



Artwork in Road Reserves





TRAFFIC MANAGEMENT Operational Instructions

Artwork in Road Reserves - 19.3

AMENDMENT RECORD

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CONTENTS

1. Scope 4

2. Background 4

3. Specific Considerations 4

 3.1. Approvals 4

 3.2. Design 5

 3.3. Safety 6

 3.4. Operational 7

4. References 8

19.3

1. Scope

This policy is intended to cover the process for the installation of artwork in the road reserve that would have aesthetic or cultural value to the community.

2. Background

DTEI is prepared to consider the installation of artwork within the road reserve provided that it can be designed and located so as not to adversely affect the safety of all road users; that is pedestrians, cyclists, and motorists (including motor cyclists).

19.3

Artwork that is located in the open inevitably needs to be resistant to both the elements and misuse. This may lead to relatively rigid structures being introduced, which may in turn increase the risk to road users in the event of a collision.

Artwork should not create a significant distraction to motorists or pose a physical obstruction to traffic and pedestrian movement or to the sight-lines of road users.

Each case will need to be assessed on its merits.

3. Specific Considerations

3.1 Approvals

Proposals for artwork or artwork “stations” on roads under the care, control and management of the Commissioner of Highways (Commsissioner) shall be directed to Council in the first instance.

If the proposed artwork is to be located in a median or traffic island, over the road or attached to a structure maintained by the Commissioner, then council is required to obtain the approval of the Commissioner prior to authorising the artwork under Section 221 of the *Local Government Act 1999*. Council will be advised of the terms and conditions under which it may authorise the artwork and an amended Section 26(7) Notice will be issued to give council the necessary legal powers to give the authorisation. Council must obtain approval of the Commissioner to erect artwork itself in the above areas. For artwork stations, involving the rotation or changing of specific artworks, the Commissioner will need to approve the changeover displays individually.

If a council or an individual application for artwork is outside the Commissioner’s area of maintenance responsibility within the road reserve, then council can authorise the application under Section 221 of the *Local Government Act*. As part of Council’s approval process, council should seek comments from the Commissioner of Highways.

Approval of the Development Assessment Commission may also be required.

Agreement to the proposal from all stakeholders including community support will generally be required for approval to be given.

The Commissioner of Highways will need to be indemnified by the proponent for no less than \$10 million by the owner of the artwork, against any claim resulting out of any incident arising from any installation. The premium payable will clearly be tempered according to the accreditation of the installer.

3.2 Design

It should be noted that potentially controversial “works of art” are likely not to be considered if the context is inappropriate and unacceptable to the general public.

The artwork does not contain a commercial or company logo.

The artwork is not internally illuminated or to have flashing lights. Any external lighting must be of an intensity that does not cause an overspill nuisance to motorists or adjacent property occupiers or cause a distraction to motorist on adjacent public roads.

19.3

The artwork does not have elements that are likely to cause a vehicle to be launch or to be speared.

3.2.1 Sculptured Fencing

Experience indicates that the coincidence of a vehicle collision and pedestrian presence within the path of the vehicle trajectory has an extremely low probability. Therefore, the purpose of a pedestrian fence is not to protect the pedestrian from a colliding vehicle, but to channel the pedestrian towards safer crossing points, or to protect the pedestrian from steep drop-offs, etc. Therefore, the fence strength only needs to be able to take the weight of pedestrians and not the force of colliding vehicles.

Where pedestrian fencing would normally be required to channel pedestrian movements, the cost of installing and maintaining a fence will be borne by the proponent. However, if the proponent installs DTEI's standard pedestrian fencing, DTEI will accept ongoing maintenance responsibility of that fence.

Sculptured pedestrian fencing is considered acceptable subject to safety concerns as discussed in (*Operational Instruction 19.1: Unsafe Fencing*).

3.2.2 Vandalism and Collision Safety

Artworks generally need only be designed for strength such that they can withstand natural loadings (e.g. wind), and also minor unnatural loadings such as acts of vandalism or misuse (eg people swinging or sitting on structures). Evidence of such considerations will need to be provided.

However, they also must not create a hazard in the event of vehicle impact. The design should follow roadside safety principles. Basically, an artwork should not contain horizontal elements that may separate in a collision (these have the potential to spear an occupant of a vehicle) or is likely to launch a vehicle. Also, any vertical elements should not be so rigid such that they would have the strength of an anti-ram raid bollard, as they will tend to snag a vehicle and impart severe decelerations upon the occupants.

In some cases, it may be appropriate that the artwork have a “weakened base” such that it will break away in the event of a collision (similar to that used on slip base lighting poles). In other cases, it may be appropriate that the artwork be capable of crumpling and absorbing impact energy during a collision. In yet other cases, where the structure is particularly high and heavy (and could fall and crush or protrude into a colliding vehicle) the whole structure may need to be protected from a colliding vehicle via a suitable roadside safety barrier. Advice should be sought on a case by case basis from DTEI.

3.2.3 Structural Considerations

Artwork (e.g. banners) on existing infrastructure adds additional weight and wind loads, which may compromise the structural stability and/or crash worthy features of the infrastructure (e.g. slip base mechanism on light poles). Additional artwork may even result in the strength of the structure being exceeded. Without modifying or replacing the structure at considerable expense and potential compromise to safety, it may not be physically possible to permit such practices.

3.3 Safety

19.3

The artwork is located to the satisfaction of the Commissioner of Highways.

To ensure that artworks within the road reserve do not compromise road safety, it is recommended that a road safety audit/assessment be undertaken by an independent accredited road safety auditor. The auditor needs to consider the following factors:

1. Clear zone requirements – artworks must be located outside the clear zone width of the adjacent road. (refer to Austroads (2009). *“Guide to Road Design. Part 6: Roadside Design, Safety and Barriers.”*)
2. Sight distance requirements – Artworks need to be located so as not to inhibit the sight-distances required for safe vehicle, cyclists and pedestrian movements. In particular, consideration needs to be given to the requirements of vision-impaired people and the general access requirements of any disabled groups
3. Proximity to intersections, junctions and other median openings – artworks should be located so as to not interfere with the safe operation of intersections, junctions and other median openings.
4. Proximity to other traffic control devices – artworks should be located such that there is adequate separation from existing and planned future traffic control devices to ensure that the function of the traffic control devices is not unduly compromised.
5. Potential for distraction – artworks should be designed to ensure that the potential for distraction is minimised. Artworks must be simple, effective and easily understood by glance appreciation to minimise distraction.
 - i. Artworks must therefore be legible from an appropriate distance and be designed and installed so that they can be understood by an approaching driver in advance to avoid driver distraction from their primary task of observing and reacting to traffic control devices and the presence of other road users, including pedestrians and cyclists.
6. Artworks shall not incorporate colours schemes that may interfere with traffic signals or imitate a traffic control device.
7. Artworks should not interfere with pedestrians movements or compromise Disability Discrimination Act requirements.

3.4 Operational

3.4.1 Notification of Works

Prior to commencing construction works, the person undertaking the works must notify the Commissioner by submitting a "Notification of Works Impacting DTEI Roads" form at least five (5) working days before works begin to enable a permit to be issued by DTEI. This form is available from the following internet address: http://www.transport.sa.gov.au/pdfs/transport_network/Notification_works_TSAroads_form.pdf.

In the event that traffic is restricted by the works a Traffic Management Plan showing the location of all traffic control devices and proposed times of traffic restrictions shall be attached to the form.

Council or the installer must notify the department's Traffic Management Centre on 1800 018 313 prior to undertaking any construction and maintenance activities at the site. and as soon as practicable after completion of the works.

19.3

3.4.2 Installation

Access to the roadside or median for installation will be considered for approval in conjunction with approval of the artwork itself. Construction on-site, in traffic, would generally not be preferred as special considerations and/or restrictions may be needed. For example:

- (1) preferably no obstruction or danger to traffic or to the artists/installers should be introduced;
- (2) if the above is not possible, an approved method of protecting traffic and artists/installers will need to be put in place; and
- (3) the installation must be phased out of peak traffic periods (i.e. undertaken only between 10:00 am and 3:00 pm).

Temporary traffic control measures used during the installation of artwork must be correctly installed by the relevant road authority (or their agent/contractor). Persons installing traffic control at roadworks on DTEI roads must have DTEI accreditation to implement temporary traffic control measures for works on roads. AS1742.3 must be followed.

The Department for Industrial Affairs has requirements for *Occupational Health & Safety* matters which will need to be met.

3.4.3 Maintenance

The artwork is maintained in good repair at all times to the satisfaction of the Commissioner.

Any maintenance that is required on the "work of art" will need to be catered for by the proponent or installer. The detail of frequency and nature of the maintenance work will need to be included in the original proposal. A suitably appropriate organization other than DTEI may be asked to accept responsibility for the ongoing maintenance (eg RSL for the Anzac Highway monuments), whether the artwork is situated in the median or the verge.

Arrangements for the replacement of any damaged elements will also need to be covered in the proposal, including removal of the artwork if no replacement or repairs are planned in the event of damage occurring.

3.4.4 Relocation or Removal

Council must comply with all directions of the Commissioner concerning the relocation or removal of the artwork as may be necessary if the artwork:

- impedes the Commissioner carrying out his statutory functions and duties;
- in the opinion of the Commissioner, is adversely affecting the operation and/or management of the adjacent roads; and
- in the opinion of the Commissioner, represents a risk to the health, safety or welfare of any persons whatsoever.

19.3

4. References

1. DTEI, "*Operational Instruction 19.1: Unsafe Fencing*".
2. Austroads (2009). "*Guide to Road Design. Part 3: Geometric Design.*" Publication No. AGRD03/09.
3. Austroads (2009). "*Guide to Road Design. Part 4A: Unsignalised and Signalised Intersections.*" Publication No. AGRD04A/09.
4. Austroads (2009). "*Guide to Road Design. Part 4B: Roundabouts.*" Publication No. AGRD04B/09.
5. Austroads (2009). "*Guide to Road Design. Part 6: Roadside Design, Safety and Barriers.*" Publication No. AGRD06/09.