



New South Wales

Road Transport Legislation Amendment (Light Rail) Regulation 2019

under the

Road Transport Act 2013

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport Act 2013*.

MELINDA PAVEY, MP
Minister for Roads, Maritime and Freight

Explanatory note

The objects of this Regulation are to:

- (a) amend the *Road Rules 2014* to only allow drivers of particular classes of public buses to drive in a tramway and to permit drivers of special purpose vehicles to drive in a tramway, and
- (b) amend the *Road Transport (Driver Licensing) Regulation 2017* to prescribe offences relating to driving in a tram lane and driving in a tramway as offences for which 1 demerit point may be incurred, and
- (c) amend the *Road Transport (General) Regulation 2013* to prescribe the offence of driving in a tramway as an offence that may be dealt with by way of a penalty notice.

This Regulation is made under the *Road Transport Act 2013*, including sections 21, 23 (the general statutory rule-making power), 25, 26 and 32.

Road Transport Legislation Amendment (Light Rail) Regulation 2019

under the

Road Transport Act 2013

1 Name of Regulation

This Regulation is the *Road Transport Legislation Amendment (Light Rail) Regulation 2019*.

2 Commencement

This Regulation commences on 1 February 2019 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Road Rules 2014

[1] Rule 155A Tramways

Omit “or public bus” from rule 155A (1).

Insert instead “, public bus or special purpose vehicle”.

[2] Rule 155A (1)

Insert at the end of the subrule:

Note 3. This subrule is not uniform with the corresponding subrule in rule 155A of the *Australian Road Rules* to the extent that it permits a driver of a special purpose vehicle to drive in a tramway. Different rules may apply in other Australian jurisdictions.

[3] Rule 155A (4–1)

Insert at the end of rule 155A:

(4–1) In this rule:

existing service contract means an existing service contract within the meaning of Part 2 of Schedule 3 to the *Passenger Transport Act 2014*.

public bus means a bus used to provide:

- (a) a regular passenger service, within the meaning of the *Passenger Transport Act 1990*, operated under an existing service contract, or
- (b) a public passenger service, within the meaning of the *Passenger Transport Act 2014*, that is either:
 - (i) operated under a passenger service contract entered into under Division 1 of Part 3 of that Act, or
 - (ii) exempt from the requirement to be operated under a passenger service contract by the operation of section 39 (3) or (4) of that Act, or
- (c) a service for the transport of passengers that replaces a public passenger service, or a part of a public passenger service, provided by a tram that has been disrupted in whole or part.

special purpose vehicle means a motor vehicle (whether a tow truck, a vehicle used for repairing traffic control light signals or another vehicle) being operated by or at the direction of the Authority and proceeding to the scene of an accident or other emergency.

Note 1. *The Authority* is defined in the Act.

Note 2. This is an additional NSW subrule. There are no corresponding definitions for **existing service contract** or **special purpose vehicle** for the purposes of rule 155A of the *Australian Road Rules*. The definitions are required for the purposes of subrule (1).

[4] Dictionary

Insert after the second note to the definition of **public bus**:

Note 3. Rule 155A (4–1) contains a different definition of **public bus** that applies for the purposes of rule 155A.

Schedule 2 Amendment of Road Transport (Driver Licensing) Regulation 2017

[1] Schedule 1 National schedule of demerit point offences

Insert after the matter relating to rule 152 under the heading *Road Rules 2014*:

Rule 155	Drive in a tram lane	1	1
----------	----------------------	---	---

[2] Schedule 2 Additional demerit point offences

Insert after the matter relating to rule 154 under the heading *Road Rules 2014*:

Rule 155A	Drive in a tramway	1	1
-----------	--------------------	---	---

Schedule 3 Amendment of Road Transport (General) Regulation 2013

Schedule 5 Penalty notice offences

Insert after the matter relating to rule 151–1 under the heading *Road Rules 2014*:

Rule 155A	Drive in a tramway	Class 1	Level 4
-----------	--------------------	---------	---------