

## Overview of the new Speed Rule

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### Whāinga | Purpose: For noting

The purpose of this paper is to provide the Board with an overview of the Land Transport Rule: Setting of Speed Limits 2022 and to clarify the roles and responsibilities of Waka Kotahi as the Regulator and Road Controlling Authority.

### Take matua | Key points

- The new “Land Transport Rule: Setting of Speed Limits 2022” (the Rule) creates a new approach to changing speed limits.
- How quickly safe and appropriate speed limits are implemented remains the responsibility of Road Controlling Authorities.

### He kōrero mō tēnei kaupapa | Background

Following consultation led by the Ministry of Transport, the Minister approved a new Speed Rule is effective from 19 May 2022. The rule is intended to enable regional consistency and clarifies the role of Regional Transport Committees, RCAs and the regulator.

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

#### Overview of the Rule<sup>1</sup>

The Rule creates a new approach to setting speed limits. At a high level, the Rule:

- Requires Waka Kotahi to develop a speed management guideline. There are minimum requirements for the guideline, including an assessment of what is the safe and appropriate speed limit for a road.
- Requires RCAs to develop speed plans, which must have regard to the speed management guidance (amongst other things).
- Sets out a process for join-up between RCAs to ensure consistency within regions.
- Requires the Director of Land Transport to assess and certify that a speed plan meets the requirements of the Rule before it is implemented.
- Requires for the registering of speed limits in a register.
- Allows Waka Kotahi to set the timeframe within which a speed plan must be in place.
- Sets out various other technical requirements.

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<sup>1</sup> A Rule is a form of subordinate legislation (similar to regulations). Many of our regulatory requirements are set out in Rules.

## Waka Kotahi continues to have a dual role as regulator and RCA

Under the Rule Waka Kotahi continues its two roles as Regulator and Road Controlling Authority (RCA) for state highways. Refer to **Attachment 1** for a detailed breakdown of all roles and responsibilities under the new Rule (including the Regulator and RCA responsibilities of Waka Kotahi).

While the Rule itself does not specify which part of Waka Kotahi develops and approves the speed guidelines (a regulatory tool to guide all RCAs on how speeds should be set) or the speed plan (an RCA requirement), we have historically had a clear separation of these functions within Waka Kotahi. Without that separation, there is a risk that any speed decisions will be challenged on the basis that there is a conflict between our role as regulator and RCA. We propose to maintain this separation, with the Director of Land Transport responsible for the regulatory functions (including the speed guidelines), and the National Manager Programme and Standards within Transport Services responsible for the RCA functions (including the speed plan).

section 9(2)(h)

## Ā muri ake nei | Next steps

The Guide is in the process of being finalised. We are keen to discuss with the Board whether they would like to see the guidelines before they are finalised. Once the guidelines are finalised, the speed plan will be finalised.

## Ngā whakapiringa | Attachments

### Attachment 1

### Speed Management Roles and Responsibilities

section 9(2)(h)

# Attachment 1

## Speed Management Roles and Responsibilities

### Role by Entity

Entity	Role
<b>Waka Kotahi (as Regulator)</b>	<p>Sets timelines for speed management plans</p> <p>Provides guidance on safe and appropriate speeds and preparing a speed management plan</p> <p>Develops and maintains information about speed management (for example, MegaMaps)</p> <p>Convenes the Speed Management Committee</p>
<b>Waka Kotahi (as RCA)</b>	<p>Provides a draft state highway plan to RCAs for feedback before preparing a consultation draft</p> <p>Provides a consultation draft of State Highway plan for public feedback</p> <p>Provides a final draft State Highway plan for review by SMC and certification by Director</p>
<b>Regional Transport Committee (RTC)</b>	<p>Consolidates information from RCAs into a draft regional speed management plan</p> <p>Provides a forum to address regional boundary or consistency issues</p> <p>Prepares a final draft regional speed management plans for certification by the Director of Land Transport</p>
<b>Regional Councils</b>	<p>Facilitates the administrative function of regional consultation, for all RCA plans following the regional process</p> <p>Provides opportunities for Māori to contribute to the preparation of regional speed management plans</p>
<b>Road Controlling Authority (RCA)</b>	<p>Develops territorial authority speed management plans</p> <p>Can choose to independently undertake speed management planning and consultation or follow the regional process (unless notified by RTCs to follow the regional process)</p> <p>Provides information to RTCs to enable development of a consistent regional speed management plan</p>
<b>Director of Land Transport</b>	<p>Certifies state highway and regional speed management plans when the correct process has been followed and the plan contains the required content.</p> <p>May comment on the extent to which the speed management plan complies with the rule and is consistent with Government Road Safety Policy.</p>
<b>Minister of Transport</b>	<p>Appoints members to the Speed Management Committee and may require any publicly available documents to be treated as the government road safety strategy</p>
<b>Speed Management Committee</b>	<p>Reviews state highway speed management plans and advises the Director of Land Transport on a plan's compliance with the Rule</p> <p>Comments on information and guidance provided by Waka Kotahi</p>

### Waka Kotahi Role by Activity Stage

Stage	Waka Kotahi role	What
<b>Information and Guidance provided to each Road Controlling Authority (RCA)</b>	Regulator	<ul style="list-style-type: none"> <li>- Provides information and guidance on, and an assessment of, safe and appropriate speeds to each RCA;</li> <li>- Sets deadlines for development and review of Speed Management Plans.</li> </ul>
<b>Development of State Highway Speed Management Plan (SHSMP)</b>	Road Controlling Authority (RCA)	<ul style="list-style-type: none"> <li>- Early engagement with Māori, RCAs, schools, and road Police</li> <li>- Drafts speed management plan with an explanation of how the plan is consistent with government road safety policy;</li> <li>- Includes a 10-year policy, measures and objectives plan and a 3-year implementation plan; and</li> <li>- Consults with RCAs on the SHSMP in accordance with the Rule.</li> </ul>

		- Consults with the public on SHSMP
<b>Assist RCAs develop their speed management plans</b>	Road Controlling Authority (RCA)	- Engagement with RCAs to help develop the Territorial Authority and Regional speed management plans
<b>Review of speed management plan (SHSMP) by Speed Management Committee</b>	Speed Management Committee	- Reviews the SHSMP and provides recommendations to the Director of Land Transport  - May review the information and guidance provided by the Agency and comment.
<b>Confirmation of Speed Management Plan (SHSMP) and comment by Director</b>	Director of Land Transport	- Confirms that the process for developing the SHSMP complies with the rule and contains the correct content;  - 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; and  - Approves specific elements of SMP's, for example 70, 90 and 110 kph limits.
<b>Implementation and Review of Speed Management Plan (SHSMP)</b>	Road Controlling Authority (RCA)	- Implements SHSMP;  - Reviews and updates SHSMP every 3 years.
<b>Monitoring and Enforcement</b>	Regulator	- Monitors implementation and review of speed management plans and takes enforcement action.

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