



JOURNAL

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IN THIS ISSUE

LITTLE RIVER RAILWAY STATION TRUST JOINS FRONZ	1
OBITUARY : RUSSELL PAUL	2
3 rd AUSTRALASIAN HERITAGE ENGINEERING CONFERENCE	3
INFRASTRUCTURE BILL INTRODUCED	4
INTRODUCING "RAIL"	6
KIWI RAIL REVIEWS HI-RAIL	7
KINGSTON FLYER CLOSED	7
FRONZ SIMPLEX RADIO CHANNEL ..	7
RAIL CORRIDORS & WEED CONTROL	6
LOTTERIES GRANTS FUNDING	7
SUCCESS AGAINST THEFTS AT KWIRAIL	7

LITTLE RIVER RAILWAY STATION TRUST JOINS FRONZ

The FRONZ Executive were pleased to endorse an application for Membership by the Little River Railway Station Trust. Standing at the terminus of a branchline of the same name, the station is in good condition and contains a Post Office and store with an excellent café adjacent. A small display of rolling stock including a guards van is maintained on the platform road and the substantial Goods Shed is still extant. (see photos by Nigel Hogg, dated 23 October 2008 below). More details can be found in an article in FRONZ "PLATFORM" # 2



Address details for the Trust are :

Little River Railway
Station Trust
Little River
Canterbury 7546

lrrst@snap.net.nz

Secretary : Pam Baird



Thanks to Paul Markholm for encouraging the Trust to join FRONZ !

I never expected to be, nor ever wanted to be, writing an obituary for my good friend Russell Paul. My abiding memories of him will always be of a man on a mission, a can-doer, a competent achiever full of energy and the joys of life, dedicated to his Family, his community, his interests in historic transport, and a determination not to let anyone stop him from achieving his shared goals. Russ' life ended most unexpectedly with a heart attack, early on Thursday 13th August. That a crowd estimated by some to be close to 900 mourners, gathered on Tuesday 18th August to farewell him, came as no surprise to those who have observed his life and achievements from a very early age. Former Farmer, Probation Officer, Vehicle restorer extraordinaire, Russell died aged 66.

It was impossible not to like Russell, who I met very early on in the life of the Federation. Always a keen supporter of FRONZ' ethos, and a passionate sense of what was "fair play", you didn't have to always agree with him to be his friend. His most tangible legacy (apart from his family), a railfan might say, would probably be RM 4, the wonderful Model T Ford railcar that is a testament to his patience and skill, and which runs regularly at the Pleasant Point Museum & Railway. But there was much more to Russ than that. The whole Pleasant Point Railway organisation and its culture of Excellence is a tribute to his founding guidance and competence. And if all that weren't enough, outside of his rail heritage interests, Russ' also found time to restore a small stable of vintage and veteran cars including badges of Renault, Hupmobile & Mark 1 Ford Zephyr Convertible - which were as much his pride and joy, participating with wife Joan, in rallies and competitions throughout New Zealand, and for which he was awarded national recognition. Russell was awarded the Queens Service Medal in 2007 for his services to the Pleasant Point Railway.

Let loose, Russ' had a wicked sense of humour that I found myself on the butt end of on more than one occasion, though always achieved with the most diplomatic of motives. Once during a FRONZ Conference hosted by Pleasant Point Museum, I was unexpectedly hijacked from the train in front of stunned delegates, by the Pleasant Point Volunteer Fire Brigade. Held for ransom for what seemed like an eternity, while other delegates enjoyed hospitality in the local pub, it turned out that the delay in releasing me was because none of them were prepared to put up any money to meet the ransom demand!

One should have had the wisdom not to sanction a repeat, but Russ' struck again during another FRONZ visit with an hilarious "take off" of an avid rail "enfusiast" collector of memorabilia, as pictured at left, back in 2003.



On the day of the Funeral, the Pleasant Point Members and the greater Timaru community along with hundreds of others from far & wide gathered for an emotional and fitting tribute. Russ was carried aboard a special train between Keanes' Crossing and Pleasant Point, where he was transferred to the tray of a veteran Fargo truck. Along the way, Ab 699's whistle cried a deep and mournful note, and school children, heads bowed in the rain, stood silently as their hero passed by. Traffic Police were required to direct traffic and the Poplars Reception Lounge was overfilled to the extent a marquee was also needed.

FRONZ was represented by Executive Members Clark Simmonds, Peter McCallum & Neville Tobin. We have conveyed to Joan Paul our very sincere condolences at the Family's huge loss of a well-respected and much cherished friend of rail heritage.. *Paul Dillicar*

TRIBUTE TRAIN

Below : Ab 699 prepares to depart with Russell Paul's funeral train at Keanes Crossing, Tuesday 18 August 2009. Photo courtesy Brian Blanchard.

Left : Suitably-attired Pleasant Point Railway staff carry Russ' coffin from the funeral train to the waiting vintage Foden truck. Photo : Dave Turner



3RD AUSTRALASIAN HERITAGE ENGINEERING CONFERENCE

From an Institute of Professional Engineers of NZ (IPENZ) newsletter.

Engineering in the Development of a Region – Heritage and History

When and Where: 22–25 November 2009
Salmond College, University of Otago, Dunedin

We have news of a party of 10 coming from the United Kingdom and interest from our Australian colleagues. Take this opportunity to meet people with similar engineering heritage interests.

Interesting papers on engineering achievements and their impacts on communities and people's lives will be presented.

An excellent range of papers, in accordance with the conference's theme, has been accepted for presentation during the conference sessions on 23–24 November. A number of keynote speakers will make presentations to the conference, including Sir Neil Cossons, former Chair of English Heritage, who will also give a public lecture.

Pre-conference Tour

The four-day guided tour will include a circuit of North Otago, Waitaki Valley, Wanaka, Queenstown, Cromwell, Maniototo and Strath Taieri, visiting many engineering heritage sites and other attractions. There is a further tour option to visit scenic Milford Sound. This comprehensive tour includes coach travel, accommodation and a return to Dunedin on the Taieri Gorge Railway. The pre-conference tour programme is also on the web site. Local tours are listed in the registration documents. Places are still available but you need to register now.

If you know someone who is interested in engineering heritage forward this information to them.

To register and for more information visit www.ipenz.org.nz/heritage/events.cfm

Early-bird registration closes on 31 August 2009.

Use the link above to register online now to qualify for the concessions available. If you do not wish to use the online facility, there is a paper form you can download, complete and submit.

GOVERNMENT INTRODUCES INFRASTRUCTURE BILL

If your organisation operates a heritage railway or tramway on its own corridor, you had best read this, as it could affect your rights and/or obligations to Infrastructure providers.

As highlighted at Conference, and predicted in previous notes to members, the Minister of Infrastructure, Hon. Bill English, introduced the Infrastructure Bill to Parliament on 25th August.

Whilst FRONZ has known about the prospect of this Code, we emphasise that we have never been consulted, either by the Utilities Association or NZ Railways Corporation. We were alerted to it just prior to Helen Fielding leaving Ministry of Transport. Helen managed to find out that whilst NZRC were understood to be "looking after heritage rail interests", in fact the NZRC representative had now moved on, and she was unable to confirm his input. Meantime, Helen herself, has left MoT and not been replaced. It was never advised to us as the subject of new Legislation (as opposed to a voluntary Code).

It seems to us on a quick scan of the Bill, that rail and tram corridors on PRIVATE land will receive no special treatment in being exempted from the regulations, and those on leased corridors (e.g: some former NZR branchlines not sold to the rail operator, but rather leased), will certainly have to comply.

FRONZ will be writing a submission to the Transport & Industrial Relations Select Committee hearing the Bill. **Submissions close on 18 September.** The Bill is due to be reported back to the House on 13 November.

Our stance will be that whilst we do not wish to stand in the way of progress, (the Government is keen to roll out nation-wide broadband for example), operators need

- 1- firstly to comply with their obligations under the Railways Act,
- 2- their Safety Cases may need approved alteration prior to any Agreement for disruption to their corridor;
- 3- operators need to be consulted and fully approve access to their corridor and the planned work
- 4- operators need to be insured against any harm during and after the works
- 5- design and build needs to be signed off by the rail or tramway general manager.
- 6- compensation for disruption to services and track may be required.

What is a utility operator?

The Bill defines the term "utility operator" as:

in relation to electricity infrastructure, an electricity operator as defined in Section 2(1) of the Electricity Act 1992;

in relation to gas infrastructure, a gas operator as defined in Section 2(1) of the Gas Act 1992;

in relation to telecommunications infrastructure, a network operator as defined in Section 5 of the Telecommunications Act 2001;

in relation to water and wastewater infrastructure, a local authority as defined in Section 5 of the Local Government Act 2002;

in relation to public letterboxes, a postal operator as defined in Section 2(1) of the Postal Services Act 1998

The Bill provides for the creation of a **national code of practice** governing how utility operators and corridor managers co-ordinate their activities. The code may be specifically approved by the Minister and that approval published in the *Gazette* (and it has the status of regulations) or, in the absence of such a document, the code may be provided for by regulations. Utility operators and corridor managers must comply with the Code, unless the parties otherwise agree. A Court may order compliance with the Code, and impose a fine if that court order is not complied with. The processes for preparing and approving a Code are set out. The Code must reflect broad agreement between stakeholders. It must contain the method by which any statutory criteria are to be applied, and operational and dispute resolution processes. Appropriate regulation-making powers are provided for.

FRONZ has been able to obtain a copy of the DRAFT of the Code put forward to the Minister by NZUAG for endorsement. We are not sending that to you automatically with this JOURNAL in order not to overload the "Inbox" of people who do not need to see it, (it has 135 pages !) but anyone is welcome to contact Paul Dillicar to obtain a copy. We recommend you do that (quickly) before writing a submission.

Standard access provisions

The Bill amends the Telecommunications Act 2001, the Electricity Act 1992, the Gas Act 1992, and the Local Government Act 1974 to provide for consistent provisions in those Acts for access to the corridors, allocation of costs when utility operators are required to move assets, and time periods for notification and response. Amendments are also made to the Railways Act 2005 and the Government Roadway Powers Act 1989 to provide for time frames for responding to requests for access to rail corridors and motorways, and require controlling authorities to publish criteria on which they will base their decisions to grant access

"10 Content of Code

(1) In order to achieve its purpose, the Code must set out the following:

- (a) who it applies to;
- (b) the principles governing how utility operators and corridor managers deal with each other on access issues;
- (c) the processes and rules for ensuring that work by utility operators that affects transport corridors is co-ordinated;
- (d) processes for dealing with conflicts of interest arising from the same person being both a corridor manager and a utility operator, or being the operator of different utilities;
- (e) how any statutory criteria for setting access conditions, and any criteria for setting access conditions that are published by corridor managers, are to be applied;
- (f) whether, what, and how any other conditions on access may be imposed by corridor managers;
- (g) how compliance with the provisions of the Code is to be encouraged and provided for, including 1 or more dispute resolution procedures;
- (h) operational processes and rules about work done by utility operators within transport corridors.

(2) The Code may also-

- (a) provide for its provisions to be applied differently in different geographic locations, provided the variations comply with subsection (3); and
 - (b) provide processes and rules about information sharing between parties, including rules about what, and the form in which, information is to be collected and stored; and
 - (c) include any other matter that is consistent with the purpose of the Code and not inconsistent with any enactment.
- (3) Variations referred to in subsection (2)(a) may be allowed by the Code only if the variations-
- (a) are generally consistent with paragraphs (a) and (b) of the purpose of the Code set out in section 9; and
 - (b) are in response to particular geographic factors that would result in inefficient or uneconomic outcomes if the standard requirements of the Code were adopted; and
 - (c) have been sought and agreed to by the corridor managers and utility operators in that region; and
 - (d) fairly balance the interests of corridor managers and utility operators. "

"11 Preparation of Code

(1) A draft Code may be prepared by the Ministry, or by any person or body of persons, using whatever processes the Ministry, person, or body considers appropriate.

(2) The process for developing a draft Code must include, at a minimum, the following steps:

- (a) consultation with utility operators and corridor managers;
- (b) publication of a draft Code and release to the public;
- (c) consideration of comment received on the draft Code;
- (d) preparation of a revised draft Code in response to comments received.

(3) A draft Code may be submitted to the Minister for approval at any time after the steps referred to in subsection (2) have been taken.

"In Part 1 the bill establishes a framework for a national code of practice that governs how utility operators and corridor managers coordinate their activities. To enable industry participants to develop and take ownership of the code, **the bill allows anyone to prepare a code**, but the code must meet certain requirements before it can be approved by the Minister of Transport. The code must have broad agreement between stakeholders, include the method by which any statutory criteria are to be applied, and must include operational and dispute resolution processes. A code approved by the Minister under this legislation will be deemed a regulation. It will impose an obligation to comply on all utility operators and corridor managers unless parties otherwise agree. This obligation is backed by the ability of the court to order compliance with the code, and to impose a fine if that court order is not complied with. There is no requirement to have a code in force. However, if there is no code suitable for approval and the Minister identifies a need for one, he or she may make regulations in place of a code.

Part 2 of the bill amends the Telecommunications Act 2001, the Electricity Act 1992, the Gas Act 1992, and the Local Government Act 1974. This is to provide for consistent provisions across the Acts around reasonable conditions of access to the corridors, allocation of costs when utility operators are required to move assets, and time periods for notification and response. The Crown has a particular interest in the passage of this bill as it contemplates the roll-out of broadband around the country. Amendments to the Railways Act 2005 and the Government Rooding Powers Act 1989 provide **time frames for responding to requests for access to rail corridors** and motorways, and require corridor managers to publish the criteria on which they will base their decisions to grant access. This will, hopefully, overcome what one would describe as a patchy performance across the country by those who look after our rail and road corridors.

The Railways Corporation is a Government agency that manages New Zealand's rail infrastructure and almost all rail services. Many of the provisions of the New Zealand Railways Corporation Act are outdated because it was written when the Railways Corporation was a Government department and the major reforms of the State Sector Act had yet to occur. This, of course, has become topical since the Crown purchased KiwiRail and fitted it back into the Railways Corporation structure. While KiwiRail was in private ownership, these provisions of the legislation, obviously, did not apply to its operation. But now many of the provisions of the New Zealand Railways Corporation Act are anomalous when compared with the equivalent arrangements in the State-Owned Enterprises Act and the Crown Entities Act.

Part 3 of the bill amends the New Zealand Railways Corporation Act to bring those provisions in line with equivalent provisions in the Crown Entities Act. The changes proposed in the bill include normalising the appointment and dismissal of directors, changing to a simple majority the number of directors who can call a meeting, establishing the power to appoint a deputy chairperson, and streamlining arrangements for changes to the Railways Corporation's capital—probably the most important of the changes suggested. The bill also removes a requirement to annually provide the Minister with a programme of capital works, removes the limit on how much the Railways Corporation can expend in 1 year, and permits the Railways Corporation to effect insurance cover for, or give an indemnity to, a director or employee.

Part 4 does not apply to railways.

The other section applying to rail operators is

38 Amendment to Railways Act 2005

(1) This section amends the Railways Act 2005

(2) Section 75 is amended by inserting the following subsections after subsection (1):

“(1A) Every licensed access provider and every railway premises owner must publish, on a publicly available Internet site, the criteria that the licensed access provider or railway premises owner will apply when considering whether to grant permission under subsection (1), and must apply those criteria when considering whether to grant permission.

“(1B) If a local authority or owner of any pipe, line, or other work associated with the supply of water, electricity, gas, or telecommunications requests, in writing, permission for access to any railway infrastructure or railway premises for the purpose of carrying out work on any such pipe, line, or other works, the licensed access provider or railway premises owner must respond to the request, in writing, within 30 working days of receiving the request.”

The requirement to have a web site just so conditions can be notified will be onerous on the smaller operators. Such conditions will be needed rarely, if ever, and what about the numerous private siding owners?

One possibility is for FRONZ to maintain a common set of conditions on our web site.

Please advise FRONZ if you think this approach would work for you.

At FRONZ, our team is just coming to grips with this “bolt out of the blue”. It may well transpire (we live in hope !) that when the Select Committee discovers that there are about 80 independent rail corridor managers who are not represented by NZRC, they may have a double-take and realise that the Utilities Group have not assessed the impact on heritage or industrial railways, and/or there was never any intention to make railways on private land subject to this new legislation.

In any case, YOUR voice needs to be heard. If you are not concerned enough to write your own submission, do at least consider advising FRONZ of your reaction, and making any points you would like covered. We have already started on our submission but we should not be alone in this. Given that submissions close on 18 September, it is imperative that you advise us quickly if you want to see a copy of the Draft Code, or make any points in response.

Send feedback to Paul Dillicar dillicar@ihug.co.nz AND copy Peter McCallum pmccall@ihug.co.nz please.

Never a dull moment !

RAIL CORRIDORS & WEED CONTROL

Feedback on our recent article included comments from Silver Stream Railway that they have had a very successful relationship over several years with the local branch of the Royal Forest & Bird Protection Society. Together, they have planted most of their surplus land in native plants. This is a good outcome for both organizations and has created a positive image far as the local authorities are concerned. It also makes the place look better !



RAIL ASSESSMENTS & INSPECTIONS LTD (“RAIL”) is the name chosen by FRONZ for the newly-registered company (approved at our 2009 AGM), which will arrange the Inspections and Peer Reviews for Network Heritage Operators. The Directors appointed to run the Company are Clark Simmonds (MD); Peter McCallum and Grant Craig.

KIWIRAIL REVIEW HI-RAIL ISSUES

Pressure from private operators to run hi-rail services on parts of the rail network has prompted KiwiRail to prepare a definitive view on the subject. Hi-rail vehicles are road vehicles fitted with wheels capable of running on rails. They are most commonly used by KiwiRail Network (ONTRACK) for track inspections.

KiwiRail Network's General Manager Commercial, Neil Buchanan says a number of approaches have been received from would-be operators since the Government purchased Toll NZ's rail business in July of last year.

"It hadn't been an issue while Toll NZ had exclusive right to the use of the network," he says. "But now that rail ownership is entirely in Government hands, a number of operators have been in touch with us wanting to run services of one kind or another. The most common intention is to run either tourism services or some form of public transport." Neil says the most public example has involved former Gisborne MP Esme Tombleson who told local media she would brief the Prime Minister on a proposal to operate hi-rail tourism services on the Napier-Gisborne line while the Prime Minister was visiting the area last week.

"But we have also had an approach from an individual wanting to run a service on the Midland Line," he says. "Our approach in the past has been to discourage such ventures. It's not difficult to see why we would look askance at a private hi-rail service running on the same line as heavy coal trains."

Neil says any hi-rail venture would need an approved safety case from NZTA and to conclude an access agreement with KiwiRail.

Source : KiwiRail "Express" # 8 August 20, 2009

SUCCESS AGAINST THEFTS

7

KiwiRail is having better success with prosecution and recovery of stolen items from within the rail network. "Thanks to the vigilance of staff in reporting issues – especially noting and reporting the rego of suspicious vehicles - we are having some success," says Land and Asset Manager Frazer Tweedie.

"We're also using covert cameras and improving our relationship with the Scrap Metal Association. "We need to recover rail components following works and return them to our secure compounds to remove the incentive for these offenders to enter our network. "Keep up the good work."

From KIWIRAIL "EXPRESS" 6 August 09

LOTTERY GRANTS FUNDING UPDATE

The NZ Lottery Grants Board has announced that over \$163 million will this year be pumped back into the community from lottery profits. Funding allocations to national and regional community committees have been boosted by \$2.4 million to \$40.9 million from the total fund allocation of \$163.9 million for the 2009/10 financial year.

The statutory bodies - Creative NZ, NZ Film Commission, NZ Film Archive, and Sport and Recreation NZ will receive \$64.7 million - up \$1.4 million on last year while a further \$58.3 million will go to national, specialist and facilities committees.

A smart system for evaluating non-profit organisations' communications systems is at <http://ow.ly/b5Xl>: The system - which is quite straightforward to use - was created by Asibey for the Communications Network, and it is aimed at philanthropic organisations and non-profits that want to keep their communications on track using limited resources. *Source : Rural Women NZ News 8/09*

KINGSTON FLYER CLOSED

Kingston Flyer Ltd has ceased to operate and the company has laid off all staff. Mortgage holders refused bids from an American company who wanted to run the iconic train as being not high enough to cover both the debt owing and the interest. Local attempts failed to reach any compromise. The assets including the locos and train now lie idle. Kingston Flyer Ltd has never been a FRONZ member.

FRONZ SIMPLEX RADIO CHANNEL

Since 2007 FRONZ-member groups have been making use of the common-shared licence FRONZ Simplex radio channel. If any more FRONZ-member groups are thinking of using a Simplex radio channel for their local radio communications, then they are encouraged to "sign-up" for use of the FRONZ Simplex radio channel in their local area. FRONZ supplies its license FREE. Get full details from our Communications Convenor, Graeme Clover, via g_s.clover@clear.net.nz or phone Home : (04) 232 6810



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