

# Engineering Waiver Management

EGP-02-01

## Applicability

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|-------------------|
| ARTC Network Wide |
| SMS               |

## Publication Requirement

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| 2.1                 | 20 Nov 18     | All  | Updates to match EWAF and provide clarity to document users.                                     |
| 2.2                 | 09 Dec 19     | 2.3.1 & 3.1.3  | Updated to incorporate details of how each treatment and approval condition will be implemented. |
| 2.3                 | 29 Oct 20     |  | Updated procedure owner and added clarifying note around processing of waiver requests.          |

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|-----|-------------|--|
| 2.4 | 25 Nov 21   | Updated to simplify RA requirements, clarify endorsement and recommendation requirements & other minor updates.                |
| 2.5 | 07 March 23 | Process breakdown re-written to improve clarify. Flow chart updated to improve readability. Change to endorsement authorities. |

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## 1 Introduction

### 1.1 Purpose

This Procedure details the process for the endorsement and approval of variations from ARTC Engineering Procedures, Standards, Code of Practice, Specifications and Instructions (known as Engineering Standards)

### 1.2 Scope

This Procedure covers variations from ARTC Engineering Standards as used for design, construction, maintenance and operation of the ARTC network.

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*Note: This process does not cover Australian Standards.*

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### 1.3 Risks Controlled

This Procedure aims to minimise network risks from waivers by requiring that:

- Alternate treatments are Safe SFAIRP when existing technical and/or operational controls are waived
- Records are kept of technical controls being waived and the alternate treatments are in place for the life of the waiver
- A review is undertaken when there are changed conditions underpinning the waived controls and alternate controls
- There is evaluation of the cumulative effect of multiple waivers each time a new waiver is approved
- All nominated alternative treatments for a waiver are fully implemented and recorded.

### 1.4 Procedure Owner

The Head of Engineering Standards is the document owner. Queries should be directed to [standards@artc.com.au](mailto:standards@artc.com.au) in the first instance.

### 1.5 Reference Documents

- ARTC Engineering Standards
- RSK-PR-001 Risk Management Procedure
- EGP0201F-01 Engineering Waiver Approval Form
- EGP-01-01 Engineering Document Control
- RSK-FM-003 Risk Assessment Report Template

## 2 Responsibilities

| Role                     | Description  |
|--------------------------|--|
| Originator               | The person representing the entity requesting a waiver for an existing or proposed variation to an ARTC Engineering Standard.  |
| Endorsement Authority    | <p><b>Interstate Network waivers:</b> Manager Engineering, Manager Asset Planning &amp; Investment for all permanent waivers and Appropriate Manager AMS if waiver impacts maintenance operations<sup>[Note]</sup></p> <p><b>Hunter Valley waivers:</b> Manager Engineering and Appropriate Manager Maintenance if waiver impacts maintenance operations<sup>[Note]</sup></p> <p><b>Inland Rail:</b> Program Engineering Manager and General Manager Development &amp; Planning, in addition to the corridor requirements above.</p> <p>Waivers against Rolling Stock or Plant and Equipment Standards that involve ARTC owned and operated plant shall be endorsed by the Procurement and Contracts Manager</p> |
| Technical Reviewer       | Person(s) with suitable technical knowledge on the waiver topic. The technical reviewer is determined by the Recommendation Authority.   |
| Recommendation Authority | Responsible Manager for the document being waiver as per EGP-01-01   |
| Approval Authority       | Responsible Approver for the document being waiver as per EGP-01-01  |

*Note : To be determined by default endorsement authority*

### 2.1 Originator

The Originator is responsible for ensuring applications for Engineering Waivers are completed accurately and in accordance with this Procedure. The Originator shall ensure that all items are addressed, and that sufficient supporting documentation is provided. The Originator shall also ensure the Risk Assessment has been completed in accordance with RSK-PR-001 and that SFAIRP justification is provided for each risk identified.

### 2.2 Endorsement Authority

The Endorsement Authority is the person responsible for the infrastructure assets and corridor operations which will be affected by the Engineering Waiver. If there are multiple rail corridors affected by the Waiver there will be multiple Endorsement Authorities. Refer to definitions table for further details.

The Endorsement Authority is responsible for reviewing and endorsing Engineering Waivers and for managing the waiver process for a particular corridor, ensuring:

- Engineering Waiver Approval Forms are completed correctly with clear and concise variation details and sufficient supporting documentation for evaluation, recommendation and approval
- Risk assessments have been undertaken in accordance with RSK-PR-001 and appropriate controls have been included in waiver requests

- Technical assessment of the waiver has been considered with relevant stakeholders and subject experts
- That treatments and conditions are implemented and in place throughout the life of the waiver
- That a record is kept of the implementation of the treatments and conditions
- Advise appropriate staff of waiver status
- Temporary waivers do not exceed the expiry date
- Waivers that are no longer required are closed out.

### 2.3 Technical Reviewer

The Technical Reviewer is responsible for evaluating the technical aspects of the waiver and providing recommendation for approval. The Technical Reviewer should be a person who is a subject matter expert in the subject of the waiver. If the waiver covers interfaces between multiple subject matters of different disciplines, then more than one technical reviewer may be required.

The Technical Reviewers endorsement of the waiver and supporting documents confirms:

- That the information in the Waiver and supporting documents is correct
- That it fully addresses the technical issues and covers all threats and hazards
- That the proposed treatments are suitable and will achieve the required/nominated risk levels
- That it is realistic to apply the proposed treatments for the period of the application of the waiver

The technical review may be done by the recommendation or endorsement authority where they have sufficient technical knowledge.

If the change is to be applied in a state with Professional Engineering requirements, the technical review must be undertaken by a registered Professional Engineer for that state and discipline.

### 2.4 Recommendation Authority

The Recommendation Authority is responsible for evaluating the technical aspects of the waiver and providing recommendation for approval. The Recommendation Authority is also responsible for ensuring that steps in the Waiver drafting and evaluation are compliant with this Procedure.

The Recommendation Authority is responsible for reviewing and endorsing Engineering Waivers and for ensuring:

- That the waiver is within the scope of this procedure
- Risk assessments have been undertaken in accordance with RSK-PR-001 and appropriate controls have been included in waiver requests
- The risk assessment had appropriate technical review, including professional engineer where required
- Determining if the waiver requires Regulator Notification
- Waivers are appropriately recorded and reported

## 2.5 Approval Authority

The ARTC Approval Authority for waivers is responsible for:

- Determining if the waiver requires approval by Operational Safety & Environment Review Committee
- Determining if the waiver is against Corporate Strategy and/or Policy
- Final decision on whether the waiver requires Regulator Notification in accordance with the ARTC SMS (Manage Accreditation – Variation & Change) and for nominating the person responsible for preparing the notification
- Ensuring the process described in this Procedure is followed with no outstanding issues.

## 2.6 Standards Document Controller

The Standards Document Controller is responsible for:

- Registering and numbering all complete and endorsed waiver applications received at [standards@artc.com.au](mailto:standards@artc.com.au)
- Forwarding complete and endorsed waiver applications for technical review, recommendation and approval
- Maintaining and updating the Engineering Waiver Approval Register
- Issuing notifications of waiver approval and close out
- Reporting monthly to the ARTC Operational Safety & Environment Review Committee on Engineering Waiver activity.

## 3 Procedure

### 3.1 Waiver proposal

Originator initiates waiver. Generally, the originator should have the in-principle agreement for the waiver from the recommendation authority.

The originator shall obtain a waiver number from the Standards Document Controller. The originator shall also review any other waivers that may be in place that may have an interaction with the proposed waiver.

### 3.2 Risk Assessment

The proposed waiver is risk assessed in accordance with RSK-PR-001. The assessment shall include input from and/or review by identified stakeholders affected by the waiver. For waivers submitted by non ARTC personnel the ARTC contact is responsible for the risk assessment.

Where multiple waivers are already in place, or where multiple waivers are intended to be applied, this assessment shall consider the cumulative impact of these waivers

The risk assessment shall be submitted with evidence that it has been circulated to attendees for comment.

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*Note: Risks that are scored as high or above must be escalated the Group Executive for approval*

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### 3.3 Endorsement

Upon completion of the Waiver Request section, the EWAF shall be submitted to the Endorsement Authority for the corridor(s) affected by the waiver. If a waiver is applicable to more than one corridor, endorsement form each corridor's Endorsement Authority is required.

Submit as the MS Word form to allow for other details to be added.

Endorsement authority reviews and endorses as per 2.2

The Endorsement Authority shall ensure the waiver has been completed accurately and undertake a technical assessment of the waiver with relevant stakeholders. The risk assessment shall be reviewed for adequacy and appropriate treatments.

The Endorsement Authority's signature in this section states that they are fully aware of the implications of the waiver, they accept the variation on their Corridor and will ensure the treatments are implemented and monitored throughout the life of the waiver. This section also requires the Endorsement Authority to provide details of how each treatment will be implemented.

Waivers with a risk score of medium or above, shall be further endorsed by their GM or above.

### 3.4 Submit EWAF for Recommendation and Approval

The endorsed EWAF, risk assessment and any other supporting documentation shall be submitted by the Originator to [standards@artc.com.au](mailto:standards@artc.com.au).

For non-ARTC originators, the waiver shall be submitted by the ARTC contact.

Waivers for Inland Rail shall be submitted to standards from the Engineering, Integration and Assurance team.



Waivers shall be submitted in Word format, with either a PDF showing appropriate signatures or email from the Endorsement Authority confirming endorsement. The Standards Document Controller receives the completed and endorsed EWAF and supporting documentation and allocates a unique number to the waiver if not already allocated and registers it on the Engineering Waiver Approval Register.

The Standards Document Controller shall forward the registered waiver application to the Recommendation Authority

### **3.5 Technical Review**

The Recommendation Authorities nominates the Technical Reviewer, and the review is undertaken as per 2.3

### **3.6 Recommendation**

Recommendation authority endorses as per 2.4 to ensure that the process has been appropriately followed, the appropriate risks addressed, and that the waiver is suitable to the needs of the business unit.

The recommendation authority may add further conditions to the waiver if required.

If the waiver is not recommended it is returned to the originator with details of the reasons why, so it may be amended if appropriate.

### **3.7 Approval**

The Approval authority reviews the change to determine:

1. If the waiver has been acceptably managed, consulted and risk assessed
2. If the waiver requires Executive approval
3. If the waiver fits within the business units desired strategy and risk profile
4. If the waiver has been accepted by the endorsers

If the waiver is not approved it is returned to the originator with details of the reasons why so it may be amended if appropriate.

### **3.8 Acceptance of Approval Conditions**

If applicable, the Endorsement Authority signs the EWAF at section 20 or provides an email confirming acceptance of the Waiver Approval Conditions and Treatments as detailed in section 19 of the EWAF and returns to [standards@artc.com.au](mailto:standards@artc.com.au). If treatments have been added or amended, or approval conditions have been added, the Endorsement Authority shall also provide details of how each treatment and/or approval condition will be implemented.

### **3.9 ONRSR Notification**

If Regulator Notification is required, the notification shall be carried out in accordance with the ARTC SMS (Manage Accreditation – Variation & Change). It is the responsibility of the Endorsement Authority to prepare the notification.

The Standards Document control shall record:

- the date on which the Regulator was notified

- the date the notification period ends
- if acceptance is received from the Regulator prior to the end of the required notification period, so the waiver can be finalised and issued.

A waiver requiring Regulator notification will not come into effect until the end of the required notification period and/or acceptance by the Regulator.

### 3.10 Waiver Treatments Implementation

Sections 10 & 19 of the EWAF detail the Treatments and Conditions to be implemented for the Waiver.

The Endorsement Authority shall maintain records of how each treatment and condition has been implemented. These records shall also include details of how it is ensured that the treatments and conditions will continue until the Waiver is closed. These records shall be available for compliance checks, audits and investigations.

For example, the following may be used:

- a. An inspection requirement is recorded in Ellipse maintenance management system detailing the task and frequency
- b. A required briefing of staff on an issue is documented as an induction for all new staff into that maintenance section
- c. A specific configuration or arrangement in a design has an explanatory note on the respective design drawing
- d. A specific design required is recorded as a Design Report with drawings.

### 3.11 Waiver Notification

The Engineering Waiver Approval Register is updated, and the Standards Document Controller issues a waiver approval notification

The Standards Document Controller will issue notification of waiver approvals, including renewal and alteration, and close out to the Originator and Endorsement Authority by email.

The waiver notification will also be forwarded to:

- Recommendation Authority
- Approval Authority
- Assurance Manager for the affected corridor
- Manager responsible for Asset Planning and Strategy
- Internal Auditors

The Endorsement Authority is responsible for circulating the notification to appropriate local staff.

During the production of the waiver if any conditions arise that will or may affect the operation of trains, it is the Endorsement Authorities responsibility to circulate notification of the waiver to the ARTC Operations Planning section following approval for their consideration to the effects on the operational timetable.

### **3.12 Record Management**

The Endorsement Authority is responsible for ensuring that waivers do not exceed the expiry date.

Once the waiver is no longer required or its duration lapses, the endorsement authority shall provide details of the waiver closure to the Standards Document Controller.

#### **3.12.1 Close Out Statement**

When a waiver is no longer required the ARTC Endorsement Authority provides a close out statement which details why the waiver is no longer required and signs and dates the EWA or provides these details by email. The EWA is returned to [standards@artc.com.au](mailto:standards@artc.com.au).

If the waiver is no longer required due to an update to an Engineering Standard the waiver close out may be completed by the appropriate Standards Engineer.

#### **3.12.2 Close Out Authorisation**

The proposed close out is reviewed by the Approval Authority for approval.

If accepted, the Standards Document Controller updates the Engineering Waiver Approval Register and issues a waiver close out notification (see clause 3.5).

#### **3.12.3 Expired Waivers**

The ARTC Endorsement Authority is responsible for ensuring that waivers do not exceed the expiry date.

Waiver renewal applications should be submitted in a timely manner to ensure sufficient time for review, endorsement, recommendation, and approval, prior to the expiry date.

All renewal applications shall be on the most recent version of the EWA available on the Extranet at the time of application.

#### **3.12.4 Engineering Waiver Approval Register**

Waiver details shall be entered in the Engineering Waiver Approval (EWA) Register by the Standards Document Controller

A link to the EWA Register is available on the extranet at [http://extranet.artc.com.au/eng\\_waivers.html](http://extranet.artc.com.au/eng_waivers.html)

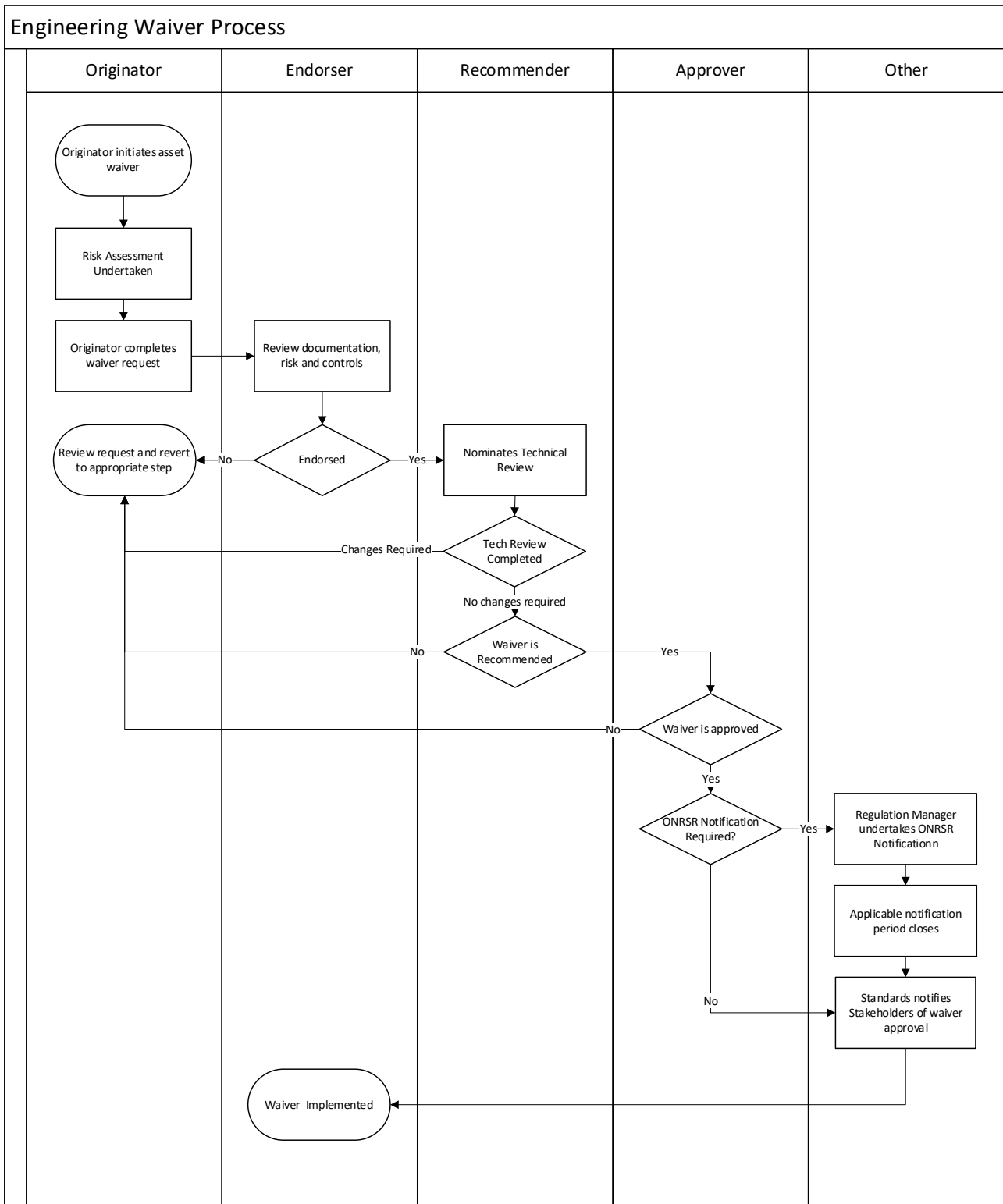
#### **3.12.5 Review of the EWA Register**

The ARTC Endorsement Authority or nominated representative is responsible for the regular review of temporary waivers applicable to their corridor of responsibility and for periodic review of permanent waivers.

### **3.13 Reporting**

The Standards Document Controller is to advise the Operational Safety & Environment Review Committee monthly of any Waiver Approvals, Renewals, Alterations and Close Outs in the last month, including details of reasons for renewal, alteration.

## 4 Engineering Waiver Approval Process Flow Chart



## 5 Waiver Form Details Breakdown

### Waiver Number

A waiver number is allocated by the Standards Document Controller to complete and endorsed waiver applications submitted to [standards@artc.com.au](mailto:standards@artc.com.au).

The waiver is then registered on the Engineering Waiver Approval Register which is published on the ARTC Engineering Extranet

For waiver renewals and alterations, the original waiver number shall be retained.

### Waiver Title

The Originator includes a brief description of the waiver/variation being sought. For example, Enlarged Signal Post, Reduced Ballast Shoulder.

### Waiver Type

Indicate if the waiver application is new or the renewal or alteration of an existing waiver.

If a waiver is being renewed or altered, the original waiver number shall be retained and included on the EWAF and a reason for the renewal or alteration shall be given.

Waiver renewal and alteration applications may be initiated by the Originator of the original waiver, or any stakeholder affected by the waiver.

Waiver renewal and alteration applications shall be completed following the same process as new waivers with consideration of additional risks arising from the revised expiry date or alteration to waiver details. If no additional risks are identified, the original risk assessment shall be submitted with the waiver renewal/alteration application, noting that it has been reviewed.

### Originator

Enter name and contact details of the person requesting the waiver. If the Originator is not an ARTC employee, also add the name of the relevant ARTC contact person.

### Network Details

Indicate the Corridor(s), line and location affected by the waiver.

### Waiver Duration

Indicate whether the request is for a permanent or temporary waiver and detail the proposed start date and the expiry date, if applicable.

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*Note – Where the nominated start date is prior to the actual approval date, the approval date applies as the effective start date for the waiver. If Regulator Notification is required in accordance with Clause 3.2, the start date will be the date of expiry of the notification period, or upon receipt of confirmation that the Regulator has no objections, whichever is earlier.*

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**Engineering Discipline Affected**

Identify the infrastructure assets which will be affected either directly or indirectly by the approval of the waiver. This is typically the engineering discipline of the document that the waiver is being sought against. More than one type of infrastructure asset may be nominated.

**Relevant Standard**

The number of the Engineering Standard and the exact clause/section(s) which the waiver will vary shall be listed, as well as the applicable version at the time of application for the waiver. A copy of the mandatory requirement from the clause(s) shall be included.

**Variation Details**

Provide a clear and detailed description of the variation to the Engineering Standard's mandatory requirement.

Infrastructure components or equipment which are involved or may be affected may be included.

**Existing Waivers**

Provide details of all existing waivers that impact on the infrastructure asset. The Originator shall check the Engineering Waiver Approval Register to determine the existing waivers.

**Risk Assessment**

The Originator is to ensure that an assessment is undertaken to determine the impact of the waiver in relation to the risks and/or hazards that the exact clause/section(s) of the standard addresses.

- Any new risks associated with the application of the waiver and variation to the Engineering Standard are to be identified, assessed and documented in accordance with RSK-PR-001 Risk Management Procedure and associated documents.
- Where it has been identified that new risks have not been addressed, or that the existing risks and/or hazards will not be sufficiently controlled, additional treatments are to be identified and implemented.
- Section 8 of RSK-WI-002 Determining if Risk Is Reduced So Far As Is Reasonably Practicable (SFAIRP) provides guidance on items to consider and document during this assessment.
- These assessments shall include input from and/or review by identified stakeholders affected by the Engineering Waiver. If the issue affects design, then a person with design competency for the respective discipline shall be a stakeholder.
- Where multiple waivers are already in place, or where multiple waivers are intended to be applied, this assessment shall consider the cumulative impact of these waivers.
- All new waiver applications shall be supported by a risk assessment that addresses the impact of the waiver at the time of application. In the case of a renewal or alteration, the existing risk assessment for the waiver may be applicable, however this shall be reviewed and confirmed that it is still appropriate in support of the waiver.

**Treatments to be Implemented**

This shall describe in detail the treatments to be implemented to manage any identified risks arising from the variation to the Engineering Standard. The Originator shall ensure that any waiver treatments identified in the risk assessment are advised to the person who updates the risk register for the applicable corridor.

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*Note – Additional treatments (or variations to these treatments) and Approval Conditions will be detailed in section 19 of the EWAF.*

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The Waiver removes a mandatory control for a threat or hazard. The process requires alternate treatments to be implemented to retain safe operations of the railway network and infrastructure. These controls are conditions for the application of the Waiver.

Examples of types of 'Controls' are detailed below:

- a. Do not install a type of equipment at a specific location e.g. "no bond to be installed around an active glued insulated joint."
- b. Limitation on using a type of equipment e.g. "temporary bonds not to be installed on turnouts"
- c. Specific response after a particular action e.g. "the wheel contact band on the railhead shall be ground a minimum of 20 mm wide for the entire length of the new rail, the finish shall be bright steel to ensure track circuit operation."
- d. Specific condition for use of equipment e.g. "all temporary bonds to be type approved and be maintained"
- e. Specific treatments that require ongoing or future actions e.g. "undertake an inspection after installation and thence on a 2 monthly basis and record this requirement in the maintenance planning system (e.g. in Ellipse)".

### **Justification**

The Originator shall provide justification as to why the mandatory requirement cannot be complied with and give details of the costs/benefits that support the waiver. The removal of a treatment or engineering control (i.e. the waiving of a clause in a Standard) generally requires the implementation of an alternate control. In exceptional situations, the Originator may be able to demonstrate that this situation is outside of the conditions in the Standard.