

OIA2024

M A Kerr

Via FYI.org.nz

I am responding to your request under the Official Information Act 1982 (the Act), asking for:

- 1. The number of near-miss incidents recorded in the last 5 years at the road/railway crossing of Scruttons Lane, Heathcote Valley. Please provide summary information (pedestrian/cycle/vehicle; date and time etc).*
- 2. Number of near-miss incidents recorded in the last 5 years at the road/railway crossing of Chapmans Rd, Hillsborough. Please provide summary information (pedestrian/cycle/vehicle; date and time etc).*
- 3. Copy of all Safety in Design, safety audits and similar documents and correspondence related to the Heathcote Express Cycleway as it relates to the railway.*
- 4. All correspondence with NZTA / Waka Kotahi or internal discussions related to closure of the cycleway and the balance of risk to cyclists of diversion to heavily trafficked highways..*

Please find our answers below.

Firstly, I attach the 2019 LCSIA assessment, commissioned by the Christchurch City Council (CCC) when they were looking at the construction of the cycleway.

The second item is the 2024 LCSIA assessment, again commissioned and paid for by the CCC.

These assessments contain the relevant information on near-miss incidents at this crossing and are the safety audits/safety in design assessments for this crossing. We note there have been no incident recorded for the Scruttons Road crossing in the past ten years. This is unsurprising given there were only three houses and a couple of commercial/industrial use properties serviced by the level crossing prior to the cycleway opening.

It's probably worth adding a bit of background as well in terms of these assessments.

As noted in the 2024 report, this was commissioned because the CCC had opened the Heathcote Expressway MCR, which increased the volume of cyclists and pedestrians over the Scruttons Road level crossing.

CCC therefore requested that a LCSIA be completed, assessing the current level crossing controls, to determine if the existing situation was deemed unsafe, which would require the MCR to be closed until such time as the level crossing is upgraded. CCC also asked for an assessment of whether the existing situation could be improved with safety interventions, other than increasing the form of control.

This is because the Railways Act 2005 (Act) requires all rail operators, including KiwiRail, to meet rigorous safety standards through licensing, risk assessments, and safety audits.

As noted above, the Act requires safety risks at a level crossing to be reassessed whenever there is a "change of use" at a crossing, for example due to new housing developments or new infrastructure



that will change how a level crossing is used. This is about understanding increased risk. Assessments include the Australian Level Crossing Assessment Model (ALCAM) or, more recently, the New Zealand-developed Level Crossing Safety Impact Assessment (LCSIA).

Traditionally the ALCAM level crossing assessment has been used in New Zealand.

However, in 2017, after a person was killed at a level crossing in Ashburton, KiwiRail was criticised by the coroner for the ALCAM risk assessment model not taking into account a number of other safety related factors. As a result, KiwiRail the LCSIA model, was developed in conjunction with NZTA (rail regulator) and the Road Controlling Authorities Forum (NZ) Inc (which represents council road controlling authorities throughout New Zealand).

The LCSIA includes information covered in an ALCAM assessment as well as level crossing incident data (such as collisions and near collisions), local opinion from rail and road representatives, and site-specific factors.

Ordinary and Special Safety Assessments, which includes LCSIAs, are covered in the Railways Act 2005 Section 37. Among other requirements, the independence of the assessor is required to ensure impartiality.

New Zealand Transport Agency, which is the rail regulator requires assessments to maintain high safety standards for public rail and road interfaces, reducing potential conflicts and improving overall safety. KiwiRail, councils, and developers engage third-party independent specialist consultants to carry out LCSIAs as part of project planning and risk management at railway crossings. Which is what the CCC has done here.

Councils or the relevant parties are also required to cover the cost of any resulting level crossing upgrades depending on which party is introducing the increased risk/change of use.

I should add here as well, that KiwiRail is agnostic about what safety measures are recommended through these LCSIAs – however, once received we are obliged to act upon the recommendations.

**Question two: Near-misses at Chapmans road.**

Please find the attached summary document, taken from KiwiRail reporting system.

**Question four: Risks to cyclists.**

Please note KiwiRail does not hold any information on this, nor has it been factored into the assessments completed by CCC in relation to the crossing. Our involvement with the cycleway has been solely around the introduction of risk to our level crossing with CCC inserting a cycleway into the vicinity – changing the risk profile of the crossing.

We have included a letter which summarises a meeting in May this year between KiwiRail and CCC's cycleway project team where the possibility of closing the cycleway was discussed as funding for the required upgrades was not available and the permanents would not proceed in November as originally planned.

For information on risks to cyclists when using alternative routes, you may wish to approach the CCC as we assuming this would have been part of their planning when mapping out the route of the new cycleway.



This information has been released under the OIA. You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Yours sincerely



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