

In confidence

# Roles of the Board and Director of Land Transport in Setting Speed Limits

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## Whāinga | Purpose: For noting

This paper provides an update on the new process for setting speed limits and how roles will be allocated within Waka Kotahi.

## Take matua | Key points

- The Land Transport Rule: Setting of Speed Limits 2022 came into force on 19 May 2022. This is part of the Road to Zero Strategy which aims to reduce death and serious injury by 40% by 2030.
- All functions under the rule are either Director of Land Transport functions or have been delegated to the Chief Executive (RCA functions) or the Director of Land Transport (regulatory functions) under the standard Board delegations. The Board may decide that specific functions should instead be retained by the Board. The Director may also refer matters to the Board for advice when exercising any of their functions.
- Waka Kotahi will keep the Board updated on key regulatory developments through regular reporting along with board papers on specific topics as necessary. These updates will be provided separately from the Director of Land Transport (regulatory functions) and Transport Services (RCA functions) to maintain the independence of these roles.

## He kōrero mō tēnei kaupapa | Background

In May 2022 the Board requested further information about the different roles Waka Kotahi has in setting of speed limits. This paper provides that further information.

The rule establishes a new framework for setting speed limits. Each RCA develops a 10 year speed management plan (SMP) along with a 3 year implementation plan. A SMP sets out how the network will move towards a safe and appropriate speeds over time. Speed management plans are reviewed every three years.

In addition to being the RCA for state highways Waka Kotahi has regulatory functions under the rule to guide development of SMP's as well as monitor and enforce compliance with the rule.

This briefing has come to the Board to:

- Set out the 3 functions within Waka Kotahi and how these have been allocated.
- Provide an overview of how speed limits are set under the rule.
- To set out how functions have been allocated within Waka Kotahi.

## Kia mōhio mai koe | What you need to know

### Waka Kotahi has three roles under the Rule

Under the rule Waka Kotahi has both regulatory functions and is the RCA for state highways.

Regulatory Functions:

- The Agency provides information and guidance to RCA's, sets deadlines and monitors compliance with the rule.
- The Director of Land Transport certifies speed management plans and comments on the extent to which SMP's comply with Road to Zero.

RCA Functions:

- Waka Kotahi as RCA develops, implements and reviews the state high speed management plan.

Attachment 1 provides an overview of the functions and where they are to sit within Waka Kotahi.

The information and guidance have been developed by the Road Safety Team within what was the SH&E group, but the ultimate sign-off will sit with the Director of Land Transport under a delegated function. The remainder of the regulatory functions will be undertaken by Regulatory Services.

The RCA functions will be undertaken by Transport Services. As far as possible this will allow the functions of the regulator and the Waka Kotahi RCA to be undertaken independently.

### RCA's are responsible for setting speed limits

Waka Kotahi provides RCA's with guidance and information to assist with the development of SMP's, including an assessment of safe and appropriate speeds for each road as well as the principles and outcomes set out in Road To Zero.

When developing SMP's RCA's must have regard to Road to Zero as well as the guidance and information provided by Waka Kotahi. The only mandatory requirement in the rule is that there must be reasonable efforts to have safe and appropriate speeds around schools (including kura) by the end of 2027.

### Waka Kotahi has a role ensuring the processes in the rule are complied with by RCA's

Waka Kotahi can set deadlines for taking steps under the rule including developing and reviewing SMP's and can take enforcement action where an RCA has not complied with the rule.

The Director has specific functions under the Rule. The Director:

- Certifies each SMP. Certification must be granted if the SMP's have the correct content and the correct process has been followed.
- May comment on the extent to which the SMP is consistent with Road to Zero. An adverse comment from the Director does not affect the validity of the SMP.
- Approves certain specific matters, for example 110kph speed limits.

In addition, a Speed Management Committee (SMC) will be established to:

- Review the draft state highway speed management plans and provide advice to the Director on suggested comments; and
- Provide oversight of the information and guidance on speed management that the Agency provides under this Rule, to ensure that the information is up to date and is fit for purpose.

The SMC is independent from Waka Kotahi with members of the SMC appointed by the Minister. No SMC members have been appointed.

### **Guidance and information provided by Waka Kotahi underpins the development of speed management plans**

Waka Kotahi will provide the guidance and information via a combination of a geospatial tool “MegaMaps” and a Speed Management Guide (The Guide). The Guide covers:

- Setting out “why” adopting safe and appropriate speeds will save lives.
- An assessment of Safe and Appropriate Speeds for every road and identifying the relative risk of each road.
- A “how to” guide of how to develop a speed management plan.
- Targets and outcomes set out in RtZ.

MegaMaps is an existing system which RCA’s have been using to make decisions around speed limits. It has been updated for use with the new rule. The technical basis for assessing Safe and Appropriate Speeds is in accordance with best practise and has been reviewed and approved by Dave Cliff, Chief Executive of the Global Road Safety Partnership and former Assistant Commissioner of Road Policing, NZ Police. It is also undergoing final review by Dr Soames Job, former Director of the World Bank Global Road Safety Facility.

MegaMaps allows RCA’s to check the Waka Kotahi assessment of safe and appropriate speeds as well as supporting information such as the One Network Framework classification, crash data, and current speed limits on the network

We expect there will be a process of moderation and on the ground assessment for each street or road, especially as implementation of the new One Network Framework is refined, and RCAs consider how local knowledge of safety infrastructure relates to the assessed safe and appropriate speeds in MegaMaps. Where RCA’s disagree with the Waka Kotahi assessment of safe and appropriate speeds they can ask Waka Kotahi for a review.

If RCAs choose to change a speed limit to something other than a safe and appropriate speed they are required to explain this in their SMP. The most likely scenario is as part of a phased approach toward implementing the safe and appropriate speed by reducing a speed limit in steps.

### **Speed management will be an ongoing process for RCA’s.**

SMP’s are updated every three years, which will result in an ongoing process of implementation and review of SMP’s. The functions of the Waka Kotahi RCA in this cycle are set out below:

- Waka Kotahi produces a draft State Highway Speed Management Plan (SHSMP) and provides this to all territorial authorities and regional transport committees for comment.
- Taking into account any comments, a consultation draft SHSMP is produced and published for public consultation.
- A final draft SHSMP is developed after consultation and provided to the Director and the SMC.

- The SMC will provide the Director with advice on the extent that the SHSMP meets the requirements of the rule, including whether it is consistent with Road to Zero. The SMC can provide advice to the Director on the comments they should make on the SHSMP.
- After receiving advice from the SMC the Director:
  - Certifies the rule if it contains the correct content and the correct process has been followed
  - Can make comments on the extent to which the SHSMP complies with the rule, including whether it is consistent with Road to Zero
  - Must either include the SMC advice in their comments or provide an explanation for any material disagreement with the advice from the SMC and publish this on an internet site.
- The SHSMP is implemented by the Waka Kotahi RCA and reviewed via the same process.

The Board will be updated about these activities separately to those associated with the Regulatory functions.

### **Waka Kotahi enforcement powers are limited**

Waka Kotahi can take enforcement action where an RCA is not complying with the Rule. Enforcement action can include setting speed limits on behalf of the RCA. In practise the lack of mandatory targets in the rule means that there will be limited scope for when these powers will be available to the regulator. It is likely that they would be used where there has been a failure of a RCA to implement or review an SMP, or possibly where there have not been reasonable efforts to adopt safe and appropriate speeds around schools as required by the rule.

### **Adoption of safe and appropriate speeds will take time**

Approximately 85,000 km of our 95,000 km road network have a current speed limit that is higher than the assessed Safe and Appropriate Speed, around 90% of the network.

Full implementation will take many years. Guidance on the implementation priorities is provided as a layer within MegaMaps that suggests short-medium term implementation priorities for RCAs (approximately 21,500 km or 25%) that can be delivered over the next 10 years. This layer identifies the highest benefit corridors to reduce deaths and serious injuries (DSIs), streets surrounding schools, and highest benefit areas for safety of people outside vehicles. This is consistent with the Ministry of Transport's monitoring targets which are aiming for safe and appropriate speeds on 15.5% of the network by 2024 and 21.4% by 2030.

### **Waka Kotahi will keep the Board updated by quarterly reporting and issue specific noting papers**

We will update the Board on progress during the speed management life cycle either through the quarterly report, or issue specific papers. Key regulatory events include:

- When Waka Kotahi sets deadlines for development of SMPs.
- Whether RCA's are meeting deadlines.
- RCA progress on implementing SMPs.
- Dates for review of speed management plans.
- Impact on DSIs.
- Any anticipated enforcement action.

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## Attachment 1

### Waka Kotahi Role by business unit

| Stage  | Waka Kotahi Role | What   | Waka Kotahi Business Unit  |
|--|------------------|--|--|
| Information and Guidance provided to each Road Controlling Authority (RCA) | Regulator        | Provides information and guidance on, and an assessment of, safe and appropriate speeds to each RCA.   | Director of Land Transport<br>Policy, Operational Policy and Standards and Network |
| Sets deadlines for development and review of SMPs.                         | Regulator        | Sets deadlines for development and review of SMPs.   | Director of Land Transport   |
| Development of State Highway Speed Management Plan (SHSMP)                 | RCA              | <p>Sets speed limits (other than emergency or temporary speed limits).</p> <p>Drafts speed management plan with an explanation of how the plan is consistent with government road safety policy;</p> <p>Includes a 10 year policy, measures and objectives plan and a 3 year implementation plan; and</p> <p>Consults with on draft SHSMP.</p> | Transport Services Programme and Standards   |
| Sets Temporary or Emergency speed limits                                   | RCA              | Sets and removes emergency or temporary speed limits.  | Transport Services Maintenance and Operations                                      |

| Stage  | Waka Kotahi Role           | What  | Waka Kotahi Business Unit  |
|--|----------------------------|---|--|
| Confirmation of Speed Management Plan (SHSMP)      | Director of Land Transport | Confirms that the process for developing the SHSMP complies with the rule and contains the correct content.   | Director of Land Transport   |
| Comments on Content of Speed Management Plan       | Director of Land Transport | Reviews advice from the Speed Management Committee (SMC) and comments on, amongst other things, whether the SHSMP is consistent with the Government road safety policy. | Director of Land Transport<br>Policy, Operational Policy and Standards and Network |
| Approves Specific speeds and other matters         | Director of Land Transport | Approves specific elements of SMP's, for example 70, 90 and 110 kph limits.   | Director of Land Transport   |
| Register speed limits                              | Regulator                  | Maintains the register of speed limits.   |  |
| Implementation and Review of Speed Management Plan | RCA                        | Implements SHSMP;<br>Reviews and updates SHSMP every 3 years.   | Transport Services Programme and Standards   |
| Monitoring and Enforcement                         | Regulator                  | Monitors implementation and review of speed management plans and takes enforcement action.  | Director of Land Transport<br>Policy, Operational Policy and Standards and Network |