

Footpath and cycleway maintenance

Policy, procedure, protocol	Policy
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Related documents	
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Linkage to Our Community Plan	2 Infrastructure
Objective	2.1 We will have communities that are well serviced with appropriate infrastructure
Strategy	2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources

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1. Purpose

The purpose of the Footpath and Cycleway Maintenance Policy is to outline Council's level of service and response to a range of footpath and cycleway maintenance issues. The Policy is based on a risk management approach to provide a systematic method of identification, evaluation and prioritisation of maintenance works on Council's footpath and cycleway network that will assist Council's decision-making process.

2. Reference

Hazard – A source of potential harm (AS/NZS ISO 31000:2009)

Risk - The effect of uncertainty on objectives (AS/NZS ISO 31000:2009)

Statewide Mutual Best Practice Manual - Footpaths - Version 5: August 2014

Statewide Mutual Guidance Notes - Shared Paths – Version 1: February 2010

3. Background/legislative requirements

Clarence Valley Council has an extensive footpath and cycleway network to manage, consisting of more than 92 km of footpath, 7 km off-road cycleway and 39 km of on road cycleway. Council needs to manage these assets within the financial constraints and competing interests that are placed on every Council.

The majority of these footpaths and cycleways are in public road reserves and therefore fall under the legislative requirements of the Roads Act 1993, but a significant number of footpaths also exist on other public land for which Council is responsible.

Council has also recognised that potential hazards to pedestrians and cyclists resulting in public liability claims or injuries, place a significant burden on the community. Council must endeavour to manage the footpath and cycleway network to assist in minimising these potential hazards. This requires a risk management approach to determine the best use of limited resources.

This Policy aims to provide guidance to Council staff and the community on the level of service that Council will provide in managing these assets and the procedures that Council will follow in making decisions on footpath and cycleway associated issues.

Legislative Requirements

Roads Act 1993

Civil Liability Act 2002 – Sections 42, 43 and 45

42 Principles concerning resources, responsibilities etc of public or other authorities

The following principles apply in determining whether a public or other authority has a duty of care or has breached a duty of care in proceedings for civil liability to which this Part applies:

- a) the functions required to be exercised by the authority are limited by the financial and other resources that are reasonably available to the authority for the purpose of exercising those functions,
- b) the general allocation of those resources by the authority is not open to challenge,
- c) the functions required to be exercised by the authority are to be determined by reference to the broad range of its activities (and not merely by reference to the matter to which the proceedings relate),
- d) the authority may rely on evidence of its compliance with the general procedures and applicable standards for the exercise of its functions as evidence of the proper exercise of its functions in the matter to which the proceedings relate.

43 Proceedings against public or other authorities based on breach of statutory duty

- (1) This section applies to proceedings for civil liability to which this Part applies to the extent that the liability is based on a breach of a statutory duty by a public or other authority in connection with the exercise of or a failure to exercise a function of the authority.
- (2) For the purposes of any such proceedings, an act or omission of the authority does not constitute a breach of statutory duty unless the act or omission was in the circumstances so unreasonable that no authority having the functions of the authority in question could properly consider the act or omission to be a reasonable exercise of its functions.
- (3) In the case of a function of a public or other authority to prohibit or regulate an activity, this section applies in addition to section 44.

45 Special non-feasance protection for roads authorities

- (1) A roads authority is not liable in proceedings for civil liability to which this Part applies for harm arising from a failure of the authority to carry out road work, or to consider carrying out road work, unless at the time of the alleged failure the authority had actual knowledge of the particular risk the materialisation of which resulted in the harm.
- (2) This section does not operate:
 - (a) to create a duty of care in respect of a risk merely because a roads authority has actual knowledge of the risk, or
 - (b) to affect any standard of care that would otherwise be applicable in respect of a risk.
- (3) In this section:

"carry out road work" means carry out any activity in connection with the construction, erection, installation, maintenance, inspection, repair, removal or replacement of a road work within the meaning of the Roads Act 1993.

"roads authority" has the same meaning as in the Roads Act 1993.

4. Policy statement

The Footpath and Cycleway Maintenance Policy outlines Council's level of service for maintenance activities and details its procedures for the management of its footpath and cycleway network and related infrastructure. In particular the Policy covers the following areas:

- Footpath and cycleway hierarchy.
- Footpath and cycleway maintenance.

The Policy aims to achieve the following objectives:

1. To provide a systematic method of identification, evaluation and prioritisation of maintenance works on Council's footpath and cycleway network that will assist Council's decision-making process.
2. To establish procedures that provide a simple, systematic and readily usable risk management approach to the maintenance of public footpaths and cycleways.
3. The following further objectives are consistent with this protocol:
 - a) provide for the safe movement of pedestrians and cyclists throughout the Council area;
 - b) preserve the footpath and cycleway assets of the Council area in a useable condition;
 - c) minimise liability claims against Council for injuries to pedestrians and cyclists;

This Policy and associated procedures covers maintenance works on footpaths and cycleways and any other physical item that has a foreseeable impact on the safety and amenity of pedestrians and cyclists within road reserves and other public lands under the care and control of Council.

5. Procedures

Footpath and Cycleway Classification

Council will classify all footpaths and cycleways under their control. The classification will be used in conjunction with other factors to determine the level of service provided and the standard to be maintained. Footpaths and cycleways will be classified in accordance with the following table:

Classification		Indicative Locations
1	High Use	Primary Destination Zones – Inner CBD, shopping precincts, high-use recreation areas, etc.
2	Medium Use	Secondary Destination Zones – Outer CBD, commercial, medium/high density residential, etc.
3	Low Use	General Access and Local Access Routes – Low density residential, village, rural etc.

A list of all footpaths and cycleways on Council's maintenance schedule, together with their classification will be prepared and updated on a regular basis to reflect the current condition of the paved surfaces in terms of hazard types and extent and the current risk assessment, taking into account the degree of hazard and user environment.

Footpath and Cycleway Maintenance

Council will co-ordinate the maintenance of footpaths and cycleways with the risk management approach detailed in Council's *Footpath and Cycleway Maintenance Risk Management Procedures*. These procedures will provide for regular periodic inspection and assessment of all formal footpaths and cycleways, and for the inspection and assessment of hazards identified outside of the periodic inspection schedule. Priorities for maintenance work will be determined from the risk assessments and these priorities will also be used to inform Council of future maintenance requirements for footpaths and cycleways.

This policy, together with the procedures, provides the guidelines for identifying the location, nature, inspection frequency, treatment options and repair priorities of potential hazards to footpath and cycleway users. The implementation of this policy aims to minimise public liability exposure and provides a best value service to the community in relation to provision and maintenance of infrastructure services.

Council's objective is to repair or remove hazards on footpaths and cycleways within the timeframes documented in Council's *Footpath and Cycleway Maintenance Risk Management Procedures*. These timeframes vary according to the risk assessment of the hazard, with high risks being remedied in shorter timeframes than medium or low risk hazards. This timeframe will be dependent on:

- Assessed risk and priority;
- Workforce work load;
- Climatic conditions; and
- Available funding.

Budgeting

Council will assess, in formulating its annual footpath and cycleway budget (in the context of its overall budget), the appropriate allocation of funding to maintenance works in such a way as to generally achieve the best possible long term overall condition of the footpath and cycleway network.

Council will allocate human and financial resources in order to conduct inspections and assessments for the implementation of the policy and procedures within Council's budget constraints.

Responsibilities

The Manager Civil Services is responsible for implementing the policy outlined above. This includes:

- Notifying staff of the policy and subsequent amendments;
- With subordinate staff identifying training requirements; and
- Ensuring audits are undertaken to determine the implementation of the policy.