

Bylaw 2014 New Zealand Transport Agency (Wellington Tunnels) Bylaw

Pursuant to section 61(3) of the Government Roading Powers Act 1989 for the purposes specified in section 22AB(1)(c), (1)(h), (1)(o)(iv) and (1)(o)(vii) of the Land Transport Act 1998, the NZ Transport Agency makes the following bylaw.

Bylaw

1. Title and commencement

This bylaw may be cited as the New Zealand Transport Agency (Wellington Tunnels) Bylaw 2014 and shall come into force 28 days after the date of its publication in the New Zealand Gazette.

2. Application and scope

Terrace Motorway Tunnel

Where this bylaw applies to the Terrace Motorway Tunnel it will have effect as follows:

Northbound on State Highway 1 from the intersection of Willis Street / Abel Tasman Street and Karo Drive, along Karo Drive and through the Terrace Motorway Tunnel to the junction of the Clifton Terrace on-ramp; and

Southbound on State Highway 1 from the junction of the Terrace off-ramp and through the Terrace Motorway Tunnel to the Willis Street intersection.

Arras Tunnel

Where this bylaw applies to the Arras Tunnel it will have effect as follows:

Westbound from the intersection of Sussex Street and State Highway 1, through the Arras Tunnel to the intersection of State Highway 1 and Taranaki Street.

Mount Victoria Tunnel

Where this bylaw applies to the Mount Victoria Tunnel it will have effect as follows:

Northbound on State Highway 1 from the intersection of Ruahine Street and Taurima Street to the Mount Victoria Tunnel, through the Mount Victoria tunnel and up to the intersection of Paterson Street and Dufferin Street; and

Southbound from the intersection of Dufferin Street and Paterson Street along State Highway 1 to the Mount Victoria Tunnel, through the Mount Victoria tunnel and up to the intersection of Ruahine Street and Taurima Street.

3. Interpretation

In this bylaw, unless the context otherwise requires:

Agency has the same meaning as in section 2(1) of the Land Transport Act 1998.

cycle has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

dangerous goods has the same meaning as in Part 2 of Land Transport Rule: Dangerous Goods 2005.

enforcement officer has the same meaning as in section 2(1) of the Land Transport Act

1998.

Highway Manager, Wellington, means the person authorised by the Agency to give consent under clause 5.

overdimension motor vehicle means a motor vehicle or combination vehicle (including any load) that exceeds one or more of the dimension limits in section 4 of Land Transport Rule: Vehicle Dimensions and Mass 2002.

pedestrian has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

special traffic means a vehicle operated in a tunnel in accordance with consent given under clause 5.

tunnel means the Arras Tunnel, the Mount Victoria Tunnel or the Terrace Motorway Tunnel, as the case may be.

U-turn means to undertake a turn which involves turning from facing or travelling in one direction to facing or travelling in the opposite direction.

4. Classes of traffic restricted

- (1) No person may operate a vehicle that is carrying dangerous goods in a tunnel for any purpose (including for hire or reward).
- (2) Clause 4(1) does not apply if the quantity of dangerous goods does not exceed the maximum threshold specified in Schedule 1 of the Land Transport Rule: Dangerous Goods 2005 (whether or not that Schedule applies to the transport of the dangerous goods) and all relevant requirements of that Rule are complied with.
- (3) No person may operate an overdimension motor vehicle in a tunnel.

5. Special traffic permitted with consent

- (1) Clause 4 does not apply where a vehicle is operated in a tunnel in accordance with written consent given by the Highway Manager, Wellington.
- (2) A consent for special traffic under clause 5(1) may be given:
 - (a) in respect of any specified vehicle or class of vehicles;
 - (b) in respect of a specified occasion, or a specified period, or within specified times, or generally;
 - (c) subject to conditions that the Highway Manager, Wellington, considers appropriate in the interests of public safety, efficient traffic management or to prevent property damage, including damage to the tunnel.
- (3) Where the Highway Manager, Wellington, considers it appropriate, he or she may require that:
 - (a) special traffic be escorted through a tunnel by a Class 1 Pilot vehicle, an enforcement officer, or other escort;
 - (b) other traffic be excluded from a tunnel while special traffic is in or near the tunnel.

6. Pedestrian traffic

A pedestrian must not be within a tunnel unless:

- (a) on the footpath of the Mount Victoria Tunnel; or
- (b) in the tunnel to carry out maintenance authorised by the Agency; or
- (c) as a result of any crash, breakdown or other emergency; or
- (d) that pedestrian is an enforcement officer or a person acting with the consent or at the request or direction of an enforcement officer.

7. Cycles

No person may ride a cycle in a tunnel, except on the footpath of the Mount Victoria Tunnel from the intersection of Taurima Street and Ruahine Street through the Mount Victoria Tunnel to the intersection of Paterson Street and Brougham Street.

8. Activity within tunnel regulated

No person may do any of the following in a tunnel, unless directed by an enforcement officer:

- (a) Tow any vehicle other than a trailer;
- (b) propel any vehicle by pushing it with another vehicle;
- (c) change any tyre or wheel on a vehicle;
- (d) repair any vehicle;
- (e) fuel any vehicle;
- (f) alight from any vehicle except in accordance with clause 6;
- (g) make, or attempt to make, a U-turn;
- (h) stop any vehicle without good cause.

9. Behaviour in tunnel restricted

(1) No person may:

- (a) remain in a tunnel after being requested to leave by an enforcement officer or member of the fire service or ambulance service;
 - (b) leave any vehicle unattended in a tunnel;
 - (c) climb on any part of a tunnel;
- except where clause 6 or clause 8 applies.

(2) Any vehicle left unattended in a tunnel will be removed by towing and the reasonable costs of the removal will be recovered from the vehicle owner.

10. Offences and penalties

Without limiting any provision of any other enactment, a person who breaches clauses 4, 6, 7, 8 or 9 of this bylaw commits an offence and is liable to a fine not exceeding \$500.

11. Revocation

The Transit New Zealand (Wellington Tunnels) Bylaw 2003/12: Bylaw Concerning Wellington Tunnels (New Zealand Gazette, 13 November 2003, No. 154, page 4319) is hereby revoked.

12. Savings

Any resolution, approval, permit or other act of authority made pursuant to the bylaw referred to in clause 11 remains in force until revoked by the Agency.

13. Authority to make bylaw

This bylaw was made by the Group Manager, Highway and Network Operations, under the delegated authority of the Agency.

Dated at Wellington this 21st day of August 2014.

Signed on behalf of NZ Transport Agency by:

TOMMY PARKER, Group Manager Highways and Network Operations, NZ Transport Agency.