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David Chick
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Dear David

Rainbow pedestrian crossing

Emma Speight, our Regional Director, has been discussing with you and your team for some time the compliance concerns that the Transport Agency has with the rainbow pedestrian crossing that the Council has marked within the traffic signals on Dixon Street at Cuba Street. [Thank you for your email to Emma dated 29 July 2010 providing compliance data information.](#) We are writing to invite you to [formally](#) apply for an exemption to the Land Transport Rule: Traffic Control Devices 2004 (the **TCD Rule**).

Why is an exemption needed?

The TCD Rule sets out the requirements that [traffic control devices and pedestrian crossings in particular](#) must meet. As discussed with your team, we believe that the rainbow pedestrian crossing is in breach of ~~those the TCD Rules~~ because:

- [There is a general requirement that traffic control devices must contribute to the safe and effective control of traffic and must convey a clear and consistent message to road users.](#)
- The Rule is prescriptive in terms of the requirements for a pedestrian crossing (see Rule 8.2). For example, the Rule requires reflective white stripes, [black and white poles, amber illuminated globes and advance warning signs](#). The rainbow pedestrian crossing does not meet these prescriptive requirements.
- The Rule prohibits pedestrian crossing markings in an area controlled by traffic signals (see Rule 8.5(2A)). Because the rainbow pedestrian crossing is at location where there is also controlled crossing ~~light~~[traffic signals](#), the rainbow crossing is prohibited by the Rule.
- There is also a more general prohibition on installing a device, sign or object that may be mistaken for a traffic control device but is not a traffic control device (see Rules 3.2(5) and 13.7(c)). ~~We believe the rainbow pedestrian crossing may be mistaken for a traffic control device, and a prohibition for markings on a roadway intended for advertising or other purpose not connected with the use of a road (see Rule 5.5).~~

The option is available to seek an exemption

The Agency has the power to grant an exemption to the TCD [Rule](#) under to section 166(1) of the Land Transport Act 1998 if certain safety criteria are satisfied – including being satisfied that the risk to safety will not be significantly increased by granting the exemption.

We invite the Council to seek an exemption for the rainbow pedestrian crossing. To help the Agency assess whether an exemption can be granted for the rainbow pedestrian crossing, it would be helpful if the Council could provide:

- any further information to assist the Agency's assessment of whether the risk to safety has been significantly increased by the rainbow crossing or not (our preliminary analysis of the compliance data provided by Council is attached). It would be helpful, for example, to have a road safety audit undertaken by an independent expert (agreed to by the Agency); and
- in the context of the requirements of the TCD Rule any information to assist the Agency's assessment of either:
 - a. how the requirements have been substantially complied with and that further compliance is unnecessary; or
 - b. how the installation of the rainbow pedestrian crossing is as effective or more effective than actual compliance with the requirements; or
 - c. why the prescribed requirements are clearly unreasonable or inappropriate in this particular case; or
 - d. the events that have occurred that make the prescribed requirements unnecessary or inappropriate.

While we have yet to form a final view as to whether an exemption can be granted in these circumstances, we would welcome any further information you can provide us to help us with that assessment.

Yours sincerely

Greg Lazzaro
General Manager Safety, Health and Environment

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Day / Time	September		December		January		July	
	% Crossing with green pedestrian aspect	% Crossing with red or flashing red pedestrian aspect	% change from Sept	% change from Sept	% change from Sept	% change from Sept	% change from Sept	% change from Sept
Morning 11:00am - 11:30am			61% 54% 59% 58% on green		71% 71% 74% on green		77% 72% on green	
Mon	Not measured	Not measured	--%	--%	--%	--%	--%	--%
Tues	Not measured	Not measured	--%	--%	--%	--%	--%	--%
Wed	75%	25%	14%	14%	--%	--%	2%	2%
Thurs	75%	25%	21%	21%	4%	4%	--%	--%
Fri	76%	24%	17%	17%	5%	5%	--%	--%
Average	75%	25%	17%	17%	1%	1%	3%	3%
Mid - day 1:00pm - 1:30pm			63% 69% 65% 66%		76% 75% 76%		71% 73%	
Mon	Not measured	Not measured	--%	--%	--%	--%	--%	--%
Tues	Not measured	Not measured	--%	--%	--%	--%	--%	--%
Wed	75%	25%	12%	12%	--%	--%	4%	4%
Thurs	74%	26%	5%	5%	2%	2%	--%	--%
Fri	79%	21%	14%	14%	4%	4%	--%	--%
Average	76%	24%	10%	10%	0%	0%	3%	3%
Late afternoon 4:30pm - 5:00pm			62% 73% 72% 69%		71% 70% 72%		72% 73%	
Mon	Not measured	Not measured	--%	--%	--%	--%	--%	--%
Tues	Not measured	Not measured	--%	--%	--%	--%	--%	--%
Wed	85%	15%	23%	23%	--%	--%	13%	13%
Thurs	80%	20%	7%	7%	9%	9%	--%	--%
Fri	83%	17%	11%	11%	13%	13%	--%	--%
Average	82%	18%	13%	13%	10%	10%	9%	9%

%	Positive impact between before and after
0%	No change between before and after
-%	Negative impact between before and after
--%	Not measured in the before situation (or in the after situation in the case of Wed = January & Thursday / Friday = July)

Pedestrian crossing risk ratio assessment

Xing	am_Pre	am_Post_2M	am_Post_3M	am_Post_9M	mid_Pre	mid_Post_2M	mid_Post_3M	mid_Post_9M	pm_Pre	pm_Post_2M	pm_Post_3M	pm_Post_9M
Green	1125	1343	1845	1717	2183	2357	3324	3223	2101	2101	2613	2844
Red	371	959	665	655	689	1227	1054	1185	448	948	1004	1033
%red	0.247995	0.416594	0.26494	0.276138	0.239903	0.342355	0.240749	0.268829	0.175755	0.310922	0.277578	0.266443
Risk Ratio		2.584906	1.792453	1.765499		1.780842	1.529753	1.719884		2.116071	2.241071	2.305804
Percentage increase in risk		158%	79%	77%		78%	53%	72%		112%	124%	131%

If the risk ratio is 1 (or close to 1), it suggests no difference or little difference in risk (incidence in each group re pre/post is the same).

A risk ratio > 1 suggests an increased risk of that outcome in the exposed group, re post installation of the rainbow.

A risk ratio < 1 suggests a reduced risk in the exposed group, re post installation of the rainbow.

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