



AUSTRALIAN RAIL TRACK CORPORATION LTD

*This document has been adopted by the ARTC with the permission of the NSW Government and will continue to apply under the authority of the ARTC General Manager Infrastructure, Strategy & Performance until further notice*

## Engineering Practices Manual Civil Engineering

---

# Cutting Firebreaks and Burning Off on Railway Land

## RAP 6831

Issue A, Revision 0

March 2006

### 1 Scope

This Instruction outlines the procedures to be observed for providing firebreaks and burning off on Railway land to reduce fire hazards.

It should be read in conjunction with the Rural Fires Act 1997 and its associated regulations.

### 2 Reason and nature of change

Document reissued as ARTC Engineering Practice Manual.

### 3 Introduction

Burning off practices are to be carried out in accordance with the Bush Fire Act 1997 No. 65 and its associated regulations.

### 4 Provision of Firebreaks

ARTC staff are to arrange for the construction and maintenance of a firebreak on all property boundaries of at least two (2) metres wide with a cross break cut at 500 metre intervals.

At many locations throughout the Rail System, Public Roads run parallel to Railway boundaries and in numerous locations, creeks, small waterways, etc, are adjacent to locations or in close proximity to the boundaries, but it is to be noted that these roads and waterways do not relieve ARTC of the obligation to establish a firebreak on the boundary, even if such a break could be seen as superfluous.

Where it is considered impossible to establish a firebreak on the railway boundary, but it is possible on adjacent private land, an approach should be made to the

landowner concerned, to establish the break to minimise the risk of fire spreading from or to railway land.

Where firebreaks can be established by the practice of annually mechanically clearing the property of maintaining a "mown" standard of growth, this is considered an acceptable alternative, provided the growth cannot in any way be classed as a fire hazard.

## **5 Legislative Controls on Burning Off**

Because of the danger presented by fire under certain weather conditions, especially at particular times of the year, the Rural Fires Act establishes controls on when, where and how burning off can be conducted. The administration of the Rural Fires Act is explained in detail in Appendix 1, however relevant elements are summarised below

### **Bush Fire Danger Period**

The Bush Fire Danger Period, generally from 1 October to 31 March in the following year, limits fires to properly constructed fireplace with clear space of 2 metres, or a site clear of all combustible matter for at least 2 metres.

Local Government Councils may revoke or change the Bush Fire Danger Period.

During the Bush Fire Danger Period ARTC does not require a Fire Permit for burning off, but staff must not light a fire, or continue with burning off already in progress, when the Local Authority (council) has issued a notice that no permits will be issued for fires to be lit in its area because of the seriousness of bush fire danger. Additionally staff must not light a fire in any fire district unless the local rural fire control officer and officer in charge of the local fire station has been advised.

The issue of a notice by the Local Authority preventing burning off does not stop thermit welding or other types of naked flames provided all the required precautions are fully observed.

### **Fire Bans**

The Minister for Services may direct periods of Total Prohibition of the Lighting of Fires in the Open. Railway land is not exempt from this proclamation and the use of any naked flame is prohibited except as specially detailed in ARTC Standard RMP 06.

### **Extinguishing fires**

If a fire is burning on any Railway land at any time during a Bush Fire Danger Period staff must take all possible steps to extinguish the fire, and if necessary call for assistance, without leaving the fire unattended.

### **Notifying other of burning off**

A Notice of Intention to "Burn Off" on Railway land or burn Firebreak must be given to the occupiers (or the owners) of adjacent land, the Local Authority and, if applicable, the National Parks and Wild Life Service or the Forestry Commission 24 hours prior to commencing burning activities. This must be given at all times during the year.

## 6 General Principles for Burning Off

Under the Rural Fires Act, the person who actually lights the fire is responsible for the consequences. On the rail corridor the responsibility for lighting fires for burning off rests with the person who issued the prescribed notices to adjacent landholders and other parties. It is his/her duty to actually light the fire. Any breach of the Rural Fire Act is his/her responsibility.

The steps to be observed prior to burning off are:

1. Clear around all buildings, posts, signal troughing, bridges, etc
2. Be satisfied that the undergrowth will burn
3. Check the available weather forecasts that suitable conditions can be reasonably expected
4. Issue notices to prescribed persons
5. Inform Local Authorities and Rural Fire Brigades
6. Ensure adequate fire control equipment is available and works
7. Ensure that notice has not been issued by the Local Authority preventing burning off.
8. Ensure that a Total Fire Ban is not in place
9. Proceed with the burn

## 7 Practice of Burning Off

Having established the firebreaks and notified the prescribed persons, burning off operations can commence but weather conditions will be the guiding factor.

Staff should keep adequate equipment for controlling burning off operations and providing Firebreaks. All equipment such as pumps and sprays must be regularly tested.

Adequate equipment to control the burning off operation must be available on the site, prior to commencing the burn. This is to include fire fighting beaters, knapsack sprays and mobile water units.

Burning off must not commence if the Fire Danger Rating is above the allowed limit or is not recommended by the Weather Forecast.

Burning off is not to be carried out when high winds prevail irrespective of what amount of preparatory work has been performed.

Patch burning is to be carried out as soon as possible after completion of the establishment of firebreaks and the grass is sufficiently dry, bearing in mind that fires are to be lit so that the burning will be from the Firebreak towards the rail track on flat ground.

Burning off on embankments should commence from the top and continue down the embankment, similarly, down cutting faces.

On completion of the work for the day, the utmost care is to be taken to see that all stumps, fenceposts, smouldering logs, old sleepers, (only where lit as approved) etc, which may have become ignited during burning off are extinguished and staff must not leave the location until this has been done.

If the water supplies for the day's work have been exhausted and none is left for use on the smouldering logs, earth is to be placed on the latter until the fire is completely extinguished so to prevent the possibility of fire recommencing, or sparks being blown to adjacent properties.

Care must be taken to protect trees and ornamental shrubs when burning off is in hand, particularly at stations where there are gardens.

Any flammable growth or rubbish adjacent to bridges, buildings, telegraph posts, troughing, etc, must be removed by chipping and herbicides and the area close to these facilities must be burnt off immediately if it is dry enough to do so.

Growth must be chipped away from signal troughing before fires are lit in the vicinity.

Burning off under or adjacent to overhead wires must be controlled to avoid damage to the wires.

## **8 Burning Off and Cutting Firebreaks on Leased Land**

Where Railway land is leased, it is the responsibility of the lessee to provide Firebreaks thereon and staff are to inform the lessees that the firebreaks are to be cut simultaneously with the ARTC's own work.

It is usually the lessee's responsibility for the removal of all flammable materials from the lease area. When in doubt, the actual lease document should be checked and appropriate action taken to ensure any hazard is reduced.

If the lessee cannot be found, the responsibility for firebreaks rests with ARTC personnel.

Lessees of Railway land are subject to the complete provisions of the Rural Fire Act 1997 and its associated regulations similar to a private land owner.

## **9 Assistance to Landholder to Burn Off**

ARTC staff may enter cooperative arrangements with adjacent landholders for cutting Firebreaks and/or burning off.

A landholder, if he enters Railway land to assist in burning off, is not to be allowed to actually light any fire.

When advice is received that an adjacent landholder intends to burn off, the Rural Fires Act requires all landholders to notify adjacent landholders, including the Public Authority. ARTC staff are to inspect the area on completion of the burn.

## **10 Duties of ARTC staff to prevent Bush Fires**

ARTC staff must take any practicable step to prevent the occurrence of Bush Fires on, and to minimise the danger of the spread of a Bush Fire on or from:

- Any land vested in or under the control or management of ARTC, or
- Any highway, road, street, land or thoroughfare, the maintenance of which is the responsibility of ARTC.

The Bush Fire Co-ordinating Committee may advise a person on whom this duty is imposed of any steps that are necessary for its proper performance.

## **11 Working of Rural Fire Brigades on Railway Land**

Rural Fire Brigades do not have the authority to enter onto Railway land to make firebreaks, either mechanically or by fire, without permission, but once the written authority is given, the Brigade may carry out the function specified. The approval does not extend to the actual running lines without the express supervision of qualified staff.

Authority for the Brigade to enter Railway land is given by ARTC by the issue of the prescribed form X3573, "Permit to enter Railway Land". (see Appendix 2)

Section 33 of the Rural Fires Act provides that members of the Rural Fire Brigades cooperating with ARTC have the same immunities from legal proceedings as ARTC staff.

Rural Fire Brigades do not have an automatic authority to enter Railway land to fight a fire out of control but authority must be given by ARTC staff.

## **12 Attendance at Rural Fire Brigade Meetings**

ARTC staff are encouraged to attend all meetings of the local Rural Fire Brigades that affect their Length or District.

## **13 Firefighting Staff and Equipment**

Team Managers are to ensure that appropriate trained staff and equipment are available to fight rural fires and assist in hazard reduction when required.

## **14 Lighting of Camp Fires**

Lighting of Camp Fires of any type for any purpose including cooking or heating must be protected in such a way as to comply with the provision of the Act during Bush Fire Danger Periods.

No such fires are to be lit during the periods of Total Prohibition.

## Appendix 1

### Administration of Rural Fires Act

The administration of the Rural Fires Act is by the Minister for Services. For the purposes of this Act, the year is divided into 3 sections:

1. Bush Fire Danger Period
2. Periods of Total Prohibition of the Lighting of Fires in the Open
3. The rest of the year

### Bush Fire Danger Period

Under the provision of Section 81 of the Rural Fires Act, a Bush Fire Danger Period in respect of land in NSW is, except as provided by Section 82, the period from 1 October to 31 March in the following year.

According to the Act and its associated Regulation:

A person must not light a fire in the open to cook, heat or prepare meals or to boil water or for any like purpose unless the fire is lit:

- In a permanently constructed fireplace surrounded by ground that is clear of all combustible matter for a distance of at least 2 metres, or
- At a site surrounded by ground that is clear of all combustible matter for a distance of at least 2 metres

Sleepers may be burnt if the area is cleared as stated above.

### Periods of Total Prohibition of the Lighting of Fires in the Open

If the Minister is of the opinion that it is necessary or expedient in the interests of public safety to do so, the Minister may, by order in writing, direct that in the part or parts of the State specified in the order:

- The lighting, maintenance or use of any fire or class of fire in the open air is prohibited for such period or periods as may be specified in the order, and
- Such special conditions as may be specified in the order be observed by persons lighting, maintaining or using any fire or class of fire in the open air and for such period or periods as may be specified in the order, and
- Such action as may be specified in the order be taken by such persons or class of persons as may be specified in the order for preventing the outbreak or the spread of any bush fire.

Railway land is not exempt from this proclamation and the use of any naked flame is prohibited except as specially detailed in ARTC Standard RMP 06.

## **Power of Local Government Councils**

A Local Authority may, by notice published in a newspaper circulating generally in the area:

- Declare that there is no bush fire danger period for its area or part of its area, or
- Specify a different period to that set out in Section 81 as the Bush Fire Danger Period for its area or part of its area

## **Fire Permit**

A Permit is not required for fires lit by ARTC staff. However, they:

- must not light a fire in any area of a Local Authority (or part of such an area) if it has been notified that a determination in writing has been made in respect of the area that no permits be issued for fires to be lit in its area (or any part of its area) because of the seriousness of bush fire danger, and
- must not light a fire in any rural fire district unless the fire control officer for the district has been advised that it is to be lit, and
- must not light a fire on land in any fire district unless the officer in charge of the fire station that is nearest to the land has been advised that it is to be lit.

## **Notice to Public Authority not to light fires during a Bush Fire Danger Period**

A Notice in writing to a Public Authority that contains or has attached to it a copy of the relevant determination must be given at least 24 hours before the period specified in the Notice begins.

The Notice is to be given:

- By serving a copy of the notice on a person acting under the Public Authority whom the Public Authority has notified to the Local Authority as being authorised to receive the notice, or
- By sending a copy of the notice to the Head Office of the Public Authority by post, lettergram, telex, facsimile transmission or document exchange facility

This Notice by Local Authority does not stop thermit welding or other types of naked flames provided all the required precautions outlined in Section 6.1 are fully observed.

On receipt of a Notice, burning off operations must cease immediately.

To assist Local Authorities in distributing these Notices, Delivery Managers or nominated representatives are required to provide each Local Authority with a map showing each length and the names and addresses of personnel to whom the Notices are to be forwarded.



## **Extinguishing fires or notifying Fire Fighting Authorities**

If a fire is burning on any Railway land at any time during a Bush Fire Danger Period applicable to that land, ARTC staff must:

- Immediately on becoming aware of the fire and whether ARTC has lit or caused the fire to be lit or not, take all possible steps to extinguish the fire, and
- If ARTC staff are unable, without assistance, to extinguish the fire and any practicable means of communication are available, inform or cause to be informed an appropriate officer of the existence and locality of the fire if it is practicable to do so without leaving the fire unattended.

## **Notice of Intention to “Burn Off” or burn Firebreak**

A Notice of Intention to "Burn Off" on Railway land or burn Firebreak must be given to prescribed persons prior to commencing burning activities. This must be given at all times during the year.

The prescribed Notice is a written or oral Notice that includes particulars of the location, purpose, period and time of the fire proposed to be lit.

The Notice must be given to each of the persons referred to below at least 24 hours before the fire is lit.

The prescribed persons are:

- The occupiers (or, if there are no occupiers, the owners) of all land contiguous to, or that is separated merely by a lane, road or waterway (whether fenced or unfenced) from the land on which the fire is to be lit,
- The relevant Local Authority as specified in the Act,
- An officer of the National Parks and Wild Life Service or the Forestry Commission within 13 kilometres of the Burning Off site if applicable.



**Appendix 2**

X3573

**PERMIT TO ENTER RAILWAY LAND  
RURAL FIRES ACT, 1997**

Locations :.....Kilometrage from ..... to  
Kilometrage from ..... to

Dates: From : .....  
To : .....

Mr/Ms .....officer of a Rural Fire  
Brigade, is hereby authorised to enter upon Railway land at the above  
location and on the above dates and in order to exercise his/her functions  
conferred or imposed under the Rural Fires Act 1997, Division 3.

If you are a Captain, Deputy Captain, Group Captain or Deputy Group  
Captain of a Rural Fire Brigade this permission extends to any person acting  
under your authority.

Signed .....

Position .....

Company .....