



CANTERBURY RAILWAY SOCIETY INC.
P.O. BOX 13-039, CHRISTCHURCH, NEW ZEALAND.

Operations Group Society Procedure

Ferrymead Railway

Subject: Permit to Enter Upon C.R.S. Land

CSG-408

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1. INTRODUCTION

The C.R.S. leases all operational land including the Rail Corridor from the Ferrymead Heritage Park (Ex N.Z.G.R Land). The corridor is NOT public land with reference to the Railways Act 2005; non-C.R.S members are trespassing when they enter without permission.

In general, the corridor is the responsibility of Operations and for safety reasons Operations has sole authority to permit entry onto the land. Permits to enter should be authorised by The Traffic Manager C.R.S. over the name of the General Manager C.R.S.

2. SCOPE

This code supplement has been written to inform members and contractors of outside parties of the Canterbury Railway Society (C.R.S.) Procedures in regards to enter the C.R.S. Railway and Railway Leased Land. The entry may require a speed restriction, protection or a block of line.

3. NO PERMIT REQUIRED

When carrying out their normal duties the following persons do not need a permit to enter railway land:

- (a). Emergency services; Police, ambulance, fire fighting services
- (b). Health and Safety Inspectors
- (c). Electricity and telecommunications staff, where entry is necessary because of probable danger to life or property and in case of electricity operators where entry is necessary to maintain the continuity of safety of the supply and distribution of electricity.

4. GENERAL AUTHORITY

Members of Groups that have grants or easements endorsed with a right of entry. The responsibility to prove this right is with the person seeking entry.

5. STATUTORY AUTHORITY

Rights of entry to railway land may be conferred by statute. Such statutory rights of entry to railway land for the purpose of gaining access to any existing works or lines are provided for electricity operators and network operations by the Electricity Act 1992 and the Telecommunications Act 1987.

The power to enter conferred by the Electricity and Telecommunications Acts is subject to the requirement that authorised officers, employees or agents of the network or electricity operator must produce evidence of identity and authority if required and must give reasonable notice of the intention to enter and enter at reasonable times.

6. SPECIFIC AUTHORITY

Authority to enter may only be given by using a “PERMIT TO ENTER” form. The form ensures the applicant is aware of their obligations and the duration of the permit.

Code Supplement CSG – 108 gives the procedures for electrified areas.

7. PERMIT FORM (Misc. 101)

The form (Misc. 101) should be filled out completely with suitable conditions and deletions.

A4 copies are available from the Traffic Manager C.R.S.

8. INDEMNITY FORM (Misc. 102)

SEE CSG—413. A4 copies are available from the Traffic Manager C.R.S.

9. GUIDELINES FOR PERMITS

9.1 General

It is intended that these conditions be applicable to MOST situations—however they may be modified by the Traffic Manager C.R.S. as required for particular circumstances.

Both the permit form and an indemnity form MUST be signed BEFORE any entry is made. The forms indemnify the Society against claims resulting from accidents, set general requirements and include an agreement that the applicant will meet any cost incurred by the Society as a result of the entry.

9.2 Entry Only

These situations are for minor occupations (such as surveying). Protection is not normally provided.

9.3 No Protection

- a) Staff and machines being on site and the applicant agreeing that they will be greater than **5m** from the track centre at all times.
- b) Staff and hand tools only being on site and the applicant agreeing that they will be greater the **4m** from track centre at all times.

9.4 Barriers Required

- a) Staff and machines working to within **3.5m** of the track centre.
- b) Staff and hand tools only working to within **2.5m** of track centre.

For (a) above, a substantial barrier must be erected 3.5m from track centre and a 10 km/h speed restriction must be put in force. Commercially, protection is preferred to a speed restriction.

For (b) above, a light barrier must be erected 2.5m from track centre and a 10 km/h speed restriction must be put in force.

9.5 Electrified Area

The requirements of CSG—108 must be followed.

10. CHARGES (All include GST)

Permit form (A higher fee may be charged if less than 3 days notice is given)	\$50
Speed Restriction	\$200/week
Protection week days	\$35/hour
Out of normal working hours	\$45/hour
Charge should include travel and vehicle costs.	
Block of lines not delaying trains Minimum charge is for 3 hours	\$50/hour
Block of line delaying trains (to be assessed)	\$500/hour

11. MAJOR ENCROACHMENTS

When there is a need for an external party to have a long-term presence on the Rail Corridor a specific contract should be drawn up.

12. TRESPASS

With Reference to the Railways Act 2005,

“73 Trespass relating to railway

- (1) *A person must not, without the express authority of the appropriate licensed access provider (in the case of railway infrastructure) or railway premises owner (in the case of railway premises),—*
 - (a) *encroach on any railway infrastructure or railway premises by constructing or placing a building, fence, ditch, drain, or other obstacle, or planting a tree or shrub, on the railway infrastructure or railway premises; or*
 - (b) *dig up, remove, alter, or undermine the soil or surface of any railway infrastructure or railway premises; or*
 - (c) *fill up, divert, alter, or obstruct any ditch, drain, or watercourse that directly carries water off any railway infrastructure or railway premises or is made to protect that railway infrastructure or those railway premises; or*
 - (d) *do any act in which—*
 - (i) *a ditch, drain, or watercourse that directly carries water off any railway infrastructure or railway premises or is made to protect railway infrastructure or railway premises is stopped; or*
 - (ii) *the natural flow of water in that ditch, drain, or watercourse is obstructed; or*
 - (e) *interfere with or divert a ditch, drain, or watercourse in a manner that damages any railway infrastructure or railway premises; or*
 - (f) *fell or remove a tree, shrub, or timber growing on any railway infrastructure or railway premises; or*
 - (g) *interfere with or damage a rail vehicle or container or other property carried on a railway; or*
 - (h) *interfere with, change, or move a building, structure, or property in a manner that causes damage to railway infrastructure or railway premises; or*
 - (i) *cause or procure to be done any of the acts specified in paragraphs (a) to (h).*
- (2) *A person must not enter any railway infrastructure or railway premises,—*
 - (a) *in the case of railway infrastructure, without the express authority of the appropriate licensed access provider; and*
 - (b) *in the case of railway premises, without the express or implied authority of the appropriate railway premises manager.*
- (3) *The owner of stock, or a person in charge of stock, must prevent the stock from trespassing on a railway or on any part of a railway.*

- (4) *If stock is found trespassing on a railway,—*
- *(a) rail personnel may impound that stock:*
 - *(b) the relevant rail participant, or its rail personnel, may, in respect of that stock, exercise any of the functions or powers conferred on an occupier of land by the Impounding Act 1955 (and the provisions of that Act, except section 26(1), apply accordingly).*
- (5) *The provisions of this section are in addition to, and not in substitution for, the provisions of the Trespass Act 1980.*”

The Trespass Act by section 110 (1) (d) providing for “Regulating, restricting or prohibiting the entry or remaining on any part of any railway by persons or animals and prescribing the conditions upon which they may be permitted to enter or remain thereon” further provides by subsection 100 (2) (d) that “Every person who acts in contravention of any regulation under this section commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.”

The Trespass Act by section 11 also provides for liability on summary conviction to fines or imprisonment.

A draft warning notice under the Trespass Act to be given by personal delivery or registered post to the person concerned is attached as Appendix 3.

APPENDIX 1

NOTE TO APPLICANTS

Where the permit requires a speed restriction, protection by C.R.S. members or a block of line, these must be arranged with the Traffic Manager C.R.S. Due to operating requirements, the above situations cannot always be provided.

The following are the minimum times needed to provide these levels of protection;

Speed Restriction	minimum 7 Days
Protection	minimum 48 hours
Block of Line	Minimum 10 days

APPENDIX 2. Draft Trespass letter

SCHEDULE

TRESPASS ACT

Delivered/ Registered

Notice to:

CANTERBURY RAILWAY SOCIETY as the lawful occupier of railway land/premises atgives warning without prejudice to its rights and remedies.

YOU ARE WARNED that pursuant to the Trespass Act 1980 you are not permitted to enter or set foot upon railway land.

Should you be found on or about railway land/premises you will be committing an offence against the Trespass act and may render yourself liable to arrest and a substantial fine or imprisonment.

A copy of this notice has been forwarded to thePolice Station.