

## 12. Permits issued under a transport Act or Regulation

<b>12.1 Introduction</b>	<b>2</b>
<b>12.2 Deleted</b>	<b>2</b>
<b>12.3 Local government authorities may issue permits</b>	<b>2</b>
<b>12.4 Permits under the Traffic Regulation</b>	<b>2</b>
<b>12.5 Special event permits and special circumstances permits</b>	<b>2</b>
<b>12.6 Applications for road closure permits</b>	<b>3</b>
<b>12.7 Road closures for special events</b>	<b>3</b>
<b>12.8 Issuing of road closure permits</b>	<b>4</b>
<b>12.9 Applications for permits to conduct races or speed trials on a road</b>	<b>5</b>
<b>12.10 Notification of relevant authorities and services</b>	<b>7</b>
<b>12.11 Application for conditional registration permits</b>	<b>7</b>
<b>12.12 Road closures and road use restrictions</b>	<b>7</b>
12.12.1 Application to drive past a restricted road use notice	8
12.12.2 Application for local access past a restricted road use notice	9
12.12.3 Offences	10
<b>12.13 Deleted</b>	<b>11</b>
<b>12.14 Excess dimension vehicle escorts</b>	<b>11</b>
12.14.1 Responsibilities of officers prior to commencing escort	11
12.14.2 Responsibilities of officers during escort	12
12.14.3 Responsibilities of officers upon the completion of the escort	13
12.14.4 Mandatory training for excess dimension/mass vehicle escorts	14
12.14.5 Use of police wide load escort vehicles	15

## 12.1 Introduction

This chapter outlines information relating to permits issued under the:

- (i) TO(RUM)A;
- (ii) Heavy Vehicle (Mass, Dimension and Loading) National Regulation; and
- (iii) Traffic Regulation.

In accordance with Schedule 4: 'Dictionary' of the TO(RUM)A, the term 'licence' means a licence, permit or certificate under a transport Act and includes:

- (i) a renewal of the licence, permit or certificate; and
- (ii) an endorsement on the licence, permit or certificate.

## 12.2 Deleted

## 12.3 Local government authorities may issue permits

Section 66: 'Local laws etc.' of the TO(RUM)A provides that a local government may make local laws about some matters which are also dealt with in Chapter 5: 'Road use' of the TO(RUM)A. For example, a local government, under s. 66 of the TO(RUM)A, may make local laws for the regulation of roadside vending. Where local laws have been made, the provisions of the TO(RUM)A cease to apply.

Members who issue permits should acquaint themselves with the provisions of any local laws which may impinge upon the issue of permits.

## 12.4 Permits under the Traffic Regulation

A small number of sections in the Traffic Regulation allow the Commissioner to issue permits to allow a person to act contrary to specified provisions of the Traffic Regulation. In the case of s. 126B: 'Carrying signs on roads', the Commissioner has delegated those powers in accordance with Delegation D 25.29 (available on the Service Intranet).

Permits under the Traffic Regulation should be issued on a PT 32: 'General Permit'.

## 12.5 Special event permits and special circumstances permits

An authorising officer may issue a permit to allow:

- (i) for a special event permit, a person conducting or taking part in a special event; or
- (ii) for a special circumstances permit, the permittee,

an exemption from stated provisions of the TO(RUM-AOP)R and the TO(RUM-RR)R (see Part 5: 'Special event permits and special circumstances permits' of the TO(RUM-AOP)R).

Officers authorised to issue special event and special circumstances permits are described within Delegation No. D 25.23.

A special event for which a permit may be issued is defined in s. 124: 'Definitions for pt 5' of the TO(RUM-AOP)R.

Examples of special circumstances which may warrant the issuing of a special circumstances permit are shown in Part 5, Division 3 'Special circumstances permits' of the TO(RUM-AOP)R.

ORDER

Officers authorised to issue special event permits or special circumstances permits are to comply with ss. 125: 'Issuing special event permit' and 128: 'Application for, and issue of, permit' of the TO(RUM-AOP)R as appropriate.

Applications for a:

- (i) 'Special event permit' should be submitted on a QP 0889: 'Application for a special event permit'; or
- (ii) 'Special circumstances permit' should be submitted on a PT 31: 'Application for permit (generally)'.

Officers authorised to issue special event permits or special circumstances permits should:

- (i) use a:

- (a) QP 0890: 'Special Event Permit' for a special event; or
  - (b) PT 32: 'General Permit' for a special circumstances permit unless the permit relates to the use of an excess dimension vehicle (see s. 12.14: 'Excess Dimension Vehicle Permits' of this chapter); and
- (ii) include such conditions in the permit as are necessary to minimise danger to the all road users and to manage the impact of the permittee or persons taking part in a special event on other road users.

## 12.6 Applications for road closure permits

A road closure permit may be issued by the Commissioner or the chief executive, under s. 96: 'Diversion of traffic' of the TO(RUM)A.

The Commissioner has delegated the authority to receive an application and issue a permit to close a road temporarily to members identified in Delegation D 25.27.

The authority to receive applications to close a road for a private commercial purpose or other prescribed purpose pursuant to s. 96(2) of the TO(RUM)A has been delegated to an assistant commissioner and any commissioned officer (see Delegation D 25.7).

Members receiving an application for a road closure should obtain sufficient additional information from the applicant to allow a determination to be made.

Members receiving the application should furnish a report containing such information as is necessary to allow a determination on whether to order the road closure, and:

- (i) in the case of a temporary road closure, forward the report to a member authorised to issue such permits; or
- (ii) in the case of a road closure for a private commercial purpose, forward the report to a commissioned officer.

The minimum information required to make a determination on whether to authorise a road closure includes details of:

- (i) the duration and periods during which the road is to be closed;
- (ii) the location of the road to be closed;
- (iii) the traffic density usually expected on the road at the relevant time;
- (iv) availability of alternative routes;
- (v) what arrangements will be made for emergency vehicles to gain access to the area within the closed road;
- (vi) what arrangements have been made for access to the road for residents and business operators;
- (vii) what arrangements are proposed with respect to traffic control and signage for the closed road; and
- (viii) the purpose of the proposed road closure.

The considerations outlined in the subsection titled 'Determination to issue a permit' of s. 12.7: 'Road closures for special events' of this chapter should also be addressed, to the extent that they apply to the circumstances surrounding the application for a road closure.

## 12.7 Road closures for special events

Special events which may require that a road be closed include special celebrations, such as an Anzac Day march, street party or soapbox/billy cart derby (see also s. 12.6: 'Applications for road closure permits' of this chapter).

For the authority to issue a permit under s. 85(2): 'Racing and speed trials on roads' see s. 12.9: 'Applications for permits to conduct races or speed trials on a road' of this chapter).

### Determination to issue a permit

Permits for road closures for special events should not be issued, unless the person making the application can demonstrate that exceptional circumstances exist or that a permit was previously issued for that special event as an annual or similar repeated event.

Members authorised to issue such permits who receive an application for a permit to allow a special event on a road should consider whether exceptional circumstances exist and whether the person making the application has sufficiently detailed the circumstances.

Where exceptional circumstances exist, the information is to be considered in conjunction with the overall safety of persons and the protection of property in the particular area.

Each application should be considered on its own merits.

Relevant considerations include whether:

- (i) the issue of a permit for a special event involving road closure may set a precedent for like activities on a wider scale;
- (ii) the closing of vehicle access to residential premises for this purpose meets with the approval of only some of the residents within the particular area or the wider community;
- (iii) restricted access to residential premises would cause a risk to residents in relation to health, safety and convenience. Barricades and traffic congestion present difficulties for emergency service personnel or others who may be required in a life threatening incident or an incident involving damage to property, e.g. fires;
- (iv) the consumption of alcohol may or is likely to occur. The resultant effects may develop into disturbances between residents and other persons, or may potentially cause damage to public facilities. Such circumstances may also include the issue of participant or pedestrian safety concerning the movement of persons onto those roads near the site which are used by vehicular traffic;
- (v) the identity of the person or organisation to be held accountable for the maintenance of health controls within the confines of the locality of the special event is clear;
- (vi) approval of the local government authority for the road closure has been obtained; and
- (vii) all alternative sites such as parks, community halls, private yards, school premises, etc., have been considered.

The authorised member should not issue a permit when any of the following circumstances are believed to exist:

- (i) the event is not of such an exceptional nature that the issue of a permit would set a precedent for similar activities on a wider scale;
- (ii) the local government authority has indicated that it does not approve of the permit being issued;
- (iii) the closure of vehicle access to residential premises for this purpose will not meet the approval of the wider community or some of the residents or business operators within the particular street for a variety of reasons of a community or personal nature which may relate to safety, inconvenience by restricted access and implications regarding the health and safety of persons;
- (iv) the barricades and congestion in the closed area will present a difficulty for entry of emergency services vehicles or other specialists who may be required in a life threatening incident or an incident involving damage to property;
- (v) the consumption of alcohol with resultant effects may develop into a controversial issue among the community;
- (vi) the pedestrian movement to and from the site and at the site may create a danger;
- (vii) the vehicular movement to and from the site and the parking of vehicles around or at the site may create a danger;
- (viii) the correlation between the anticipated number of persons attending at the site and the area of the site may create overcrowding;
- (ix) where the applicant or the organisation cannot be identified as the person or body to be held accountable for the maintenance of health controls;
- (x) where both barricades and signage cannot be provided to contain the site; or
- (xi) an actual or foreseeable risk to the safety or damage to the property of any person in the particular area may be created.

An authorised member who refuses to issue such a permit should document the reasons for the decision. Where appropriate, the authorised member should advise the applicant to seek other sites such as parks, community halls, private yards or school premises.

A permit allowing a road closure for a special event, issued by an authorised member, should include any special conditions which are relevant and appropriate on such permit.

## 12.8 Issuing of road closure permits

### ORDER

Upon determination of an application in accordance with s. 12.7: 'Road closures for special events' of this chapter or if the event is an annual or similar repeated event, an authorised member is to either grant or refuse to grant the permit.

Authorised members who issue a road closure permit:

- (i) subject to the condition that an advertisement is placed, at the permit holder's expense, in a local newspaper notifying the road closure are not to require payment of the prescribed fee under s. 96(3) of the TO(RUM)A; or

(ii) which does not require a permit holder to place an advertisement in a newspaper notifying the road closure are to:

- (a) ensure the prescribed fee under s. 96(3) of the TO(RUM)A is collected; and
- (b) place an advertisement similar to that outlined below in a local newspaper.

The permit when issued should be subject to such conditions as the authorised member issuing such permit believes are reasonably necessary to ensure the safety of persons and property. Without limiting the range of conditions which may be imposed, the following conditions should generally be included, with any modification or specification that may be required, to any permit authorising a road closure:

(i) the road closure is to be advertised, at the expense of the permit holder, in a local newspaper in terms of the following example:

#### **Queensland Police Service**

Notice is hereby given that the under mentioned road will be closed to all [vehicular and/or pedestrian] traffic from [times and dates between which the road will be closed] – (particulars of name and location of road to be closed) during the holding of [name of special event]. Alternative routes are [insert name of roads];

- (ii) barricades and road closure signs to be erected (if considered necessary particularise the streets requiring the barricades and signs);
- (iii) safety barriers are to be erected to prevent vehicles from coming into contact with spectators;
- (iv) persons are to be present to assist in crowd and traffic control and to supervise compliance with the conditions of this permit;
- (v) where appropriate, a marshalling area is to be maintained in an off road location; and
- (vi) upon cessation, all litter to be removed from the site and the barricades and signs to be dismantled and removed.

With regard to soapbox/billy cart derbies the following additional conditions should be imposed:

- (i) spectators are to be contained behind barriers on footpaths or other suitable areas and not on the road;
- (ii) soap box vehicles/billy carts are not to be driven on roads other than the road(s) specified herein and then only during the duration of the event or events;
- (iii) marshals are to be present to assist in crowd control and supervise compliance with the conditions of this permit;
- (iv) entrants who have consumed alcohol are not to participate in the event(s);
- (v) participants are to wear safety helmets which have been approved by the Australian Standards Association; and
- (vi) participants are to wear some form of protective clothing to prevent injury as much as possible to themselves.

## **12.9 Applications for permits to conduct races or speed trials on a road**

Section 85(2): 'Racing and speed trials on roads' of the TO(RUM)A allows the Commissioner to issue a permit to authorise the holding of a race or speed trail on a road (an event).

Members receiving a written application for a permit to conduct an event on a road should furnish a report, including all relevant information (see 'Information to be considered in permit determination' of this section) to determine whether a permit should be issued. The report is to be forwarded through the chain of command to the appropriate delegated officer in the district where the proposed event is to commence.

In accordance with Delegation D 25.5, a permit may be issued by:

- (i) a commissioned officer for a non-motorised event within a single division or adjoining divisions where there is a low risk of serious injuries occurring, e.g. a local cycling event; and
- (ii) a district officer or assistant commissioner for a non-motorised event over multiple divisions or where there is a moderate risk of serious injuries occurring e.g. a downhill street luge or similar type of event, motorised events and all other events not approved at a lower level.

Where a proposed event will travel into another region or district, the delegated officer should consult with and obtain the approval of the delegated officer of each relevant region or district the event traverses.

Where an event crosses regional boundaries, the assistant commissioner receiving the application, should consult with the Assistant Commissioner, RP&RSC. The Assistant Commissioner, RP&RSC may provide advice or assistance on matters to be considered in processing or determining the application and on matters of road safety.

The delegated officer in the area where the event commences is responsible for issuing a permit for the event, if supported.

A delegated officer should only issue a permit to allow a race, attempt or trial on a road if satisfied that:

- (i) sufficient inquiries have been made to determine the suitability of the proposed route; and
- (ii) suitable arrangements have been made to ensure public safety and convenience.

### **Information to be considered in permit determination**

The following information should be considered by the planning officer/s and delegated officer when considering a permit for a race or speed trial on a roadway:

(i) Event Overview, including:

- (a) the organiser or organising body of the event;
- (b) the purpose of the event;
- (c) the timing and duration of the event;
- (d) the number of competitors and types of vehicles to be used in the event;
- (e) how will competitors be identified;
- (f) will support vehicles be travelling with the competitors;
- (g) what is the chain of command for the organisers of the event and their senior officials;
- (h) role and number of course controllers, including:
  - briefing;
  - duties;
  - powers; and
  - transportation;
- (i) briefing/debriefing dates, times, locations for event organisers, officials and competitors;
- (j) traffic control, access, safety and comfort (e.g. toilets etc.) of the competitors and spectators;
- (k) event and public liability insurance policies; and
- (l) permits required and obtained;

(ii) Medical Plan, including the response to:

- (a) minor injuries;
- (b) major injuries;
- (c) serious incidents; and
- (d) competitor welfare during event;

(iii) Breakdown Plan for competitors, including attending to minor and major repairs

(iv) Competitors, including:

- (a) cut-off time to complete the course;
- (b) competitors unable to finish the event;
- (c) accounting for competitors; and
- (d) complying with rules of the event;

(v) Traffic Management, including:

- (a) roads to be closed as part of the event;
- (b) the traffic density usually expected on the road(s) at the relevant time;
- (c) what arrangements have been proposed for the management of other traffic using the road(s) during the event;
- (d) map of the course including signage, aid stations, spectator areas, parking etc.;
- (e) Police required for the event, including number and whether as rostered or special services; and
- (f) traffic controller and marshal briefing;

(vi) Communication Plan, including:

- (a) contact list for organisers, officials etc.;
- (b) radio channels;
- (c) community consultation, including letter box drops of the local area etc.;
- (vii) Media Plan; and
- (viii) Risk Management Plan.

Depending on the size of the event and risk to competitors, the points and depth of information required may be scaled up or down.

## 12.10 Notification of relevant authorities and services

Members issuing permits should notify, or make arrangements for the notification of, any other authority or service that may be affected by road closure, special event, or other permit where appropriate.

Relevant authorities and services include:

- (i) Queensland Ambulance Service;
- (ii) Queensland Fire Department;
- (iii) local government authority; and
- (iv) local public transport providers including buses.

## 12.11 Application for conditional registration permits

Section 21: 'Deciding registration application' of the TO(RUM–VR)R makes provision for conditional registration to be granted to an otherwise unregistered vehicle in certain circumstances. This section applies to vehicles complying with the Safe Movement Guideline: Conditionally registering a vehicle in Queensland (the Guideline) issued by the DTMR in accordance with Part 5: 'Safe movement approvals for light vehicles' of the TO(RUM–VSS)R.

The Guideline provides that certain classes of vehicles require a police permit prior to obtaining conditional registration from the DTMR. These include vehicles intended for use off road such as a tractor, golf buggy or quad bike.

Officers should note that vehicles which include conditional registration code LO6(A) are only to travel on a 'designated route' contained in a current route specific approval, issued by the authority responsible for the management of the road (e.g. DTMR, relevant local government authority or the Department of Environment, Science and Innovation). It is the responsibility of the vehicle owner to obtain the route specific approval.

Members receiving an application for a permit to drive a conditionally registered vehicle on a road are to:

- (i) check the listed registration condition codes in Part 3: 'Conditions for Use Codes' of the Guideline;
- (ii) ensure the applicant has all documentation in compliance with the application and Guideline;
- (iii) the application is made on a PT 31: 'Application for Permit (generally)', in accordance with s. 9: 'Authorisation/Permits' of the Guideline; and
- (iv) ensure the application contains sufficient information from which to make a decision including the roads and route on which the vehicle will travel, plus the days, times and frequency of travel.

In considering such applications members are to have regard to all relevant circumstances particularly those impacting on road safety and traffic flow for all road users. Each application is to be assessed on a case by case basis.

Where the application is supported the issuing member should complete a PT 30B: 'Period permit for conditionally registered vehicles' and is to contain all conditions deemed necessary such as, road(s) that may be used, and permissible times and dates of travel.

OICs of stations are not to issue conditional registration permits unless satisfied that the vehicle can travel safely and without undue interruption to all road users.

## 12.12 Road closures and road use restrictions

During times of severe weather or major incidents, it may be necessary to close or restrict access to parts of the road network for the protection of the motoring public or to protect the road infrastructure from damage.

### Restricted road use notice (sign) – State-controlled road closures

Section 46: 'Temporary restrictions on use of State-controlled roads' of the *Transport Infrastructure Act* provides that where the Chief Executive, DTMR considers it necessary to prevent road damage to road transport infrastructure or to

ensure the safety of road users and other persons, the chief executive may erect or display a restricted road use notice declaring a state-controlled road is:

- (i) temporarily closed to all traffic or traffic of a particular class; or
- (ii) only to be used:
  - (a) at specific times;
  - (b) by particular classes of vehicles; or
  - (c) in accordance with conditions (including restrictions on weight of loads of vehicles) fixed by the chief executive.

A member seeking to confirm a road is a state-controlled road can do so by viewing the DTMR web site.

If a person disobeys a restricted road use sign, they commit an offence (see s. 12.12.3: 'Offences' of this chapter).

### 12.12.1 Application to drive past a restricted road use notice

Persons seeking to obtain a written approval to drive past a restricted road use notice in accordance with s. 46(4)(b): 'Temporary restrictions on use of State-controlled roads' of the *Transport Infrastructure Act* may apply to either the Service or the DTMR. Generally, non-emergent applications for approvals should, in the first instance, be referred to the DTMR office in the region where the applicant resides or where the restricted road use notice is erected or displayed. In such cases, members of the public should be advised to telephone 13 19 40 in order to progress their application.

The Commissioner has delegated the power to issue written approvals under s. 46(4)(b) of the *Transport Infrastructure Act* to assistant commissioners, commissioned officers, OICs of stations or establishments, and police officers who as part of their duties or office, are directly involved in the enforcement of s. 46 of the *Transport Infrastructure Act* (see Delegation D 129.1).

Where practicable, delegated officers issuing a written approval under s. 46(4)(b) of the *Transport Infrastructure Act* should use form F4979: 'Drive past restricted road use notice application'.

Where it is not practicable to issue a written approval in person to the applicant, officers may process the application and issue a written approval by other means, for example by text message, email or facsimile.

Prior to a delegated officer issuing a written approval to a person allowing them to drive past a restricted road use notice in accordance with s. 46(4)(b) of the *Transport Infrastructure Act*, the officer is to ensure:

- (i) the applicant has completed the application section of the form F4979: 'Drive past restricted road use notice application';
- (ii) where it is not practicable for the application to be made on a F4979 or where the form is not available, the following details are obtained:
  - (a) personal particulars of the applicant including driver licence number;
  - (b) vehicle details including vehicle class or type, and registration number; and
  - (c) travel particulars including starting address and destination, and times of intended travel.
- (iii) exceptional circumstances exist for the approval to be granted;
- (iv) the safety of the driver and occupants of the vehicle will not be unjustifiably compromised;
- (v) the safety of the general public will not be unjustifiably compromised;
- (vi) any risk of damage to the road infrastructure can be justified;
- (vii) contact is made with the respective regional DTMR office confirming they do not have any issues or concerns with police granting the approval (see SMCD); and
- (viii) where DTMR have an issue or concern with granting an approval to drive past a restricted road use notice, the delegated officer should note such issue or concern on the form F4979: 'Drive past restricted road use notice application' or in their official police notebook. Although the issue or concern of DTMR should be taken into account, this does not prevent the delegated officer from exercising his or her discretion in granting the approval given their knowledge of the local area and road conditions.

Where a delegated officer can justify issuing a written approval to a person requesting to drive past a restricted road use notice, the officer should:

- (i) complete the approval section of the form F4979: 'Drive past restricted road use notice application' and issue it to the person subject to conditions the delegated officer deems necessary, advising the person to keep the form with them when driving in accordance with the approval;
- (ii) where it is not practicable to issue a F4979 in person or where a F4979 is not available, provide written approval by alternative means i.e. text message, email, facsimile or official Queensland Police Service letterhead.



Verbal approval may be given in emergent circumstances. The details of any approval given by text message, or verbally, are to be recorded in the officer's official police notebook or diary, or relevant station log; and

(iii) file a copy of the completed F4979 at the issuing officer's station or establishment.

### 12.12.2 Application for local access past a restricted road use notice

Access to a state controlled road may be restricted in accordance with s. 46: 'Temporary restrictions on use of State-controlled roads' of the *Transport Infrastructure Act* for 'local access' during an extended period (for example the North Queensland monsoon period). Residents and community members who need to access the State controlled restricted roads may apply for a 'Drive past a restricted road use notice approval for local access'. Approval may be granted by the DTMR or to a delegated police officer (see Delegation D 129.1).

Whenever practicable, residents and community members should make application for the 'Drive past a restricted road use notice approval for local access' approval prior to the commencement of the wet season.

Whilst a delegated officer may issue a 'Drive past a restricted road use notice approval for local access' approval, where the applicant is able to attend or contact a DTMR regional office (see SMCD), the person should be referred to that location.

Where the applicant cannot attend or contact a DTMR regional office or authorisation is sought urgently, the delegated officer should receive and process the application.

Where it is not practicable to issue a written approval in person to the applicant, officers may process the application and issue a written approval by other means, for example by text message, email or facsimile.

Prior to a delegated officer issuing a written approval to a person allowing them to drive past a restricted road use notice for local access in accordance with s. 46(4)(b) of the *Transport Infrastructure Act*, the officer is to ensure:

- (i) the applicant has completed the application section of the form F5003: 'Drive past a restricted road use notice application for local access (during wet weather and flooding)';
- (ii) where it is not practicable for the application to be made on a form F5003 or where the form is not available, the following details are obtained:
  - (a) personal particulars of the applicant including driver licence number;
  - (b) vehicle details including vehicle class or type, and registration number; and
  - (c) travel particulars including starting address and destination, and times of intended travel.
- (iii) it is necessary for the person to have access to a property or business by the restricted road (i.e. access cannot be delayed or it is not reasonably practicable to use another route);
- (iv) the safety of the driver and occupants of the vehicle will not be unjustifiably compromised;
- (v) the safety of the general public will not be unjustifiably compromised;
- (vi) any risk of damage to the road infrastructure can be justified;
- (vii) contact is made with the respective regional DTMR office confirming they do not have any issues or concerns with police granting the approval (see SMCD); and
- (viii) where DTMR have an issue or concern with granting an approval to drive past a restricted road use notice, the delegated officer should note such issue or concern on the F5003: 'Drive past a restricted road use notice application for local access (during wet weather and flooding)' or in their official police notebook. Although the issue or concern of DTMR should be taken into account, this does not prevent the delegated officer from exercising his or her discretion in granting the approval given their knowledge of the local area and road conditions.

Where a delegated officer can justify issuing a written approval to a person requesting to drive past a restricted road use notice, the officer should:

- (i) complete the approval section of the F5003: 'Drive past a restricted road use notice application for local access (during wet weather and flooding)' and issue it to the person subject to conditions the delegated officer deems necessary, advising the person to keep the form with them when driving in accordance with the approval;
- (ii) where it is not practicable to issue a form F5003 in person or where the form is not available, provide written approval by alternative means i.e. text message, email, facsimile or official Queensland Police Service letterhead. Verbal approval may be given in emergent circumstances. The details of any approval given by text message, or verbally, are to be recorded in the officer's official police notebook or diary, or relevant station log;
- (iii) notify the DTMR and the relevant local government authority of the granting of the approval; and
- (iv) file a copy of the completed form F5003 at the issuing officer's station or establishment.

ORDER

Written approval cannot be granted for access past a 'No entry' sign on a restricted road use road.

## Application for a wet season permit on the Peninsula Development Road

A separate 'Application for a wet season road permit – PDR' under s. 46: 'Temporary restrictions on use of State-controlled roads' of the *Transport Infrastructure Act* has been introduced for residents and community members who required access the Peninsula Development Road during the wet season. Applications may only be issued by:

- (i) the DTMR Far North Region Office, Cairns (see SMCD);
- (ii) police stations with access to the Peninsula Development Road.

Prior to a written 'Wet Season Permit – Peninsula Development Road' being issued by the delegated officer, the applicant is required to sign an indemnity disclaimer in relation to the permit.

Whenever practicable, residents and community members should make application for the 'Wet Season permit – Peninsula Development Road' approval prior to the commencement of the wet season.

Whilst a delegated officer may issue a 'Wet Season Permit – Peninsula Development Road' approval, where the applicant is able to attend or contact the DTMR Far North Region Office, the person should be referred to that location.

Where the applicant cannot attend or contact the DTMR Far North Region Office, or authorisation is sought urgently, the delegated officer should receive and process the application.

Where it is not practicable to issue a written approval in person to the applicant, officers may process the application and issue a written approval by other means, for example by text message, email or facsimile.

Application for a 'Wet Season Permit – Peninsula Development Road' should be completed on the relevant application 'Application for a wet season road permit – PDR' (available from the DTMR Far North Region Office and on QPS Forms Select) and considered by the delegated officer in line with points (iv) to (viii) of this section in respect of approvals to drive past a restricted road use notice.

The applicant is to sign the indemnity disclaimer prior to a 'Wet Season Permit – Peninsula Development Road' being issued.

ORDER

Written approval cannot be granted for access past a 'No entry' sign on the Peninsula Development Road.

### 12.12.3 Offences

#### Disobeying a road closed sign

Where a danger, hindrance, obstruction to traffic or other emergency exists or is likely to exist, a person identified in s. 71: 'Installation of official traffic signs in case of danger' of the TO(RUM)A may install an official traffic sign, which may be necessary to regulate, guide or warn traffic. Officers appointed as a superintendent of traffic (see Delegation D 25.2) are authorised to direct the installation of official traffic signs under this section.

Where a road has flooded and an official traffic sign has been installed in accordance with s. 71 of the TO(RUM)A, and a driver has contravened the sign, investigating officers should consider:

- (i) issuing an infringement notice for an appropriate infringement notice offence (see s. 74: 'Contravention of official traffic sign an offence' of the TO(RUM)A and s. 100: 'No entry signs' of the TO(RUM-RR)R); or
- (ii) in appropriate circumstances where sufficient evidence exists, officers may consider commencing a proceeding for an offence against ss. 74 or 83: 'Careless driving of a motor vehicle' of the TO(RUM)A or s. 328A: 'Dangerous operation of a vehicle' of the CC (see s. 8.19.1: 'Completion of Traffic Breach Report' of this Manual and s. 3.5.3: 'Proceedings by way of notice to appear' of the OPM).

#### Disobeying a restricted road use notice

Section 46(4): 'Temporary restrictions on use of State-controlled roads' of the *Transport Infrastructure Act* creates an offence for a person to drive past a restricted road use notice, unless the person:

- (i) has a reasonable excuse;
- (ii) is acting in accordance with a written approval given by the chief executive or Commissioner; or
- (iii) is carrying out road works or inspecting a road for the chief executive, and the contravention is necessary for the person to carry out the road works or inspect the road.

Section 46(5) of the *Transport Infrastructure Act* creates an offence where a person unlawfully tampers with a restricted road use notice.

In appropriate circumstances, where sufficient evidence exists in relation to an offence against ss. 46(4) or 46(5) of the *Transport Infrastructure Act*, officers should consider:

- (i) issuing an infringement notice for the offence; or
- (ii) where justified, commencing a proceeding for the offence (see s. 3.4.2: 'The decision to institute proceedings' of the OPM).

## 12.13 Deleted

## 12.14 Excess dimension vehicle escorts

### Permits for the moving of excess dimensional loads requiring escorts

All permits for the movement of excess dimensional loads requiring escorts are issued by the National Heavy Vehicle Regulator (NHVR) in accordance with the *Heavy Vehicle National Law Act* and the Heavy Vehicle (Mass, Dimension and Loading) National Regulation. The guidelines contained in Queensland Access Conditions Guide – Route and operational access conditions and Safe Movement Guideline – Pilot and Escort Operations in Queensland should be complied with.

The minimum number of police, pilot or escort vehicles required for an excess dimension/mass vehicle escort is determined by officers attached to the Heavy Vehicle Road Operations Program Office (HVROPO) under Delegation D 25.26. To assist officers performing vehicle escorts see:

- (i) the escort matrix contained in 10.2: 'Daytime travel general requirements' of the Department of Transport and Main Roads (DTMR) Queensland access conditions guide – Route and operational access conditions; and
- (ii) the Safe movement guideline – Pilot and escort operations in Queensland.

The minimum number of police, pilot and escort vehicles may be increased from those contained within this guide as directed by the OIC, HVROPO. This assessment is provided to the NHVR for inclusion within the issued NHVR Permit.

The Superintendent, RPRSC is responsible for all amendments to the 'Dimensions matrix for determining police escort loads'.

### Conduct of excess dimension vehicle escorts

Only officers who have successfully undertaken Service-approved training are to conduct escorts of excess dimension vehicles (see s. 12.14.4: 'Mandatory training for excess dimension/mass vehicle escorts' of this chapter).

When two or more officers are required to conduct an excess dimension vehicle escort, the authorised police escort supervisor nominated by the HVROPO will be the supervisor in control of the escort. If no officer is nominated by the HVROPO, the senior authorised police escort supervisor, will be the supervisor in control of the escort (see s. 2.3AA: 'Responsibility for command' of the PSAA).

Should an incident occur during the wide load escort where a policing response is required, the senior officer is responsible for the policing response until command is transferred to officers assigned by the relevant policing area to resolve the incident. In the case of traffic crashes, officers are to comply with point (xvii) and (xviii) in s. 12.14.2: 'Responsibilities for officers during escort' of this chapter.

Police motorcycles may be used as a secondary support vehicle in excess dimension vehicle escorts.

#### ORDER

Police motorcycles are not to be used as a lead escort vehicle in excess dimension vehicle escorts.

### 12.14.1 Responsibilities of officers prior to commencing escort

Prior to commencing the escort of an excess dimension vehicle or indivisible load the police escort supervisor 'in control' of the escort should ensure:

- (i) the minimum number of police, pilot or escort vehicles stated in the National Heavy Vehicle Regulator (NHVR) permit are complied with;
- (ii) the driver/operator/owner has a current NHVR permit and 'TMR Condition Report' authorising the movement of the excess dimension or specially constructed vehicle including a building.

A photocopy or electronic copy of the documentation will be accepted as a true copy;

- (iii) relevant conditions are specified within the permit;

- (iv) a safety briefing is conducted with all persons involved (police, pilots, escorts, driver etc.) to discuss:

- (a) the risk management processes for safe movement of the load;
- (b) the route to be taken by the load and to ensure all persons involved are aware of the route;
- (c) any special requirements or conditions involved (e.g. use of incorrect side of the road, travel down centre of roadway and bridges, diagonally through intersections) in the movement of the load; and
- (d) information on crossing railway lines or passing underneath electrical lines;

- (v) a PT 73: 'Wide Load Escort Checklist' is completed;

- (vi) a measuring tape, height stick and alcolmeter are available for use;
- (vii) the measurements of the load are checked and comply with the dimensional measurements stipulated on the NHVR permit;
- (viii) all vehicles are in good condition and roadworthy, are currently registered, the required signs are fitted to the vehicles and all lights are in working order;
- (ix) the driver of the pilot/escort vehicle and the excess dimensional vehicle are appropriately licensed and the vehicle's equipment is adequate and suitable;
- (x) if the dimensions are such that the services of organisations such as Queensland Rail, electricity authorities etc., are required, that movement of the load does not commence prior to the arrival of the representatives of the relevant organisations or authorities;
- (xi) s. 10.3: 'Provision of special services' of the MSM is to be complied with by all escorting police officers to ensure officer and public safety is maintained;
- (xii) where the driver of the escorted vehicle is required to maintain a work diary, the work diary is correctly completed and the driver is complying with driving hours restrictions;
- (xiii) if the Service vehicle has a UHF radio fitted, ensure it is set to UHF Channel 40. Where no UHF radio available, change the Service vehicle radio over to UHF channel 40 to allow for communication with the escort team;
- (xiv) Officers are to book on and book off for duty via their local Police Communication Centre. For wide loads travelling over many Service districts, it is the officer's responsibility to download a current list of Police Communication radio channels for the geographic areas being travelled;
- (xv) where an excess dimensional escort is handed over to other officers en route to the destination, the officers commencing escort duty from the handover location are to ensure all aspects of the PT 73, including remeasuring the load, are completed prior to recommencing the escort;
- (xvi) where practicable, drivers of all vehicles are breath tested (i.e. prime movers, pilots, escorts) in accordance with the provisions of the TO(RUM)A;
- (xvii) damage incurred to any property as a result of the escort is reported by the driver of the pilot/escort vehicle to an escorting police officer for notation on the PT 73; and
- (xviii) any condition as directed by the Superintendent, RPRSC is followed.

#### ORDER

If a police escort supervisor, whilst performing the checking procedures referred to in this section identifies an exception, the escort supervisor is to ensure:

- (i) the excess dimension vehicle does not commence its journey; and
- (ii) advice is to be provided to the:
  - (a) driver of the excess dimension vehicle; and
  - (b) regional duty officer or on-call commissioned officer responsible for the region where the escort is located; and
- (iii) the PT 73 is completed and submitted to the Heavy Vehicle Road Operations Program Office, RPRSC, noting the permit conditions which have not been met or the reason for not allowing the excess dimension vehicle to proceed.

If the exception is of a minor nature such as a:

- (i) slight route amendment, which do not include movement over any infrastructure such as bridges, overpasses, major highways or railway crossings;
- (ii) minor dimensional change (load must remain within relevant Queensland Access Conditions Guide – Route and operational access conditions dimensional parameter);
- (iii) typographical error; or
- (iv) date and time error,

the police escort supervisor may amend the NHVR permit.

#### 12.14.2 Responsibilities of officers during escort

Officers are to ensure the safe movement of the excess dimension vehicle on the road network taking due consideration of the safety of members of the public and property, and to minimise the risk to the safety of officers and other persons involved with the excess dimension vehicle.

## ORDER

Officers are not to provide police radio equipment to private companies whilst engaged in wide load escorts.

During the escort for the excess dimension vehicle, the police escort supervisor should ensure:

- (i) all conditions listed within the issued National Heavy Vehicle Regulator (NHVR) permit supplied by the Heavy Vehicle Road Operations Program Office (HvroPO) are complied with;
- (ii) if a condition or permit detail requires a major alteration, the operator contacts the NHVR for permission to amend the permit;
- (iii) the route shown on the permit is followed except in emergent circumstances. If a change in the route is required due to an emergent circumstance or in the case of a late change, the police escort supervisor is to seek approval to alter the route from the NHVR – HvroPO during business hours;
- (iv) government authorities, local electricity authorities or Queensland Rail employees, if required to be present at particular locations, are in attendance prior to allowing the load to pass through those particular locations;
- (v) no limbs of any trees are cut or damaged;
- (vi) no power lines are lifted by any person other than a person approved by an electricity authority;
- (vii) no traffic lights are interfered with (including lifting, lowering, electrical disconnection or unbolting) other than by a delegate of the DTMR or the relevant local authority;
- (viii) when stopped, the excess dimension vehicle is not left unattended by officers unless it:
  - (a) is parked safely and well off the carriageway; and
  - (b) does not interfere with the travel of any vehicle travelling in either direction past the parked excess dimensional escort;
- (ix) officers are not to be absent from their home station/establishment for a period of more than three days from the time of commencement of the movement of an excess dimension vehicle until the return to their station or establishment (see Chapter 10: 'Public Event Planning and Special services' of the MSM);
- (x) when the driver of an excess dimension vehicle has been directed to disobey a particular provision of the TO(RUM)A and Transport Operations (Road Use Management—Road Rules) Regulation, ensure adequate warning is given to motorists to minimise inconvenience and possible danger;
- (xi) clear directions are given to all road users. It is important that road users quickly understand what the escorting police officer is trying to convey to them so that they may take evasive action before the excess dimension vehicle passes;
- (xii) the excess dimension vehicle is stopped regularly to allow road users to overtake safely provided a suitable location can be selected;
- (xiii) regular rest stops are made to ensure neither escorting police officer nor the driver of heavy vehicles or pilot or escort vehicles become fatigued;
- (xiv) if a traffic crash involving the excess dimension vehicle or pilot vehicle occurs during the movement of the excess dimension vehicle, arrange for the crash to be investigated by a police officer who is not involved in the movement of the excess dimension vehicle. In the case of a minor traffic crash, arrange for particulars to be obtained from the various parties involved and report the minor traffic crash upon the completion of the movement. In addition, HvroPO should be advised of the incident at the earliest opportunity;
- (xv) if a traffic crash involving a police escort vehicle occurs during the movement of the excess dimension vehicle, members are to ensure s. 5.13: 'Investigation of traffic crashes involving Service vehicles' of this Manual is complied with;
- (xvi) persons involved in the excess dimensional escort, other than the escorting police officers and the driver of the pilot/escort vehicles, are to ensure any obstructing traffic signs that are dismantled immediately prior to the arrival of the excess dimension/mass vehicle are immediately returned to their original position after the excess dimension/mass vehicle has passed the point at which the traffic sign was located; and
- (xvii) damage incurred to any property as a result of the escort must be reported by the driver of the pilot/escort vehicle to an escorting police officer for notation on the PT 73: 'Wide load escort checklist'.

### 12.14.3 Responsibilities of officers upon the completion of the escort

Upon completion of an excess dimension vehicle escort, the police escort supervisor 'in control' of the escort is to:

- (i) ensure any equipment supplied to police by the owner, driver or operator of the excess dimension vehicle or by any other person is returned;

(ii) complete the PT 73: 'Wide load escort checklist' in all instances and submit it to the Heavy Vehicle Road Operations Program Office (HVROPO). Where damage has been caused to any property by any vehicle involved in the excess dimension vehicle escort, the appropriate section of the report should be completed; and

(iii) where damage has been caused to any property by any vehicle involved in the excess dimension vehicle escort, ensure:

(a) the PT 73 is forwarded to the relevant authority whose property has been damaged (e.g. Queensland Rail where damage to Queensland Rail property has occurred); and

(b) in cases of damage caused to private property, the owner of the property has been appropriately notified (see s. 5.2: 'Attending and investigating traffic crashes' of this Manual).

The OIC of the HVROPO who receives a completed PT 73 should ensure a copy of the form is attached to and filed with the QP 0023B: 'Statement of special services – wide load escort only'.

#### 12.14.4 Mandatory training for excess dimension/mass vehicle escorts

Officers are only permitted to perform unsupervised excess dimension/mass vehicle escorts after having successfully completed the relevant training.

Police escort officers and police escort supervisors are to complete the mandatory requalification online learning product (OLP) on Ignite every two years.

ORDER

Officers are not to perform excess dimension/mass escorts unless they hold a current qualification as a police escort officer or police escort supervisor.

##### Police escort officer

Officers who wish to undertake supervised excess dimension/mass vehicle escorts are to complete the 'Excess dimensional loads – police escort officer' OLP on Ignite. It is the responsibility of the officer to provide a copy of their Ignite qualification to their OIC so they may be considered for wide load escort duty.

A first year constable who is an authorised police escort officer is ineligible to enrol in police escort supervisor assessment until after confirmation of their appointment.

To complete the mandatory requalification as a police escort officer, officers are to complete the 'Excess dimensional loads – police escort officer' OLP on Ignite.

ORDER

An officer who is an authorised police escort officer (level 2 officer) is not to perform escort duties unless supervised by a police escort supervisor (level 1 officer).

##### Police escort supervisor

An officer wishing to progress from police escort officer to police escort supervisor is to:

(i) participate in at least three supervised excess dimension/mass vehicle escorts, including complex escorts and be assessed by an authorised police escort supervisor under the following practical wide load escort conditions:

- (a) pre-load responsibilities;
- (b) risk assessment;
- (c) work diary/log book (fatigue management compliance);
- (d) built up areas;
- (e) highway escorts;
- (f) night escorts (where applicable); and
- (g) post-load responsibilities;

(ii) successfully complete the 'Excess dimensional loads – police escort supervisor initial training' OLP training on Ignite; and

(iii) submit a QP 1020: 'Application for approval police wide load supervisor' with:

- (a) a copy of the applicant officer's Ignite history showing:
  - the accreditation date for the wide load escort officer qualification; and
  - that the 'Excess dimensional loads – police escort supervisor initial training' OLP training has been successfully completed;
- (b) copies of the PT 73 for a minimum of three escorts co-signed by the relevant police escort supervisor with any additional commentary;

(c) copies of the relevant National Heavy Vehicle Regulator permits co-signed by the police escort supervisor;

(d) copies of the relevant police escort supervisor/s Ignite history showing their current police escort supervisor qualification,

to their OIC for certification.

If the application for upgrading to police escort supervisor is supported, the OIC is to forward the QP 1020 to the district officer or equivalent officer for consideration and approval if supported.

Where the district officer or equivalent officer approves the application, the signed QP1020 is to be forwarded to the local education and training office for recording on Ignite.

Regional limitations may exist which do not allow for practical testing of all the above assessment criteria. Where regional limitations exist, for example, where no escorts are permitted during the night time, a police escort supervisor (the assessing officer) may assess the police escort officer as competent if they have demonstrated sufficient expertise in general to be declared competent under those particular criteria for the purpose of the police escort supervisor authorisation.

Practical assessments are not to be completed in a single wide load escort.

### **Responsibility of Education and Training Office**

The OIC of each Education and Training Office is responsible for ensuring a list of all competent police escort officers and police escort supervisors is maintained and provided to relevant personnel as required.

### **12.14.5 Use of police wide load escort vehicles**

RPRSC maintains a fleet of purposely outfitted police vehicles to undertake wide load escorts. The vehicles are located within a region and allocated in accordance with the existing demand for wide load escort services across the State.

The vehicles are a RPRSC fleet asset and their primary use is for wide load escort duties. The vehicle fit-out does not include operational duty equipment, as the vehicles are not designated for operational duties.

RPRSC is responsible for all replacement, running and maintenance costs of the vehicles.

OICs of a station or Highway Patrol where a police wide load escort vehicle is attached are to ensure the vehicle is:

- (i) serviced and any required maintenance is performed; and
- (ii) kept in a clean and operational state.

### **Vehicle deployment**

The Superintendent, RPRSC is responsible for coordinating the deployment of police wide load escort vehicles.

### **Use of police wide load escort vehicles for other policing activities**

Police wide load escort vehicles may be used to assist regional/district policing functions so that the vehicle is not left parked for extended periods when not required for wide load escort duties.

The use of police wide load escort vehicles may include short term general use by staff to attend meetings, training and other transport related purposes. The vehicle is to remain readily available for wide load escort duties if required.

Officers using a police wide load escort vehicle for other duties should ensure the vehicle:

- (i) log book clearly identifies the 'purpose of use' as being non-wide load escort related; and
- (ii) is refuelled after use and left in a state of readiness for wide load escort duties.

ORDER

Should an emergent reason exist for the use of a police wide load escort vehicle for operational duties, then a risk-based assessment is to be made with respect to officer safety, and the relevant district officer and Superintendent, RPRSC are to be advised of the circumstances as soon as practicable.

Police wide load escort vehicles are not to be used for special services other than for performing wide load escorts.

### **Damage to police wide load escort vehicles**

Where a police wide load escort vehicle is damaged during the course of a wide load escort, relevant details are to be recorded on the relevant PT 73: 'Wide load escort checklist'. The officer operating the vehicle at the time of the incident is to comply with s. 5.13: 'Investigation of traffic crashes involving Service vehicles' of this Manual.

ORDER

In the event of damage to the police wide load escort vehicle, or its equipment, the OIC, Heavy Vehicle Road Operations Program Office, RPRSC is to be advised as soon as practicable.

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