

12 September 2022

Karen Rutherford
Reporter
Newshub
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REF: OIA-9954

Dear Karen

Request made under the Official Information Act 1982

Thank you for your email of 22 August 2022 requesting information under the Official Information Act 1982 (the Act). I have numbered each part of your request for convenience and will answer each question in turn.

1. *What is the total number of complaints Waka Kotahi has received about potholes on the State Highway Network each year for the past five years?*
2. *Please break down into regions which roads are most complained about, and the number of complaints this year for each region?*

Across New Zealand, each state highway maintenance contractor tracks and records the number of potholes reported and repaired on the sections of state highway network they maintain. This information is then shared with Waka Kotahi NZ Transport Agency which ensures we have a full overview of the work undertaken on the network. The statistics you have requested in questions 1 and 2 have been provided in the following table:

Number of recorded reports about potholes in the Customer Relationship Management System (CRMS):

Region	2017	2018	2019	2020	2021	2022 (as at 24 August)	Total
Northland	27	45	63	34	14	10	184
Auckland	16	29	16	9	3	9	74
Bay of Plenty	11	23	61	31	24	12	151
Waikato	55	68	108	32	42	19	306
Gisborne	24	10	16	6	2	0	58
Hawkes Bay	3	10	26	19	20	5	80
Manawatu	16	39	32	39	22	10	149
Taranaki	27	41	19	46	16	17	149
Wellington	5	19	15	18	13	4	71
Top of South	16	63	45	10	2	1	136
West Coast	1	3	2	1	2	0	9

Central South Island	8	21	21	5	1	1	56
Lower South Island	31	57	56	37	31	8	217
Unknown	0	7	6	1	0	2	14
Total	240	435	486	288	192	98	1654

Please note, data on pothole reports can only be broken down by region or by Network Outcomes Contract areas, not by specific state highway corridors.

Maintaining our roads safely is a top priority for Waka Kotahi, with \$2.8 billion being invested to maintain and operate the state highway network through the 2021-24 National Land Transport Programme (NLTP). This includes an additional \$400 million over the initial budget, which is targeted at pavement and surfacing renewals. In the 2021/22 financial year alone, our records show that over 45,000 potholes were repaired across the 11,000km of New Zealand's state highway network.

3. how much has Waka Kotahi spent on temporary fixes each year for the past five years and how much on the permanent fixes?

Waka Kotahi uses the Network Outcomes Contract (NOC) for highway maintenance, as well as a maintenance Alliance model to deliver state highway maintenance. As part of the contract, Waka Kotahi is required to pay a monthly lump sum portion to our contractors to conduct general maintenance of our assets for each contract area. As such, we are unable to provide an accurate amount of money spent on temporary and permanent repairs each year, as the funding for these works come under one lump sum for each maintenance category.

I am therefore refusing this part of your request under section 18(g)(i) of the Act, as the requested information is not held by Waka Kotahi and I have no grounds for believing that the information is held by another department or Minister of the Crown or organisation, or by a local authority.

4. what internal and external directives have there been to/from Waka Kotahi and government officials/ contractors regarding urgency around fixing these potholes?

There is no specific directive from the Government to Waka Kotahi in relation to pothole repairs, as the Government Policy Statement on land transport (GPS) 2021 only sets out the Government's high-level expectations from investments made on 2021-24 National Land Transport Programme activity classes.

Internally, the Waka Kotahi Network Outcomes Contract Proforma Manual SM032 (the Manual) provides a guide to our contractors around the requirements in the delivery of maintenance and renewal works, including pothole repairs. I refer you specifically to Section 6.1.2 (pages 134 and 135) of the Manual, which is available on our website at: <https://www.nzta.govt.nz/assets/resources/state-highway-maintenance-contract-proforma-manual/docs/march-2020/SM032-NOC3-Volume-4-Maintenance-specification-March-2020.pdf>.

Section 3.6.1 of the Manual (pages 54 and 55) also outlines that Waka Kotahi expects its contractors to complete routine inspections of the state highway network at intervals. This is supported by the Operational Performance Measures (OPM) audits which are a comprehensive audit undertaken on randomly selected sections of the state highway network (approx. 2.5 percent of the entire network, on a monthly basis). Defects, such as potholes, identified from these inspections or audits are rectified as part of routine pavement maintenance.

5. how many requests for reimbursement has Waka Kotahi had from motorists with buckled wheels/flat tyres from potholes in the past 5 years total and this year specifically?

Waka Kotahi is unable to provide this information as it is not held in a readily available format.

Waka Kotahi has received a total of 2,136 requests for compensation for damage to vehicles nationwide in the past five years. 456 of these were received this year alone (as at 24 August 2022). Please note, this figure includes all requests for compensation for damage to vehicles caused by various reasons, such as flooding, fallen tree, loose stones, road cones, wet tar, roadworks etc. These requests are recorded in the CRMS with a 'free type' field option to enter the subject. To provide the information you requested would require officials to manually review each of these requests to determine:

- a) whether the damage sustained was caused by potholes, and,
- b) whether the damage was to the tyres or wheels

As this exercise would amount to substantial collation and research, I am refusing this part of your request under section 18(f) of the Act. In refusing this, we have considered whether charging or extending the timeframe for responding to your request would help, as required by section 18A of the Act. However, we consider that it is not practicable in this case.

6. how much (if any) money has Waka Kotahi paid out to motorists who have requested reimbursement and if not why not?

Waka Kotahi has paid out 25 compensation claims relating to vehicle damage on the highway network in the past five years, totalling \$23,596.56. Please note, this figure does not include any payments that may have been made by our contractors.

Waka Kotahi and its contractors investigate each claim received to determine if it relates to responsibility for a defect in the condition of the road. Claims that the condition of a particular state highway caused damage to a vehicle are assessed on a case-by-case basis. There will be some situations where Waka Kotahi or its contractor takes responsibility and compensates the person concerned. Claims will be declined if our investigation finds that there is no negligence by Waka Kotahi and its contractors, and therefore we are not liable for the damage.

While Waka Kotahi has an obligation to take reasonable care to maintain the state highway network in the best condition possible, we do not guarantee that the entire network will be in perfect condition at all times. Generally, once Waka Kotahi or its contractors learn of a defect on the road, it has standards and processes in place to require defects to be addressed, within a reasonable time period. This is why we encourage anyone who sees a pothole on our state highways to report it by calling our toll-free number 0800 4 HIGHWAYS (0800 44 44 49). Information from the public about potholes and their locations is invaluable for our work crews, and in some cases, potholes reported through the 0800 number can be repaired within hours of the call coming in.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to refuse parts of your request. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

In line with Waka Kotahi policy, this response will soon be published on our website.

If you would like to discuss this reply with Waka Kotahi, please contact Andy Knackstedt, Senior Manager Media, by email to andrew.knackstedt@nzta.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read "M. Owen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Owen

Acting National Manager, Maintenance and Operations