



New South Wales

Roads Amendment (Transitways) Bill 1999

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Roads Act 1993* so as:

- (a) to enable certain roads (both public and private) to be classified as transitways, and
- (b) to enable the regulations under that Act to regulate traffic using a transitway, and
- (c) to make minor, consequential and ancillary amendments as a result of the creation of the new class of road.

The Bill also allows provisions of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Roads Act 1993* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [3] inserts proposed section 52A into the principal Act. The new section will allow the Minister administering the principal Act to declare, by order published in the Gazette, that a road (whether public or private) is a transitway (that is, a road that is proposed to be dedicated for use by specified classes of traffic, such as public transport vehicles). A transitway will not be a road or road related area within the meaning of the *Traffic Act 1909* if regulations under the principal Act so provide. However, the provisions of the *Traffic Act 1909*, and of the regulations under that Act, will apply to a transitway, including any part of a transitway that is not a road or road related area within the meaning of that Act. The regulations under the principal Act will be able to prescribe the classes of traffic that are permitted to enter or travel along, or are prohibited from entering or travelling along, a transitway or any part of a transitway.

Schedule 1 [4], [5] and [6] amend section 52A (as proposed to be inserted by Schedule 1 [3]) as a consequence of the intended replacement of the *Traffic Act 1909* by the *Road Transport (General) Act 1999* and the other road transport legislation referred to in the latter Act.

Schedule 1 [1] and [2] make consequential amendments to sections 46 and 51 of the principal Act.

Schedule 1 [7] and [8] amend section 55 of the principal Act so as to allow separate traffic lanes (that is, separate widths of roads) to be separately classified, as is the case with separate lengths and separate levels of roads.

Schedule 1 [9] and [10] amend the heading to Division 4 of Part 5 of the principal Act, and various sections within that Division, so as to allow access to or from a transitway to be restricted (the amendments to section 67), to provide compensation to owners of land affected by such restrictions (the amendments to section 68) and to prohibit the construction or use of access points without the consent of the RTA (the amendments to section 70).

Schedule 1 [11] amends section 73 of the principal Act so as to empower the RTA to construct access roads for transitways.

Schedule 1 [12] amends section 76 of the principal Act so as to require roads authorities carrying out large-scale road works (that is, road works having an estimated cost of more than \$2,000,000) to give effect to amendments or alterations proposed by the RTA, or to defer the carrying out of such works if required by the RTA, if those works may affect the development of a transitway.

Schedule 1 [13] and [14] amend section 87 of the principal Act so as to enable the RTA to carry out traffic control work on such part of a transitway as is not a public road or a road or road related area.

Schedule 1 [15] amends section 264 of the principal Act so as to enable regulations to be made with respect to the regulation of traffic on transitways and the restriction or suspension of the use by the public of transitways.

Schedule 1 [16] amends clause 1 of Schedule 2 to the principal Act so as to enable the regulations under that Act to make savings and transitional provisions consequent on the enactment of the proposed Act.

Schedule 1 [17] and [19] amend the Dictionary to the principal Act as a consequence of the new class of road provided for by proposed section 52A.

Schedule 1 [18] amends the definition of *road work* in the Dictionary to the principal Act so as to make it clear that transitway stations fall within the ambit of that definition.

First print



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No. , 1999

A Bill for

An Act to amend the *Roads Act 1993* so as to enable certain roads to be classified as transitways and to make provision with respect to roads so classified; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Roads Amendment (Transitways) Act 1999</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5 6
3 Amendment of Roads Act 1993 No 33	7
The <i>Roads Act 1993</i> is amended as set out in Schedule 1.	8

Schedule 1 Amendments

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Schedule 1 Amendments

(b)	such part of a transitway as is not a road related area within the meaning of the <i>Traffic Act 1909</i> (but is an area that divides, or is a footpath or nature strip adjacent to, a part of a transitway referred to in paragraph (a)) in the same way as if it were such a road related area.	1 2 3 4 5
(4)	The regulations may prescribe the classes of traffic that are permitted to enter or travel along, or are prohibited from entering or travelling along, a transitway or any part of a transitway.	6 7 8 9
[4]	Section 52A (as inserted by item [3])	10
	Omit " <i>Traffic Act 1909</i> " from section 52A (2).	11
	Insert instead " <i>Road Transport (General) Act 1999</i> ".	12 13
[5]	Section 52A (as inserted by item [3])	14
	Omit "the <i>Traffic Act 1909</i> " where firstly occurring in section 52A (3).	15
	Insert instead "any Act forming part of the road transport legislation within the meaning of the <i>Road Transport (General) Act 1999</i> ".	16 17 18
[6]	Section 52A (as inserted by item [3])	19
	Omit " <i>Traffic Act 1909</i> " where secondly and thirdly occurring in section 52A (3).	20
	Insert instead "road transport legislation".	21 22 23
[7]	Section 55 Separate classifications etc of different lengths, lanes and levels of roads	24
	Insert "or width" after "length" wherever occurring in section 55 (1) and (3).	25 26 27
[8]	Section 55 (2)	28
	Insert "and widths" after "lengths".	29 30
[9]	Part 5, Division 4, heading	31
	Insert ", transitway" after "freeway".	32 33

[10] Sections 67, 68 and 70	1
Insert “, transitway” or “, transitways” after “freeway” or “freeways”, respectively, wherever occurring.	2 3 4
[11] Section 73 RTA may carry out road work on local access roads etc	5
Insert “, transitway” after “freeway” wherever occurring.	6 7
[12] Section 76 Roads authorities to notify RTA of proposal to carry out major road work	8 9
Omit “or tollway” from section 76 (2).	10
Insert instead “, tollway or transitway”.	11 12
[13] Section 87 Traffic control facilities	13
Omit “all public roads and” from section 87 (1).	14 15
Insert instead “all public roads, on all parts of transitways that are not public roads and on all”.	16 17
[14] Section 87 (3)	18
Insert “on any part of a transitway that is not a public road” after “unclassified road,”.	19 20 21
[15] Section 264 Regulations	22
Insert “, transitway” after “tollway” in section 264 (1) (c).	23 24
[16] Schedule 2 Savings, transitional and other provisions	25
Insert at the end of clause 1 (1):	26 27
<i>Roads Amendment (Transitways) Act 1999.</i>	28
[17] Dictionary	29
Insert after paragraph (g) of the definition of <i>classified road</i> :	30
(g1) a transitway,	31 32

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Schedule 1 Amendments

[18] Dictionary	1
Insert “, transitway station” after “rest area” in the definition of <i>road work</i> .	2
	3
[19] Dictionary	4
Insert in alphabetical order:	5
	6
<i>transitway</i> means a road that is declared to be a transitway by an order in force under section 52A.	7
	8