in extraordinary expenses.

The ADESA shall be determined using one of the following methods:

(a) Historical pavement design information;

(b) Engineering assessment based on traffic counts, pavement structure and condition performance; or

(c) From figures provided in Table 1.

Table 1: Nominal 50% ADESA for sprayed sealed Local Government roads[1]

Road Category	50% ADESA
Access road	400
Local distributor	2000
Regional distributor	12000
District distributor	40000

[1]*WALGA & ARRB 2015, adapted from Table C.1*

3.3 Cost Calculation

The relevant charge shall be calculated using the User Guide – Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks (WALGA & ARRB 2015). The Proponent shall provide the following information to the Local Government:

- the type and axle configuration of the vehicles to be used for the task;
- the annual freight tonnage for the task and the vehicle payload;
- the number daily vehicle passes;
- the duration of the task; and
- the task routing and distance.

The total annual ESA used to calculate the charge shall be the proposed annual ESA minus the applicable 50% ADESA or other appropriate percentage.

Note: that this method was designed for sprayed sealed roads. Asphalt roads will require a modified or different approach.

3.4 Negotiation

The following conditions may necessitate negotiation with the Proponent to adjust the calculated charge or to use an alternative methodology:

(a) If the Category of road has been purposely constructed to a level that is

markedly different to the ADESA in Table 1, then an appropriate ADESA shall be determined using available engineering data and judgement. The road category shall also be appropriately adjusted for the determination of cost from the User Guide.

(b) If the road is in a very poor or failed condition then the Local Government shall negotiate with the proponent on a strategy and cost to bring the road to a serviceable condition before calculating an annual charge.

(c) If the magnitude of the freight task is of such a volume that the road is likely to experience structural failure in a short period, then the Local Government shall negotiate an appropriate strategy and charge to upgrade the structural capacity of the road in advance. This will result in an increased ADESA which will then be used to calculate the ongoing charges.

(d) The rates in the User Guide are current for 2015 and the Local Government and the proponent shall agree on a suitable method to calculate escalation.

(e) If the proposed ESA are excessively above the limits in the User Guide or if for any other reason this method is deemed inappropriate then the Local Government may elect to calculate the charge using an alternative method.

3.5 Funding and Service

Funds collected from the Proponent shall be placed into a dedicated fund and shall only be used for routine maintenance, preservation and structural strengthening activities on the section of road concerned. The Local Government shall keep records of all works and costs. The Local Government will contribute a portion of the cost of works out of its own funds according to what they would have reasonably allocated to the road if the proponents activities were not present. After termination or expiry of an agreement, any remaining funds shall be kept for a period of 12 months (or other agreed time period) after which the road will be inspected and the remaining funds shall be used to repair any defects so that the road is in a similar condition to when the agreement began. Any remaining funds shall then be returned to the Proponent.

3.6 Agreement

The Local Government and the proponent shall enter into an Agreement that includes the following:

- the type and axle configuration of the vehicles to be used for the task;
- the annual quantity of vehicle passes and the payload tonnage. If seasonal then this must be described;
- the routing including return journeys;
- the duration of the task;
- the annual and unit rate charge and method of calculation;
- payment terms and conditions;
- the obligations of the parties including works records, expenditure, evidence and audit requirements in relation to the determination of actual payload tonnages and notifications of changes to vehicles, payload or routing;
- conditions on expiry of the agreement;

- hours and conditions of operation;
- breaches and terms of remedy for the Local Government and Proponent; and
- duties of Local Government and the Proponent.

3.7 Duties of Local Government

The Local Government will take all reasonable steps to keep the road in a serviceable condition for the duration of the agreement. The Local Government will keep proper records to ensure transparency of expenditure of all collected charges.

3.8 Duties of the proponent

The proponent will provide timely (to be determined by the Local Government in Agreement) notification to the Local Government if there are any changes to the type of vehicles and axle configurations, annual payload and routing.

3.9 Authority

The Chief Executive Officer has the authority to enter into an agreement with a Proponent under this policy.

3.10 Review

This policy shall be reviewed in accordance with Policy A2.

3.11 References

(a) WALGA & ARRB 2015, User Guide – Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, WALGA, Perth, Western Australia.

(b) ARRB Group 2015, Technical Basis for Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, ARRB Group Project 009335 for WALGA, Perth, Western Australia.

3.12 Statutory Power

Road Traffic (Administration) Act 2008 Part 7, s.132 & s.136; Road authority may recover expenses of damage caused by heavy traffic.

In particular; s.132(2) states: *"Where it appears to the road authority that has functions in relation to the repair of road infrastructure that, having regard to the average expense of repairing road infrastructure in the vicinity, extraordinary expenses have been incurred by the road authority in repairing the road infrastructure because of damage caused by heavy traffic, the road authority may recover the amount of the expenses as may be proved to the satisfaction of the court to have been incurred by the road authority because of damage caused by heavy traffic."*

s.132(4) states: *"A person against whom expenses are or may be recoverable under this section may enter into an agreement with the road authority for payment to it in respect of heavy traffic, and on making the payment as agreed the person is not to be subject to any proceedings under this section."*

Revised State Planning Policy 3.6 – Development Contributions for Infrastructure, developed under the authority of *Planning and Development Act 2005*, Section 26.

Local Government Act 1995 Part 6 – Financial Management, Div 5 – Financing Local Government Activities, Subdivision 2 – Fees and charges, 6.16 – Imposition of fees and charges.

Policy Detail		
Responsible Directorate	Infrastructure Services	
Responsible Department	Engineering	
Responsible Officer	Manager Engineering	
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