

LAND TRANSPORT RULE REGULATORY STEWARDSHIP (OMNIBUS) AMENDMENT 2018 CONSULTATION

Summary of submissions

18 APRIL 2019

A total of 41 submissions were received.

The number of submitters commenting on a respective Rule are as follows:

Rule amended in 2018 Regulatory Stewardship project	# Submitters
Driver Licensing 1999	11
Fuel Consumption Information 2008	16
Heavy-vehicle Brakes 2006	11
Heavy Vehicles 2004	3
Light-vehicle Brakes 2002	14
Operator Licensing 2017	2
Passenger Service Vehicles 1999	12
Road User 2004	22
Setting of Speed Limits 2017	10
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Tyres and Wheels 2001	13
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Vehicle Equipment 2004	1
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This document briefly summarises the feedback from submitters and describes the NZ Transport Agency (the Agency) and Ministry of Transport perspective in consideration of the submissions.

DRIVER LICENSING 1999

Proposal 1

*Driver Licensing 1999, clause 2, Interpretation, definition of **approved motorcycle***

The proposed change would enable the Agency to determine whether a given electrically-powered motorcycle may be approved for the purpose of the Learner Approved Motorcycle scheme (LAMs).

Submitters acknowledged that e-motorcycles currently available in NZ are mostly small low powered low speed models, however high-performance models available overseas will come here over time. Submitters recognised the definition needs to be more explicit that LAMs will be restricted to relevant powered EV motorcycles. It was considered all acceptable standards must be met, in particular the requirements in ECE R 100 (Revision 2).

One submitter also wished to see a review of class AB power assisted pedal cycle requirements. They noted that this is a rapidly expanding market and that current requirements are being exploited.

The Agency must undertake work to approve the individual models that will comply. A process by which to measure products to determine their fitness needs to be developed, i.e. the most powerful and acceptable bike on the current LAMs list and the E-bike equivalent. While the precise time to undertake this work is indeterminate ideally it could be completed in 2020. The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 30

Driver Licensing 1999, clauses 2(1), 41(4), 44(1)(a), 44(2A)(b), and 77(5)

Consequential Road User Rule 2004 *clause 7.11 and 7.14* Replace references to medical practitioners and registered health professionals with **health practitioner**.

This administrative change to align wording with other instruments was generally supported by submitters.

The proposal was broadly supported and the draft that was consulted on will proceed.

FUEL CONSUMPTION INFORMATION 2008

Proposal 2

Fuel Consumption Information 2008, clauses 2.2(1)(c) and 2.2(2)

Update the Rule to reflect the adoption of the World Harmonised Light Vehicle Test Procedure (WLTP) for measuring the emissions and fuel consumption of light motor vehicles.

The adoption of the WLTP to measure fuel consumption, CO₂ emissions and pollutant emissions from light vehicles means that the data required to be captured on the database of fuel consumption information, maintained by the Transport Agency, will increasingly be made available in the form and terminology used in the WLTP.

Currently, WLTP test cycles are not referenced in the database provisions of the Rule. The proposed change would provide for fuel consumption information generated from the WLTP testing protocol to be used for the purposes of the database.

This proposed change was generally supported and attracted various comments from submitters most of whom noted the WLTP will eventually be the single source of fuel economy measurement. Submitters commented the New European Driving Cycle (NEDC) test and results will still be around for many years so must continue to be recognised in the Rule. The new test procedure results in fuel use data which better reflects real world use. In many cases the new test will result in higher fuel consumption ratings for otherwise very similar/identical vehicles. Submitters noted relevant values must be available to make comparative information available to potential purchasers. Some submitters did not want vehicles assessed under WLTP to display derived values until WLTP becomes more prevalent.

A submitter asserted that CO₂ information currently is not readily available. This submitter queried would the Agency would make data available through the Fuel Statement Website? If not, where would the information be obtained from?

One submitter raised concerns this Rule applies to vehicles manufactured from 1 January 2000. s2.1(2) of Vehicle Exhaust Emissions 2007 states a motor vehicle first registered outside NZ or manufactured 20 years or more before its date of certification for entry does not need to meet an emission standard. On 1 January 2020 there will be a potential conflict between these Rules - a 20-yr old vehicle will not be required to meet an emissions standard but will be required to have fuel consumption and CO₂ emissions information. This submitter asked, "will this cause a conflict and prevent some vehicles complying?"

The definition of low volume vehicle will refer to the definition in the Vehicle Standards Compliance Rule 2002. This is consistent with the format of the definition of Gross Vehicle Mass as proposed in this Omnibus Amendment Rule proposals 31 and 32. The amendment will not affect vehicles certified as low volume vehicles. The amendment is focussed on capture, where available, of fuel consumption information. If emissions data cannot be provided on a vehicle, that vehicle is not granted certification into New Zealand and the amendment will not affect this. The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 3

Fuel Consumption Information 2008, clause 4.1(2)

Require new and used vehicle importers to provide information about vehicle mass and CO₂ emissions.

Accurate vehicle mass and CO₂ emissions data are important inputs required for progressing initiatives to achieve New Zealand's climate change targets. The proposed change would require the provision of Gross Vehicle Mass and tare weight, and CO₂ emissions information for all light motor vehicles, if the information is available.

Various submitters supported capturing information on vehicle mass and CO₂ emissions, applied equally to new and used imported vehicles.

Two submitters raised concerns about administration of the requirement to take into account differing technical standards in the varying jurisdictions that New Zealand sources vehicles from. It is claimed that identification of each vehicle individually by VIN is necessary to confirm that specific build standards meet requirements. There was concern about availability of data particularly for used imports and older vehicles, risk of potential increase in costs for suppliers and wariness around decisions that the information could inform.

Other submitters strongly supported the proposal because it will provide more reliable data for the development of transport policies relating to climate change. Once this data is available a submitter suggested a further requirement for the CO₂ emissions information to be clearly displayed on a vehicle at point of sale, to encourage owners to take this into account in their purchasing decision.

Some discussion around challenges with obtaining information highlighted the variance in the market. For instance, a submitter noted some vehicles are imported 'CKD' (completely knocked down), e.g: a bus fleet operator will import vehicles that are not complete, to reduce the need to send funds overseas, reduce shipping and importation costs and provide local employment. This submitter questioned the importer's ability to provide necessary information in such cases. Another submitter queried that if CO₂ information currently is not readily available would the Agency make data available through the Fuel Statement Website? If not, where would the information be obtained from?

The proposal was broadly supported and the draft that was consulted on will proceed.

HEAVY-VEHICLE BRAKES 2006

Proposal 4

Heavy-vehicle Brakes 2006, clauses 3.5(1)(b), 3.5(3)(b) and 3.5(5)

To provide that a vehicle that complies with a New Zealand-approved brake standard does not have to comply with historical New Zealand requirements regarding pressure gauges.

The proposed change has been raised because the requirement in the Rule is now unnecessary, inappropriate and comparatively less safe.

The majority of feedback on this proposal supported removal of this unique and unnecessary requirement which will also remove a direct cost to heavy vehicle distributors. Submitters agreed it is costly and incompatible with safety improvement aims to take heavy vehicles with better systems and retro-fit them with inferior systems to comply with the Rule.

Two submitters sought clarification. One as to whether existing vehicles can maintain their current configuration or need to be returned to their manufactured state, and the other questioned if difficulty may arise determining whether circuit protection exists or whether the protection is functioning correctly.

The nature of the proposed change means existing vehicles will meet or exceed the newly created requirement so the effect is they can maintain their current configuration. The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 5

Heavy-vehicle Brakes 2006, clause 3.6(1A)

To allow for fewer truck air brake applications to be available after the engine stops before a warning buzzer sounds. This will align the New Zealand requirement with approved international vehicle standards requirements. This proposal seeks to rectify an anomaly, whereby importers must adapt a new vehicle to take it out of compliance with an international safety standard.

Respondents were supportive of the amendment noting it is good this unique and unnecessary requirement is being removed. It is considered positive that the change will also remove a direct cost to heavy vehicle distributors.

One submitter, while supporting the proposal to better align New Zealand requirements with international standards, sought clarification as to whether existing vehicles can maintain their current configuration or need to be returned to manufactured state?

The nature of the change proposed means existing vehicles will meet or exceed the newly created requirement so the effect is that they can maintain their current configuration. The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 31

*Heavy-vehicle Brakes 2006, Part 2 Definitions, definition of **gross mass***

Change the definition of **gross mass** in the Heavy-vehicle Brakes Rule to mirror the definition in Part 2 of the Vehicle Dimensions and Mass Rule 2016.

Submitters supported the change which will remove disparity and confusion between Rules, making compliance easier.

The proposal was broadly supported and the draft that was consulted on will proceed.

HEAVY VEHICLES 2004

Proposal 32

*Heavy Vehicles 2004, Part 2 Definitions, definition of **gross mass***

Change the definition of **gross mass** in the Heavy Vehicles Rule to mirror the definition in Part 2 of the Vehicle Dimensions and Mass Rule 2016.

Submitters supported the change which will remove disparity and confusion between Rules, making compliance easier.

The proposal was broadly supported and the draft that was consulted on will proceed.

LIGHT-VEHICLE BRAKES 2002

Proposal 6

Light-vehicle Brakes 2002 clauses 2.4(2), 2.4(3), 2.4(4), 2.4(5), 2.4(5)(a), 2.5(7), Table 2.2 and Part 2 Definitions

Allow for indirect trailer brakes that meet certain performance criteria for trailers between 2,500 kg and 3,500 kg. Currently European trailers between 2,500 kg and 3,500 kg with indirect brakes that meet the UNECE R13 standard are imported into New Zealand. Direct brakes are still allowed for in this proposal.

There was broad support for the proposal to allow for the use of indirect trailer brakes that comply with the UN ECE R13 standards. This proposal may result in reduced costs and improved safety.

Submitters also raised numerous other matters and provided context for consideration that will be included in work to identify opportunities to strengthen the regulations for light trailers. These are likely to be more significant than a Regulatory Stewardship (Omnibus) Rule amendment.

Some submitters discussed risks associated with this change but unfortunately none were supported by quantifiable evidence. There were submitters that strongly supported the change to enable products that meet the requirements laid out in UN ECE R13. Those requirements do in fact provide for the risks that were raised by submitters. The policy supporting the Rule provides that a

tow coupling must be designed and constructed to bear the highest anticipated load that the trailer will carry. Submitters were broadly supportive and the draft that was consulted on will proceed.

OPERATOR LICENSING 2017

Proposal 33

Operator Licensing 2017 clause 2.6(2)(a)

Rewrite clause 2.6(2)(a) to ensure the required position of the Transport Service Licence (TSL) label on a vehicle is made clearer.

Submitters supported the alignment of wording to make compliance easier. One submitter suggested that a less prescriptive approach could enhance compliance further.

The proposal was broadly supported and the text was revised as a result of feedback from submitters.

Proposal 34

Operator Licensing 2017 clause 3.5(4)(b)(i) and 5.2(4)

Rewrite the wording in clause 5.2(4) to be the same wording that is used in clause 3.5(4) which is also clarified to make the desired outcome clearer.

Submitters supported the alignment of wording to make compliance easier.

The proposal was broadly supported and the draft that was consulted on will proceed.

PASSENGER SERVICE VEHICLES 1999

Proposal 7

Passenger Service Vehicles 1999 clause 2.4(5)(b)

Enable the panels preventing passenger feet protruding into stairwells on buses to be fitted such that there could be a small gap between the panel and the floor.

Submitters considered the proposal to be a common-sense approach because current regulation is impractical and sometimes misunderstood by complying authorities leading to conflicts of opinion.

The current requirement to extend the gap to the floor is considered to impose unnecessary cost at entry for no safety/privacy/cleaning gain. Submitters expect it will be of benefit to contracted public transport operators to enable a gap because a high proportion of vehicles are imported. This change should also make it clearer that such gaps are allowable when vehicles are checked for compliance.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 8

Passenger Service Vehicles 1999 clause 4.1(8)

Amend the current minimum foot room requirements for facing seats on buses.

Submitters fully supported the proposal to remove requirements they consider are restrictive and impractical due to the location and shape of wheel arches. Submitters were broadly supportive of alignment with international standards.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 9

Passenger Service Vehicles 1999 clause 6.15(2)

Allow for front passenger seat windows to open wider than 125 mm if that seat is alongside the driver's seat in a passenger service vehicle (PSV).

Full support from submitters for the 'common sense' proposal on the basis that it is impractical and sometimes not possible to restrict the amount of opening on an electrically operated 'front seat passenger' window. A submitter noted that because more recently a number of PSVs available on the market are heavier than 3,500 kg, the position of the driver in these vehicles makes it easier to monitor passenger behaviour, making the current clause unnecessary for the front seat passenger window.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 35

Passenger Service Vehicles 1999 clause 1.6

Replace the reference to Section 12 of the Operator Licensing Rule 2007 with the Operator Licensing Rule 2017, Section 6.1 'Exempt passenger services'.

Submitters support the administrative change to ensure Rule is current.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 36

*Passenger Service Vehicles 1999 Part 2, Definitions, definition of **low volume vehicle***

Rewrite the definition of **low volume vehicle** to be the same as the definition in the Vehicle Standards Compliance Rule.

Submitters support the administrative change to ensure the Rule is current. One submitter asserted the proposed new definition in the Passenger Service Vehicle Rule 1999 (PSV) is not exactly the same as the Vehicle Standards Compliance Rule 2002 (VSC). This submitter requested wording and punctuation be consistent. For consistency, the definition of a low volume vehicle should live only in the VSC with all other rules referring to it. The submitter noted this is consistent with the format of the definition of GVM as proposed in this Regulatory Stewardship (Omnibus) Amendment proposals 31 and 32.

The Rules which contain a definition of Low Volume Vehicle have been reviewed in light of the information provided in submissions. The amendment will progress with the text to be aligned with that in the Vehicle Standards Compliance Rule.

ROAD USER 2004

Proposal 10

Road User 2004, clause 1.6, definition of headlamp

Update the definition of headlamp to align with other Land Transport Rules, to clarify cyclists must have a headlamp which can be seen from at least 200 metres away.

Some submitters considered the change to be positive but requested additional requirements to support it. Others were opposed to any further restrictions or requirements to be placed on people who cycle.

There was a concern about how to measure brightness for the purposes of enforcement. A submitter considered batteries to maintain such brightness would be too expensive, and that it would encourage greater levels of division between people who do and do not cycle.

Those submitters that supported the proposal also sought to ensure that lights on cycles are not fitted in such a way that they dazzle, confuse or distract other network users. These submitters suggested the inclusion of a requirement 'not to fit a lamp to the head or any other part of the cyclist's body', or 'must not project a beam above the horizontal plane taken from the centre of the light.' The reason being, "an on-coming cyclist looks at you as you approach and, with the light on their head, blind you, endangering themselves".

One submitter was concerned increasing brightness and now increased visibility to 200 metres can mean lights dazzle pedestrians, especially in shared zones, reducing safety and amenity for pedestrians. This submitter considered that the effect is greater if the light is flashing. They asked the Rule to include a requirement that headlamps do not dazzle others. Another submitter stated the definition should make it clear that the lamp should be affixed to the vehicle and not the person.

It would be possible to frame requirements for lights in terms of measurable quantities like luminous intensity. Framing the requirement in terms of visibility at a given distance allows the Police an enforceable requirement without the need for specialised measuring equipment and calibration.

The land transport rules contain a number of provisions meant to prevent road users being dazzled by lights on other vehicles. The cyclist road code states that 'Headlights should be attached to the handlebars and pointing down'. <https://www.nzta.govt.nz/resources/roadcode/cyclist-code/about-equipment/cycle-equipment/>.

The question of cycle lighting and safety was investigated by the NZTA after a Wellington cyclist was killed by a collision with a vehicle. The cyclist was using a poor-quality light mounted to his helmet (the dimmest output of 50 tested that year). Over 12 years of Wellington region cycle crash data were analysed. It was found that dozens of crashes were attributed to riders having 'no or inadequate lights'. Zero crashes were attributed to cyclists' lights dazzling other road users.

If all riders were required to avoid high-power settings in urban areas, there is a risk that riders with relatively poor lights (or good lights with batteries that are nearly drained) will switch to low-power settings which increases the chance of them being involved in a crash. Also, when lights are used during daylight hours (as we're increasingly seeing, and research suggests may reduce cycle-MV crash risk by about 19%) they need to be on a reasonably bright setting to be effective.

In 2018 the Cycle Safety Panel recommended (Rec. 33) to 'Investigate the adoption of the ISO bicycle lights standard (or a New Zealand adaptation)'. Cycle lighting has improved as manufacturers strive to comply with the ISO standards since they have been adopted by large markets (such as the EU and Japan). The ISO standard sets both minimum and maximum levels of illumination. This is a matter for the ongoing NZTA work programme.

[https://www.iso.org/obp/ui/#iso:std:iso:6742:-1:ed-3:v1:en;](https://www.iso.org/obp/ui/#iso:std:iso:6742:-1:ed-3:v1:en)

<https://www.nzta.govt.nz/walking-cycling-and-public-transport/cycling/investing-in-cycling/cycling-safety-panel/>

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 11

Road User 2004, clause 3.6(1)

Clarify that a 'B' signal only applies to buses in the bus lane facing the signal.

This proposal generated a lot of feedback. All submitters were supportive of the change in principle but there was some confusion among submitters about the proposal.

For instance, a submitter stated the change should include other legitimate users of the bus lane. In some cases this will include bicycles, in-service taxis, motorcycles and mopeds. They proposed: 'Clarify that a 'B' signal only applies to users in the bus lane facing the signal'; only in the 'bus only' lanes should it say 'only applies to buses'.

A submitter expressed support conditional on an accompanying information campaign. Agreeing that the change will eliminate bus lane confusion; the submitter stated to be effective it will need to be accompanied by a supporting information campaign to assist with compliance.

Various submitters supported the benefit to all road users by improving road safety and minimising conflict and improved clarity. One submitter strongly supported the proposal as it will link the use of 'B' symbols to special vehicle lanes and further highlight public transport (PT) priority and encourage uptake of PT.

A submitter, noting currently conflicts are rare, offered context from the perspective of a driver at such signals. This submitter believed this should be covered in Bus Driver training. From their perspective a good tactic for a driver of the bus in a regular (adjacent) traffic lane is to wait for those in the bus lane to move ahead because it is common for there to be more buses in the bus lane than the 'B' light phase can accommodate. The submitter also suggested education and enforcement should be targeted to remind drivers of EVs and motorcycles in adjacent lanes they cannot proceed on 'B' signal.

The primary requirement of this change is to remove ambiguity and clarify who has the legal precedence. The amendment will proceed, with some additional changes based on consideration of feedback provided in submissions.

Proposal 12

Road User 2004, clause 3.8

Allow for manual traffic control with STOP/GO signs which are held by machines, but still operated by a person.

Submitters were fully supportive of the changes to improve the safety of road work crews and considered the change to be of benefit to all road users. For one submitter a clarification was requested about how far the concept of automating Stop/Go signs went. They mused whether remote locations could be monitored from far away by video link or whether large LED signs could be used, set to automatic timers.

The policy intent is to ensure the Rule directs drivers to stop, or go when directed to, while not putting road workers in harm's way. The Stop/Go sign operator is to be located on site with a clear view of the worksite and road users, not necessarily on the roadway. The proposed amendment to the TCD Rule requires the person controlling the Stop/Go sign to be "...at the location where the stop sign is displayed...". This means there must be at least one person controlling each Stop/Go sign. Allowing one person to control several signs via video link, for example, would introduce safety and efficiency risks at busy work sites. The sign itself could be electronic, provided it meets the design specifications in Schedule 1 of the Rule. The proposed clause 11.7(4) was specifically drafted to allow electronic display of Stop/Go signs. The proposal was broadly supported and the draft that was consulted on will proceed, with a reference inserted to link the meaning of 'manually controlled stop sign' for the purposes of clauses 3.8 in the Road User Rule 2004 and 11.7(4) (as proposed) in the Traffic Control Devices Rule 2004.

Proposal 13

Road User 2004, new clause 3.9A

Create an offence of turning or entering into a road where a traffic sign prohibits this.

Submitters all supported this change and the application of a nationally consistent penalty was considered to make enforcement more straightforward. It is seen to be beneficial on one-way roads which at the moment solely rely on drivers complying with the sign; also, when roads are closed during a flooding event and drivers go around 'Road Closed' signs.

Of concern, is strong support for the proposal from some submitters who misunderstood the implications for Bylaws, thinking that it would no longer be necessary for councils to use a specific bylaw process before Police can carry out enforcement action.

The policy meaning and intent retains all provisions requiring a Bylaw to give effect. The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 14

*Road User 2004, clause 1.6, definitions of **continuing road** and **turn**, and clause 4.2(5)*

Submitters supported the proposal, with one noting it can potentially be useful in areas where the preference is to not have road markings.

Public perception is it is a sensible clarification and Road Controlling Authorities (RCAs) also support the proposal. The draft that was consulted on will proceed.

Proposal 15

Road User 2004, new clause 6.4(1B)

Make parking a vehicle other than an electric vehicle in a parking space that is reserved for charging electric vehicles (EV) a parking offence.

Submitters all expressed support for the change in principle, but some sought greater clarification about the type of EV that the parking provision applies to and whether or not an EV must be actively charging while parked in a respective EV space.

There was also support for the change on the basis that it will lead to greater coordination of penalties nationally.

Some submitters offered interesting broader context. One asked for standard labelling that enables EVs to be discerned from other vehicles. They suggested that if EVs had some sort of distinctive label to signify an EV, it would make it easier to enforce them in lanes and in charging car parks. The submitter also asked what protection from enforcement was there for charging point maintenance technicians.

One submitter was concerned about potential negative impacts on heavy vehicle operators and would support the change only if those responsible for laying out site plans are required to take into consideration and cater for heavy vehicles to drop off and pick up goods without interference or inconvenience.

Some submitters considered the proposed penalty of \$150 is excessive for this offence and is the same as for many road safety offences when it is clearly not a safety issue. Submitters proposed the penalty should be equal to that provided for general parking penalties instead, which will seem more credible to motorists and less likely to be perceived as 'revenue gathering'.

Again, of concern, were the submitters who supported the proposal because they mistakenly assume it will no longer be necessary for councils to use a specific bylaw process before enforcement action can be carried out.

The Rule will be clear that it applies to vehicles that can be 'plugged in' to charge energy to operate the motor. The policy meaning and intent retains all provisions requiring a Bylaw to give effect. Clause 1.8(4) in RUR provides a defence for workers in the process of servicing an EV charger station to park in the EV charging car park while undertaking the work. The penalty will be reduced from that initially proposed to \$60, to align with the penalty that is applied to inconsiderate parking.

Proposal 16

Road User 2004, clause 11.8(7)

Enable the Agency to impose conditions when granting exemptions to the requirement to use a cycle helmet.

While one submitter wished to see the current exemption process for adults "retained, or loosened", all others were supportive of the change.

The proposed change was to retain current policy intent and enable consideration of specific circumstances when granting exemptions. Any significant loosening of the current helmet requirements would be outside the scope of a Regulatory Stewardship (Omnibus) Amendment. The proposed change was considered as part of a regime with a universal requirement plus a provision for exceptions. After consideration and consultation with the Associate Minister for Transport this proposal, to allow the Agency to impose conditions on cycling helmet exemptions has been removed. *Clause 11.8(7) of the Road User Rule 2004* will not be amended.

Proposal 37

Road User 2004, clause 1.6 Definitions, definition of heavy vehicle lane

Insert the definition of **heavy vehicle lane** which is the same as the definition proposed for the Traffic Control Devices Rule 2004 (proposal 20).

Submitters supported this change to deliver clear potential safety benefits. It was also thought the Rule change may realise efficiency benefits and will provide clarification for enforcement purposes.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 38

*Road User 2004, clause 1.6 Definitions, definition of **static roll threshold***

Rewrite the definition of **static roll threshold** to be the same as the definition in the Vehicle Dimensions and Mass Rule 2016 (VDAM).

The administrative change to ensure the Rule is current was supported by submitters.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 39

Road User 2004, clause 1.6 Definitions

Revoke the definition of **static roll threshold compliance certificate** and insert a new definition **static roll threshold document of compliance**, referencing Clause 3.18(1)(b) of VDAM 2016.

The administrative change to ensure the Rule is current was supported by submitters.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 40

Road User 2004, clause 5.1

In clause 5.1(1) (Drivers must not exceed speed limits) replace “holiday” with “seasonal”.

Submitters supported the administrative change to ensure the Rule was current. One submitter mistakenly assumed the change was related to perceptions about Police speed tolerance.

To further clarify: this proposal is not related in any way with perceptions about Police speed tolerances. It is strictly a change in terminology while retaining the long-standing policy intent. The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 41

Road User 2004, clauses 8.5(1)(e), 8.5(2)(b), 8.10(1) and 8.10(2)

In the Road User Rule 2004, replace the references to VDAM 2002 with VDAM 2016 and replace references to ‘static roll threshold compliance certificate’ with ‘static roll threshold document of compliance’.

Submitters supported the alignment of wording to make compliance easier.

The proposal was broadly supported and the draft that was consulted on will proceed.

SETTING OF SPEED LIMITS 2017

Proposal 17

*Setting of Speed Limits 2017, Part 2 Definitions, definition of **holiday speed limit**, and the 29 instances where it appears in the Rule (Also Road User 2004, clause 5.1(1))*

Replace the term 'holiday speed limit' with 'seasonal speed limit'. The reason for the proposed change to the Rule is to avoid the perception that holiday speed limits can only lawfully be in force on statutory holidays.

Most submitters supported the proposal on the basis that it is a more logical description of the nature of the speed limit and will avoid confusion with traffic arrangements for events on statutory holidays.

One submitter agreed with the principle, but voiced concerns about "over-use of this by councils". The concern was the way 'seasonal' is defined in the summary document as "days, weeks or months when there is more activity on the road than usual" could mean activity which includes more pedestrian and cycle traffic rather than motorised vehicles. The submitter claimed councils are already vocal about wanting the ability to drop speed limits and was therefore mindful of the way the change would be interpreted by councils.

"Holiday", or seasonal speed limits have been available to road controlling authorities as a speed management tool for many years. There is no indication they have been over-used. Regardless, simply changing the name should have no effect on their use by RCAs. There will also be some updated guidelines in the "Speed Management Guide" to encourage consistent application of seasonal speed limits by all RCAs.

The name change does not affect the actual speed limit that has been set. This is simply a change in name for a category of speed limit that has existed for many years. Where seasonal speed limits have been set by the RCA, the signs are changed to display the reduced speed limit at the time of the year when the seasonal activity requires reduced speed, for example during the summer months at a busy beach resort. At other times of the year when there are no holiday makers, the signs are changed to display the higher speed limit that applies, for the rest of the year. The proposal was broadly supported and the draft that was consulted on will proceed.

TRAFFIC CONTROL DEVICES 2004

Proposal 18

*Traffic Control Devices 2004, clause 12.4, and Part 2, Definitions of **zone parking**, **zone parking restriction** and **zone restriction**.*

Change the definitions of 'zone parking', 'zone parking restriction' and 'zone restriction'. Changing these definitions could reduce compliance costs for RCAs by allowing fewer signs if the respective areas are sufficiently delineated by other features.

Submitters supported the principle behind the proposal to reduce clutter at the roadside and potentially realise economies in signing costs for local authorities.

Some submitters recommended alternative wording. These included a suggestion that clause 12.4(14) should clarify that the zone parking restriction does not apply to any place within a zone

parking area where a different parking restriction or prohibition is indicated. Clause 12.4(13B) uses 'permit' and 'prohibit' in addition to 'restrict'. One submitter suggested that 'restrict' is all that is required; it would better ensure consistency with other parts of the Rule and an RCA's bylaw making powers. The addition of 'permit' could also conflict with s22AB of the LTA 1998 which dictates what type of parking controls can be imposed and where. The term 'restrict' is more consistent with terminology proposed for cl. 12.4(13) and 12.4(13A); consistency with rest of 12.4 of the Rule and would avoid any confusion with s22AB.

While understanding the intent, a submitter was very concerned if this proposal meant fewer signs installed in car parking areas as suggested which in turn could lead to more motorists being fined due to lack of awareness of the parking terms and conditions. This submitter stated parking compliance is maximised when there are clear signs located at the entrances to carparks and repeater signs within the parking area located in prominent areas such as at payment machines public facilities and paths. The submitter suggested that the use of these features to delineate the areas by RCAs may be variable. The submitter does not believe that reducing compliance costs to RCAs by allowing fewer signs is worth the risk of increased infringements for motorists.

Clause 12.4(14) needs amendment to clarify a parking zone restriction does not apply to any area within the zone that is clearly identified as having a different parking restriction. Regarding the use of "permit", "prohibit" and "restrict" in clause 12.4(13B), these terms simply replicate those used currently in clause 12.4(13). However, to align with the bylaw-making provisions in the Land Transport Act 1998 only the terms "prohibit" or "restrict" should be used.

It is essential drivers are adequately advised of any restriction on their capability to use the roads. With this in mind, there are conditions on RCAs making zone parking restrictions as set out in clause 12.4(13A). Those conditions are to ensure that drivers could reasonably be expected to be aware of the parking restriction in the area. Further, clause 12.5 requires signs to be installed "... at intervals sufficient to notify road users...". This will vary according to the particular area to which the zone parking restriction applies and will often be more frequent than the absolute minimum requirements set out in the TCD Rule. The change will progress with some amendment to the text that was consulted on.

Proposal 19

Traffic Control Devices 2004, clauses 12.4(4), 12.4(5), 12.4(5A), 12.5(1), and 12.5(2)

Amend the requirements for bus stop signs and markings to allow a 30 metre marked outline and one sign. Bus stops longer than 30 metres will continue to be required to have additional signs or road markings to clearly identify the extent of the area reserved for buses.

All submitters were in support of this change.

One discussed the question of vehicles parking right next to the yellow bus stop outline. This submitter noted that a 30 metre sized bus stop is close to the minimum necessary to fit a 15 metre long bus. As signage in the centre of bus stop may be at risk from 'tail swing' from a bus if the driver attempts to avoid a car parked right up next to the end of the bus stop, reduced signage is supported. Another submitter supported the change that was influenced by a survey carried out by a local authority.

A further submitter, while in support of the intent of the change, considered that it should be achieved without removing one of the existing options. Currently bus stops longer than 12 metres may be indicated by a yellow outline marking and a sign at each end with repeater signs every 100 metres; or one sign at the far end with a repeater sign every 200 metres and 'bus stop' marked on the road within the outline. The proposal would mean bus stops up to 30 metres long only require the yellow outline marking with one sign at the far end; this is supported. However one submitter

was concerned that the proposal might also mean that bus stops longer than 30 metres will only have one option, being a yellow outline marking with one sign at the far end with repeater signage every 200 metres and 'bus stop' marked on the road within the outline. If the current option of a yellow outline marking and a sign at each end of the bus stop is not retained, it could mean many current bus stops will not satisfy the new requirements and in all cases, would mean less flexibility than currently exists for bus stops over 30 metres, which is not supported.

The point regarding removal of options for identifying bus stops over 30 metres long is noted. There is no intention to change the current option of an outline marking with signs at each end of the bus stop and repeaters every 100 metres; that option will remain. The change will progress with some amendment to the text that was consulted on.

Proposal 20

Traffic Control Devices 2004, Part 2, Definitions, definition of heavy vehicle lane

Insert a definition of 'heavy vehicle lane'. The proposed definition enables use of specified lanes for heavy vehicles and better enforcement in the event they are unlawfully used by another vehicle type.

Various submitters expressed support on the basis of enabling use of specified lanes for heavy vehicles and better enforcement when they are used by another vehicle type to reduce significant safety risks.

A submitter requested that similar consideration be given to adding a definition of 'bus only lane'. Just like a heavy vehicle lane, the prescribed signs and markings already exist, but the submitter thought a definition would assist road users and enforcement authorities by supporting the description of the signs and markings already provided for in the Schedule.

One submitter supported the proposal but suggested the 'bus and transit lane' name should be changed to 'bus and cycle lane' or something similar including the word 'cycle' to help clarify that cycles are not allowed in the heavy vehicle lane and are allowed in the bus and transit lane.

The proposed definition of a heavy vehicle lane is intended to clarify that only heavy motor vehicles may use a heavy vehicle lane. All other vehicles, including cycles, are excluded, so a cycle or a motorcycle that encroaches in the lane is breaking the law. Note this definition does not affect the definition of a bus lane. Cycles, mopeds and motorcycles are permitted to use a bus lane unless the RCA has specifically excluded them and installed signs to notify road users of the exclusion. A definition of a "Bus Only" lane will be included in the new definitions, consequential to establishing a definition of "Heavy Vehicle" lane and the comments provided in submissions. The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 21

Traffic Control Devices 2004, Schedule 2, Signs R-62B and R6-2C, Markings M3-1 and M3-1A

Enable 'Taxi' to be used on signs and markings for small passenger service vehicle stands while retaining the intent of changes already made under the Land Transport Amendment Act 2017.

Submitters supported the change; as 'SPSV' (small passenger service vehicle) is not a widely known and used term such as 'taxi'. It is agreed that the continued use of the word 'Taxi' on signs and markings for small passenger service vehicle (PSV) stands will avoid creating confusion for the general public and visitors.

In the interests of clarity, one submitter suggested that a complementary insertion is added to the corresponding provision of the RUR 2004, to allow for the continued use of word 'Taxi' on the specified signage, but not change which vehicles can lawfully use the stand or parking space. To avoid doubt, this submitter wanted to see a new clause inserted into RUR 6.15 to specify that stands with 'Taxi stand' signage are reserved for the use of small PSVs.

One submitter was against the change because they saw the real problem being car parks not being managed properly by councils who do not follow their own strategy of pricing car parks to ensure parking occupancy does not exceed prescribed levels. This submitter stated that this means people are driving around looking for parks and taking up taxi parking spots and the loading zone spots. The submitter also claimed that taxis and goods vehicles park on the yellow dashed line markings and on footpaths, impacting on safety for vulnerable users. The submitter believes this change will make the use of taxi stands by the general public a normal occurrence as it will become impossible to enforce.

The description of small passenger service vehicle signs and markings in Schedule 1 and 2 of the TCD Rule make it clear that the word "Taxi" is simply an alternative word for use on signs and markings and has the same meaning as "small passenger service vehicle". Concern raised about risk of private hire SPSVs using SPSV stands as parking spaces is noted. It is beyond the scope of this Amendment Rule to change how individual RCAs manage parking in their respective jurisdictions or to change legislation that governs which vehicles may use stands that are available for small passenger service vehicles. The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 22

Traffic Control Devices 2004 Schedule 1, Parking signs R6-4

Allow for a generic text option in component 4 for R6-4 parking signs in Schedule 1, to allow the sign to describe the area it applies to. This change to the Rule will add a generic text option to this traffic sign component, which will allow the sign to describe the area it applies to.

All submitters supported the amendment. One submitter queried whether by making the addition to the sign, the original meaning of the sign is altered and then permits parking on the kerbside or shoulder unless yellow 'no stopping' lines are also painted.

The purpose of the proposal to allow text to describe the area affected by a no-stopping sign is to enable parking on the edge of the roadway, but ban parking on the verge. A no-stopping sign without a description of the area it affects, applies to all of the side of the road where the sign is installed, including the edge of the road and verges. So, if you have banned stopping generally, you do not need the additional description, nor do you need to mark the edge of the road with a broken yellow line. But, if you want to allow parking on the edge of the roadway but not on the verge, then the additional description, as proposed, will be necessary. The proposal was broadly supported and the draft that was consulted on will proceed.

For feedback on the potential for further changes to clause 6.2 of Road User 2004 to address issues related to parking on verges, please see the [final page](#) of this document.

Proposals 42 – 63

Proposed changes to Schedule 1; Signs and Schedule 2; Markings

These changes were generally supported by all submissions; by exception Proposals 45, 59, 60 and 63 attracted further discussion from submitters so these are outlined below.

Proposal 45

Traffic Control Devices 2004 Part 1 Requirements, Clauses 11.4(1) and 11.4(2)

This change will enable RCAs to identify shared paths with markings only, where appropriate. This will be an improvement on the current requirement for signs, which are often a source of clutter in an urban environment and less effective than markings to identify the use of the path.

One submitter requested the reference for research which suggests signs are less effective than markings. The submitter considered signposting or marking is not a substitute to providing a safe path for pedestrians or cyclists and other recreational device users. The preference for this submitter is to see shared path status removed in this case and separated paths provided. The submitter stated shared paths are already inadequately signposted/marked and compliance with normal road rules like appropriate speeds, give way, safe passing distance, keeping left, is not good and removing signs will not improve this situation. The submitter fears that removing signposts will increase the likelihood that cyclists will continue on to footpaths which often look identical to shared paths.

Most submitters were supportive of the proposed change. Some submitters recommended that proposed clause 11.4(2) be amended to require RCAs to install signs signifying the end of the restricted section of a pathway so that users can reasonably determine where the restriction ends. One stated that cl 11.4(2)(a) requires the RCA shall place signs at the start and at intersections on the restricted pathway. Therefore, the submitter thought it would be reasonable to expect that sub-clause (b) would also require that the RCA shall do likewise at the end of a restricted section of pathway. If this is not done users of pathways cannot reasonably be expected to determine where the restrictions cease to apply.

This change was proposed on evidence provided during a trial. Path users interviewed during the trial considered that markings were better than signs to identify the use of shared paths, footpaths or cycle paths, by a considerable margin. The provisions in the TCD Rule are to enable RCAs to install facilities for cyclists and pedestrians. Best practice guidance on how to implement such facilities is provided elsewhere e.g. the Cycle Network Guide and Pedestrian Planning Guide.

In many situations where a restriction ends, it is followed by another path or paths with different restrictions e.g. where a shared path ends it is often followed by separate cycle and pedestrian paths. In these circumstances it is more important to inform users that a new restriction begins, rather than adding more signs for them to process and understand by telling them the old restriction ends. Where a restricted section of path ends and no other path or restriction follows there could be benefit in advising users that the restriction has ended. The clause will be adjusted based on consideration of feedback received in submissions.

The research report that informed this Rule Amendment can be found here:

<https://www.nzta.govt.nz/assets/Walking-Cycling-and-Public-Transport/docs/cycling-network-guidance/Trial-Auckland-Transport-and-Christchurch-City-Council-Shared-Path-Signage.pdf>

Proposal 59

Traffic Control Devices 2004 Schedule 1, Signs (replacement signs specifications)

One submitter noted proposed sign W14-72 bears same message as sign W3-2.2, however both size and background colours are different as are border and font sizes. This submitter did not support having two different signs giving the same message.

Another submitter rejected outright the option of a yellow and black sign for 'PILOT VEHICLE' used on reverse of the sign. This submitter stated that the current sign in black and white is the sign mandated for this purpose in the Vehicle Dimensions and Mass Rule 2016 (VDAM) so it would add unnecessary confusion when 16,000+ pilots already use the current sign. The submitter also considered it would provide contradictory information between the TCD and VDAM for manufacturers and suppliers.

That submitter also advocated for all provisions in TCD relating to Pilot Vehicle and Oversize signs to be removed from TCD and put in VDAM. The submitter considers it sensible and efficient to remove TCD references to: W17-2; W17-3.1; W17-3.2; W17-4.1; W17-4.2; W17-5.1; W17-5.2; W17-6 because these are already described in Schedule 7 of VDAM. The reason is that there are other signs described in VDAM used by transport operators; therefore this should also be the proper place for all signage relating to over dimension transport.

Most submitters were generally supportive of the proposal however two were technical submissions that while not in favour of it, did provide broader context which will be used to inform the Agency's future regulatory work programme.

W3-2.2 is a temporary traffic management sign whereas W14-7.2 is a permanent warning sign. Although the message is the same on both signs, they serve different purposes, hence the distinction in size and colour.

The change to the "PILOT VEHICLE" sign enables newer reflective black and yellow signs while retaining the black and white signs. It is lawful to manufacture and supply either sign and to use either sign.

In relation to the feedback regarding the location of definition of sign descriptions in the Rules, an acceptable solution could be that all signs could be located in TCD with a reference in VDAM; or, all signs could be located in VDAM with a reference in TCD. It is unacceptable to have a tension between two Rules and this must be addressed as a separate piece of work; in total it is too large a change for this Omnibus Rule. The draft that was consulted on will proceed.

Proposal 60

Traffic Control Devices 2004 Schedule 1, Signs (New sign specifications);

Most submitters were in support of this amendment. One submitter had reservations: considering that an increase in the number of signs can lead to more distractions for drivers and increase the risk of crashes. The concern in this case was particularly for persons who are not familiar with the area or New Zealand road and traffic conditions.

Unnecessary signs can be a distraction. The proposed tourist feature signs introduce symbols which are easier to recognise than words and should be less of a distraction, especially to foreign drivers. They have been proposed to enhance road safety. The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 63

Traffic Control Devices 2004 Schedule 2, Markings

Most submitters were supportive of this change however one did not support having two markings M2-3C and M2-3D both containing the same message and being the same width.

The M2-3C and M2-3D markings are for use in different circumstances. Both are intended to identify where a cycle path or shared path crosses a driveway. However, where the path is narrow and there is insufficient width to mark the standard cycle symbol depicted in diagram M2-3C, an alternative marking using a compressed cycle symbol is provided in diagram M2-3D. The elongated cycle symbol in diagram M2-3C is preferred as it provides a better perspective image of a cycle to a driver approaching the path. The proposal was broadly supported and the draft that was consulted on will proceed.

TYRES AND WHEELS 2001

Proposal 23

Tyres and Wheels 2001, clause 2.3(17)

Clarify that tread requirement applies to all twin-tyred vehicles and remove outdated reference to the transition date.

Submitters agreed the transition date for compliance has sufficiently passed and the Rule should clearly indicate that each tyre in a dual is required to comply with the minimum legal tread depth - independent of each other.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 24

Tyres and Wheels 2001, clauses 2.4(2) and 2.4(3)

It is proposed the default maximum tyre pressure should be retained at 825 kPa. Higher inflation should be provided for only if the tyre manufacturer has specified higher capacity, to a maximum limit of 900 kPa in any instance. This is to achieve vehicle capacity and regulated mass limits, for example, on the front axle due to the weight of the tractor including the engine and for fuel efficiency and safety reasons.

All submitters endorsed this proposal. One stated 275/70 R22.5 tyres require in excess of 825 kPa to operate at manufacturers recommendations at 3,000 kg (per tyre) and that this is becoming one of the most commonly used tyres on vehicles with 6,000 kg+ front axle loadings.

Some submitters supported allowing a higher pressure based on the manufacturer's recommendation, as facilitating customer requirements and fitments to vehicles requiring greater axle loads will be enabled, because aligning the Rule with real-world specifications of tyres and those that are most widely available will enhance safety and fuel efficiency, and to reduce pavement impact and improve pavement longevity.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 64

Tyres and Wheels 2001, clause 2.5(1)

The effect date is now redundant so clause 2.5(1) will be deleted to remove the effect date.

The proposal was generally supported because the effect date has passed; all affected vehicles will have had compliance checks since this date.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 65

Tyres and Wheels 2001, Part 2, Definitions, Definition of gross vehicle mass

The definition of **gross vehicle mass** in the Tyres and Wheels Rule will be changed to mirror the definition in Section 2 of the Land Transport Act 1998.

The administrative change to ensure the Rule is current was supported by submitters.

The proposal was broadly supported and the draft that was consulted on will proceed.

VEHICLE DIMENSIONS AND MASS 2016

Proposal 25

Vehicle Dimensions and Mass 2016, clause 3.9(6) & Table 1.2

Remove the requirement for buses with a load-sharing tandem axle to have a plate fixed to the vehicle showing the load share ratio. This is now redundant because the new Rule now specifies, in Table 1.2 that for a passenger service vehicle a mass limit of 14,500 kg applies irrespective of its load share ratio. The requirement will continue to apply to other heavy vehicles because they still have varying mass limits depending on their load share ratio under paragraph (b) of Table 1.2.

All submitters fully endorsed the change because retrofitting buses with unneeded plates is an unnecessary compliance burden.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 26

Vehicle Dimensions and Mass 2016, clause 6.5

Provide an exception to width limit for tailgates when fixed in an open position to facilitate cartage of mobile machinery that would otherwise be over height. The intent of this change is to enable loads to be moved that would otherwise be over height while managing the movement to achieve the optimal safety outcome.

Submitters were supportive of the intent of the change but provided suggestions to manage any perceived risk and improve compliance.

One submitter suggested in the proposed clause 6.5(4A)(b)(ii) remove the word 'proprietary' as it is unnecessarily restricted when the locking system requires certification. This submitter asserted that the certifier (HVEC) should be free to design an appropriate system that will prevent the tailgate from swinging free.

One submitter expressed concern that there is no prescription of what width will be allowable; the effects on cyclists, pedestrians and other vehicles could be detrimental with tailgates open in traffic and that operators of these vehicles may not comply with the Category 1 requirements laid out in VDAM. The submitter stated that if this Rule is to be included adding a maximum allowed width

along with lighting requirements and adhering to curfew restrictions for over width travel to be explicit in the Rule.

Another submitter was supportive but guarded as it will mean more Category 1 over dimension loads on the road; with the tail gate swung open vehicles come up to 2.7 width. To mitigate risk posed by the slightly wider vehicle, the submitter suggested that conditions for travel must be the same as for any other Category 1 load - such as flags and travel time restrictions. To ensure the tail gate will not come open there must be two ways on every vehicle for the tailgate to be secured open. As many operators will not frequently transport over dimension loads the submitter considered that the Rule must explicitly state the vehicle must travel in conjunction with requirements for a Category 1 load. However a flashing light is unnecessary so the submitter suggested a specific exemption should be granted for these loads as it is for other similar loads.

Essentially, the idea is to preserve the policy intent enabled in the Rule while broadening the benefit with as narrow a vehicle as possible. That is; a tailgate fastened flush to the side of the vehicle. A Fact Sheet will make clear that if the tailgate takes the vehicle over 2.55 metres up to 2.7 metres, it is effectively bound by almost all Category 1 requirements in VDAM except does not require a beacon. The vehicle must be fitted, as per required fitness for purpose, with a lock/latch; an additional chain being preferred but not essential. The clause will be adjusted based on consideration of feedback received in submissions.

Proposal 66

Vehicle Dimensions and Mass 2016, clause 6.8(7)

Clause 6.8(7) is intended to cover the whole vehicle meaning tractor and trailer units and any load. The revised text makes this clearer.

The change was supported by submitters because it clarifies the requirements.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 67

Vehicle Dimensions and Mass 2016, Part 1, clause 6.18(2)(d)

Replace 'hazard warning panel' with 'OVERSIZE' sign' in clause 6.18(2)(d) to correct an error.

Submitters supported the change to correct the wording error.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 68

Vehicle Dimensions and Mass 2016, Part 2, Definitions, Definition of B-train

In the definition of **B-train** an absolute value of '1.4' was incorrectly written as '1.4m'. The correct intent of the clause is to express the forward distance of the longer trailer divided by the forward distance of the shorter trailer must not exceed 1.4.

Submitters supported the change to correct the wording error.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 69

Vehicle Dimensions and Mass 2016, Schedule 4 – Permit form, Part 1

To clarify that the permit applies only to the route or routes set out on the form explanatory text will be inserted under the heading “Routes”.

Submitters support this change as it will clarify allowable routes.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 70

Vehicle Dimensions and Mass 2016, Schedule 4 – Permit form, Part 1

In Schedule 4 Part 1 under the heading ‘Permit is invalid if...’ paragraph (a) will be removed so that the Schedule is aligned with Clause 5.6.

Most submitters support the change to align the Schedule with the clauses in the Rule.

One submitter queried the motivation for the change - stating that it is not legally clear cut to have a clause on the permit that made the permit invalid that is not in the Rule proper. The submitter requested that the inconsistency be removed by instead removing the clause from the permit form and putting the clause into s5.6 of the Rule.

A submitter sought clarification of the distinction between a ‘person’ and an ‘operator’; this was based on concern that it was not clear what the impacts were of travelling with a permit when directed to move off the route.

It is clear from the wording of the Rule, including the words inserted in the previous amendment under Omnibus Proposal 69, that in the case of an off-route vehicle that has been directed there by Police or RCA, the permit simply does not apply. If a vehicle is off a permit route and it is over the general access weight limit then it is overweight which is an offence under the Act. If it got there because it was directed by Police or an RCA, then that should be a defence to the breach of the Act.

The wording in the Rule refers to "is operated by the person" in preference to "is operated by the operator". A person can be natural or corporate; the current terminology is accurate and will be retained.

The change will progress as proposed to improve clarity of the policy intent of the Rule.

Proposal 71

Vehicle Dimensions and Mass 2016, Schedule 4 – Permit form, Part 1

In Schedule 4, in the statement about ‘Revocation’, replace “revoked under clause 5.6 of the Rule” with “revoked under clause 5.7 of the Rule” to correct a cross-referencing error.

Submitters support the administrative change to correct an error.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 72

Vehicle Dimensions and Mass 2016, Schedule 4 – Permit form, Part 1

In Part 3, Schedule 4 'Notes to permit type field', the permit types must be consistent with the wording in the Certification and Other Fees Regulations. This change will tidy up old terminology and align the text in Part 3, Schedule 4 with the Regulations. In the field next to 'Permit type' 'area permit' will be deleted and replaced with 'linked permit'. A clarification stating that the terms 'linked' and 'continuous' have meanings given to them in the Certification and Other Fees Regulations will be added.

Submitters support the change to align administrative terms.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 73

Vehicle Dimensions and Mass 2016, Schedule 6 – Part 1

Currently clause 6.4(3) and Schedule 6 Category 4 dimensions, unnecessarily place a compliance burden on operators which is unintended and arose from the revision of the 2002 Rule in 2016. The error has caused additional time and cost restrictions during critical infrastructure development and during the restoration of important links after severe storm or earthquake events. These changes provide a modifying statement to align with previous practice and restore the intent of the 2002 Rule.

Submitters supported this proposal to correct an unexpected consequence from VDAM 2016 to add Cat 4B loads. However, one submitter asked the provision extend the allowable length out to 70 metres rather than 50 metres for the purpose of allowing loads that use a second tractor at the rear to provide extra traction. The submitter asserted that the load does not change in length, but the configuration for the load changes.

The effect of the restriction to 50 metres is, with a steering jinker, the load is a Category 4. Under cl 6.51(3) of VDAM Rule, if you are a Category 4B you must get an engineering report. 70 metre loads will require an engineering report as per requirements laid out in cl 6.51(3). Based on that engineering report a permit may or may not be issued. The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 74

Vehicle Dimensions and Mass 2016, Schedule 6 – Part 3

In Schedule 8, replace the reference to a 'Class 1 pilot vehicle' with 'at least one Class 1 pilot vehicle' to align the Schedule with Section 6 of the Rule.

Clarify that the requirements for Auckland motorways are for Auckland motorways other than toll roads.

Clarify in each subparagraph (i) of the item relating to Auckland motorways that the roads may be used by vehicles that 'are 4.8 m or less in height' without seeking permission from the NZ Transport Agency.

Most submitters were supportive of the changes as they believe clarification should assist compliance.

One submitter rejected the changes because they make the Rule, regarding over dimension loads on Toll Roads in general and on Auckland Northern Gateway more confusing. The submitter suggested numerous provisions to be added to VDAM Schedule 8. The submitter also stated that since the VDAM 2016 Rule was signed, performance with over dimension permission for timely

travel on Toll Roads has been disappointing. The submitter claimed it is haphazard, inefficient and has led them to mistrust the permit issuing process. So, there should be no requirement for a permit that includes Toll Roads.

The change to Schedule 8 to say "at least one Class 1 pilot vehicle" clarifies that provisions when not actually travelling on the bridge do continue to apply and for some loads.

It is agreed that it is unacceptable for delays to occur with permitting critical movements and the system must work optimally to achieve safety and productivity benefits.

For some loads, the Toll Route is the most preferable route to use. Toll Roads however must offer a premium level of service and over dimension movements undermine the principle for Toll Roads to offer a premium service so a delicate balance must be maintained.

Regarding Auckland motorways specifically the policy intent for 13.9(3), (4), (5) was to clarify the status of vehicles exactly 4.8 m in height. The requirements in Part 3 of Schedule 6 in VDAM, with regard to the specific areas of Auckland motorways where over height movements can in fact travel, - the policy intent remains that vehicles over 4.8 m in height must obtain the permission of the owner even if they do not normally require a permit.

To be clear the policy is: we do not want large over dimension movements on Toll Roads, however, heavy vehicles of Category 1 movements are generally permitted. The Rule has been adjusted taking into consideration the content from submissions.

VEHICLE EQUIPMENT 2004

Proposal 75

*Vehicle Equipment 2004, Part 2, Definitions, definition of **Defence fire brigade***

The definition of **Defence fire brigade** currently refers to the Forest and Rural Fires Act 1977 which has been repealed and replaced with the Fire and Emergency New Zealand Act 2017. This is a simple change to remove outdated terminology.

The administrative change to ensure the Rule is current was supported by submitters.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 76

*Vehicle Equipment 2004, Part 2, Definitions, Definition of **Fire service vehicle***

The definition of **Fire service vehicle** currently refers to the Forest and Rural Fires Act 1977 which has been repealed and replaced with the Fire and Emergency New Zealand Act 2017. This is a simple change to remove outdated terminology.

The administrative change to ensure the Rule is current was supported by submitters.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 77

*Vehicle Equipment 2004, Part 2, Definitions, Definition of **Fire authority***

The definition of Fire authority currently refers to the Forest and Rural Fires Act 1977 which has been repealed and replaced with the Fire and Emergency New Zealand Act 2017. This is a simple change to remove outdated terminology.

The administrative change to ensure the Rule is current was supported by submitters.

The proposal was broadly supported and the draft that was consulted on will proceed.

VEHICLE LIGHTING 2004

Proposal 27

Vehicle Lighting 2004, clause 9.1(2)

Allow reflective material that does not meet a standard to be fitted to a vehicle away from mandatory lights and reflectors.

This change is supported by submitters as it will remove an unnecessary compliance cost in the form of exemptions, allowing easier vehicle branding while maintaining safety.

One submitter also advocated for reflector tape of a suitable standard and fitment as being equal to the fitment of retroreflectors. This submitter claims operators are regularly issued infringements and fail periodic safety inspections due to retroreflectors being missing, cracked or obscured on their vehicles. The submitter considers that where vehicles are also fitted with retroreflective tape around the outer periphery at the rear of the vehicle it is inequitable and unacceptable that these are technically non-compliant. The reason being the tape usually has a total area exceeding the required area for a retroreflector and also describes the outer periphery of heavy vehicles at night. The submitter argued that the proposal should enable reflectorised tape of a suitable standard, size and fitment, as a suitable substitute for retroreflectors to delineate the outline of a heavy vehicle.

Allowing non-standards compliant retroreflective material in place of required reflectors, especially if they are in another location, requires research and is too significant a change to be considered through a Regulatory Stewardship (Omnibus) Rule change.

This amendment is to allow advertising type materials to be used where there will be no confusion with legally required lighting elements. The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 28

Vehicle Lighting 2004, clause 9.3(5)

Align requirements for reflector size and location with international standards that New Zealand regulators recognise. At present the requirement for reflector size and location is overly prescriptive and may be in conflict with international standards that we recognise, for instance ECE regulation 48, revision 6.14, 6.15, 6.16. The allowable location for retroreflectors in the Rule is stricter than that allowed by approved overseas standards and means we have differing requirements for vehicles manufactured in New Zealand and overseas. This has resulted in compliance burden for operators and administrative burden for regulators that provides no safety or economic benefits.

The proposal was supported by submitters because it will align NZ requirements with international standards and make it simpler to comply with than the current requirements.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 29

Vehicle Lighting 2004, clause 11.2(4)

Allow for “one or more” amber beacons to be fitted to a motor vehicle that may be fitted with an amber beacon. This proposal seeks to avoid further compliance costs for new vehicles, to avoid prescribing size or type of amber beacons and to allow enough amber beacons to be fitted to provide effective hazard warning to other road users.

Submitters fully support changes to improve the safety of road work crews and road inspectors and simplify compliance.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 78

Vehicle Lighting 2004, clause 1.4(6); 3.4(2); 11.2(5) and 11.2(6)

The Vehicle Dimensions and Mass Rule 2002 has been repealed and replaced with the Vehicle Dimensions and Mass Rule 2016. This change is a straight forward update to cross-references between the VDAM and Vehicle lighting Rules.

The administrative change to ensure the Rule is current was supported by submitters.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 79

*Vehicle Lighting 2004, Part 2, Definitions, Definitions of **Defence fire brigade, Fire service vehicle and Fire authority***

The definition of **Defence fire brigade** and **Fire authority** currently refer to the Forest and Rural Fires Act 1977 which has been repealed and replaced with the Fire and Emergency New Zealand Act 2017. Together with the updated definition of **Fire service vehicle**, these changes update related references.

The administrative changes to ensure the Rule is current were generally supported.

The proposal was broadly supported and the draft that was consulted on will proceed.

VEHICLE STANDARDS COMPLIANCE 2002

Proposal 80

*Vehicle Standards Compliance, Part 2, Definitions, Definition of **gross vehicle mass***

The Vehicle Standards Compliance (VSC) Rule definition of **gross vehicle mass** will be changed to mirror the definition found in the Land Transport Act 1998, and consequentially change all other Land Transport Rules to cross reference the definition found in the VSC. Consequential changes to update the definition will be made to Dangerous Goods 2005; Door Retention Systems 2001;

External Projections 2001; Frontal Impact 2001; Head Restraints 2001; Interior Impact 2001; Seatbelts and Seatbelt Anchorages 2002; Seats and Seatbelts 2002; and Steering Systems 2001.

Submitters supported the administrative change to align Rule terminology with the expectation that it should eliminate confusion.

The proposal was broadly supported and the draft that was consulted on will proceed.

Proposal 81

Vehicle Standards Compliance, Part 2, Definitions, Definition of operation in service

The definition of operation in service in the Vehicle Standards Compliance Rule currently refers to the Transport (Vehicle and Driver Registration and Licencing) Act 1986, which has been replaced by Part 17 of the Land Transport Act 1998. This change updates this reference.

Submitters supported the administrative change to align Rule terminology with the expectation that it should eliminate confusion.

The proposal was broadly supported and the draft that was consulted on will proceed.

DISCUSSION

We are considering whether further changes to clause 6.2 of Road User 2004 are needed to address issues related to parking on verges.

A few comments on this topic focussed on costs and inconvenience to councils of providing signs. Of concern, there were numerous submitters that stated councils should not have to go through a bylaw making process, in addition to not providing signs. Some submitter preferred a nationally consistent prohibition, applied through the road rules. One commented signage is ugly and imposes a future maintenance burden on ratepayers; another was concerned about potential damage to underground services.

A submitter gave examples of differences in the way various councils define verge, berm and kerb. Various submitters suggested a manner of ways grassed areas around the roadside could be defined based on whether these are located in urban or rural areas.

A submitter expressed concern about the impact of parking on berms to pedestrian and cyclist safety, and the restriction of sight lines for other motorists particularly near intersections. One submitter suggested that parking on berms negatively affects people's enjoyment of the amenity values of transport corridors; for example, that vehicles parked on berms could affect young people from being able to climb in trees located near the roadside. Two submitters were concerned that vehicle weight would impact on the ability of the ground to soak up rainwater and ultimately would cause flooding. Two submitters supplied examples, including photographs, of exceptions where motorists had parked inconsiderately or caused damage to grassed areas.

Other submitters were strongly in support of the current bylaw process, stating that it should be retained specifically requiring RCAs to introduce a bylaw to prohibit parking on grass verges in certain locations and to signpost the prohibition in those locations.

Some did not support the ability of RCAs to prohibit parking on grass verges by making a blanket law without the use of signs. That is because if a general prohibition was introduced without requiring signs and markings to notify the public of the restriction, this risks the potential for a large number of vehicle owners to be issued with infringements without being aware of the prohibition. Such a prohibition would need to be heavily advertised over a long period of time but it was doubted that all vehicle users would be made aware i.e.: visitors. Submitters thought it is more effective to signpost the prohibition where parking on grass verges is creating a particular problem, such as damaging underground services or restricting visibility.

Some submitters thought there may be legitimate reasons for a prohibition on parking on grass verges but that would not apply to all grass verges in every suburb in every town or city in New Zealand. For instance, there are situations in suburban and rural areas where parking vehicles or trailers on grass verges is common practice and poses no issues for RCAs.

A submitter stated that narrow suburban streets where residents courteously park cars partly or wholly off the road to improve access or outside sports grounds or schools may not require signage, even in an urban area. This is because residents are often responsible for maintaining grass verges and so not unreasonably infer property rights over them even if they are not legally part of their property. The perspective submitted is that, in most cases, parking off the roadway is permissible, acceptable and safe, so only on the occasions where it is not, RCAs should set bylaws and provide appropriate warning signs. Submitters asked that the status quo in clause 6.2 of the Road User Rule remain, with the default position that off-road parking is permitted unless signs state otherwise.

The idea of a general prohibition on parking on verges, without a requirement to notify road users with signs, must be balanced against road users' expectation to use the road or to park in any safe

position and to be notified if the RCA has made a bylaw that affects that ability. There was significant diversity of views around this laid out in the perspectives of the submitters.

The question about whether a general prohibition from parking on verges should apply everywhere or only in urban areas, or only on roads with kerb and channel, is not clearly agreed or shared. The perspectives of the submitters will be taken into account to decide if a future policy project should be progressed.