

23 June 2022

Martin Williams
Chair
Regional Transport Committee
Hawke's Bay Regional Council
Private Bag 6006
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By email: diane@hbrc.govt.nz

REF: OIA-10133

Dear Martin

Request made under the Official Information Act 1982

Thank you for your letter of 16 May requesting information regarding the State Highway 5 (SH5) speed review under the Official Information Act 1982 (the Act). Your letter also raises various concerns and asks a number of questions.

This letter responds to your request as required under the Act. We have also endeavoured to address your concerns as we wish to continue working with you and the Hawke's Bay Regional Transport Committee (RTC) on road safety, roading and safety improvements and other transport issues in the region, including SH5.

While Waka Kotahi NZ Transport Agency cannot provide you with the commitments you have asked for at this stage, it is important that we understand each other's position and continue to work together to achieve our overlapping interests. We think the time and effort spent talking and working together is more essential to improving transport and safety outcomes in the region.

Your request and our response

Your letter requires specific technical explanations and responses to detailed questions. Before I address those matters, I note that Waka Kotahi has already released to you and other members of the Hawke's Bay RTC a number of documents that have content relevant to your request.

Waka Kotahi does not hold any further documents or other written material that are in scope of your request that have not already been released to yourself or are publicly available. However, Waka Kotahi has provided responses to your questions to clarify contextual matters associated with the documents already provided to you.

Other matters addressed in your letter

In this section of the letter, I attempt to address your specific questions and concerns regarding the SH5 speed review.

Decision making consideration and intervention check

Your requests at paragraph 11 (which relate to considerations under the Land Transport Rule: Setting of Speed Limits 2017) and paragraph 21 (which relate to “type of intervention check” under the Speed Management Guide) are, in substance, requests for the same information, that is, an understanding of what measures Waka Kotahi considered to achieve travel speeds that are safe and appropriate. I have responded accordingly.

The technical assessment attachments to the Speed Limit Review decision report (including attachments 2, 4 and 5 provided previously under OIA-9289) considered that an 80km/h speed limit was the safe and appropriate speed limit for the current state of infrastructure. Lower complexity safety treatments could be implemented in a shorter timeframe but are not likely to alter the safe and appropriate speed. Medium to longer term measures, such as median barriers that have the potential to result in a safe and appropriate speed of greater than 80km/h would have taken several years to implement, and it was important we address the current risk now with a speed limit reduction. The delivery timeframes of the required major infrastructure would have left an unacceptable safety risk present in the corridor before any upgrade project could be developed and constructed.

As noted in your letter, having decided that the existing 100km/h speed limit was not safe and appropriate for this corridor, Waka Kotahi was required to decide either to set a new speed limit that Waka Kotahi considered to be safe and appropriate or to take other measures to achieve safe and appropriate travel speeds on that road (which, in context, means without changing the existing speed limit). Doing nothing is not an option available under the Setting of Speed Limit Rule 2017. As other measures to achieve safe and appropriate travel speeds on that road without changing the existing speed limit could not have been implemented immediately, Waka Kotahi decided to set the safe and appropriate speed of 80 km/h as the new speed limit for that corridor, in accordance with the 2017 Rule and as supported by its technical assessments.

Relevance of the Government Policy Statement

Your letter refers at paragraph 19 to the Government Policy Statement 2021/22 – 2030/31. The GPS is not a matter that the 2017 Rule expressly required to be considered before setting a speed limit under that Rule. Nevertheless, Waka Kotahi considers the GPS direction through its Investment Decision Making Framework and specifically against the safety outcome as outlined in the GPS document. The Speed and Infrastructure Programme (of which this project is part) was assessed against both the GPS 2018 and GPS 2021 for alignment with government priorities and consequently ranked as a priority in the Investment Decision Making Framework for investment as an individual project.

Speed Management Guide and interim speed reduction

At paragraph 14, your letter notes that you have seen no information to suggest that an “interim” speed reduction was considered, and you refer in that regard to the Speed Management Guide, which Waka Kotahi published in November 2016. You have also asked what role and status the Speed Management Guide has in relation to the 2017 Rule.

The Speed Management Guide was published by the regulatory arm of Waka Kotahi in 2016. Since then, the 2017 Rule came into force, and Waka Kotahi (and all other Road Controlling Authorities and District Councils) are required to set speed limits in accordance with that Rule. The technical matters and guidance contained in the Speed Management Guide are still generally considered by Waka Kotahi during its technical assessments (as discussed above) alongside the geospatial MegaMaps speed management tool.

Regarding “interim” speed limits, the Speed Management Guide refers to this in relation to 70/90 km/h speed limits. However, the available categories of speed limit set out in clause 3.1 of the 2017 Rule do not include “interim” speed limits.

Setting a “permanent” speed limit does not mean that the permanent speed limit can never be reviewed or reset. As defined in the 2017 Rule, a “permanent speed limit” is simply a maximum speed limit that is in force except when a seasonal, variable, temporary or emergency speed limit is in force: see the definition of “permanent speed limit” in the Rule.

Matters considered when making decision on speed limit change

Your letter also asked in paragraphs 22 and 23 for matters Waka Kotahi considered before making its decision to reduce the speed limit on SH5. The matters considered in rule 4.2(2) of the 2017 Rule are set out in the technical assessment documents that were attached to the Speed Limit Review decision report (including attachments 2, 4 and 5 provided under OIA-9289).

Further work on the SH5 corridor

Your letter sought assurance that Waka Kotahi will explore investment options that would enable a speed limit of 100 km/h to be the safe and appropriate speed for the section of SH5 in question. We want to give you a better understanding of current and future planned work, the status of that work and note our intention to work with you over future safety improvement.

Waka Kotahi remains of the view that its decision to set a new speed limit of 80 km/h on this corridor was and remains appropriate. We would like our collective efforts to focus on the future of SH5, as a strategic corridor for the long-term economic growth of the Hawke’s Bay region. As such, we want to progress the SH5 Programme Business Case (PBC) and Speed and Infrastructure Programme (SIP) project in earnest, with full engagement of our partners, iwi and the community.

Waka Kotahi proposes to establish a Steering Group to have oversight of all the activities proposed along SH5, including the PBC, SIP project and Maintenance and Operations. We will welcome members of the Hawke’s Bay RTC, industry and iwi to contribute to the Steering Group to ensure that the approach is collaborative and that the outcomes we are seeking to achieve meet the aspirations of the region.

The scope of the PBC will be defined and agreed by the project Steering Group. The purpose of the PBC is to develop a strategic plan for the long-term safety and resilience of the critical corridor, and as part of that scope we will look at a full option of what investment and infrastructure would be required to achieve a safe and appropriate speed of 100km/hr on SH5. This Steering Group will also have oversight of the alignment of the PBC with work being done under the SIP to identify what interventions can proceed in the short to medium term into construction.

Waka Kotahi has earmarked approximately \$117 million for an infrastructure improvements project under the SIP. The feasibility work for this project is nearing completion and will move into detailed design with oversight and co-ordination by the Steering Group. Implementation (construction) funding is timed for the later part of NLTP 2021–24. Confirmation of funding to move into construction will be subject to our usual funding application and decision-making requirements.

It is important to note that another speed review cannot be undertaken if no infrastructure and safety improvements have been made to this section of SH5. As changes are made to the corridor, we would of course reassess what the safe and appropriate speed is. We remain committed to completing an evaluation of the change 12 months after its implementation to consider the safety, economic and social impacts of the change.

If you would like to discuss this reply with Waka Kotahi, please contact the Ministerial Services team by email at official.correspondence@nzta.govt.nz.

Yours sincerely



Brett Gliddon
General Manager Transport Services