



Ministry of **Transport**
TE MANATŪ WAKA

WELLINGTON, NEW ZEALAND

PURSUANT to sections 152 and 155(a) and (b) of the Land Transport Act 1998

I, Simon Bridges, Associate Minister of Transport,

HEREBY make the following ordinary Rule:

Land Transport Rule: Passenger Service Vehicles Amendment

SIGNED AT Wellington

This

3

day of

July

2012

Simon Bridges
Associate Minister of Transport

Land Transport Rule
Passenger Service Vehicles Amendment 2012
Rule 31001/6

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Land Transport Rule

Passenger Service Vehicles Amendment 2012

Rule 31001/6

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Objective of the Rule

Land Transport Rule: Passenger Service Vehicles Amendment 2012 (the amendment Rule) makes changes to *Land Transport Rule: Passenger Service Vehicles 1999* (the Rule). The Rule specifies the minimum requirements for the design and construction of all passenger service vehicles that operate on New Zealand's roads.

The overriding objective is to ensure that the Rule accommodates the ongoing changes (including new technology and issues of accessibility) affecting passenger service vehicles. In line with the Government's objective of improving the quality of regulations and reducing unnecessary prescription, the amendment Rule updates provisions in the Rule and removes redundant or unduly restrictive requirements.

The changes introduced by the amendment Rule:

Exceptions

- update the statutory references to passenger service vehicles that are exempt from the Rule by replacing the previous references to the, now repealed, *Transport Services Licensing Act 1989*;

Doorways

- relax the restrictions on the minimum door entry height for some large passenger service vehicles – typically operating as school buses – to enable them to carry standing passengers;
- set out the means of satisfying the requirement that power-operated doors in passenger service vehicles address the safety risk of doors trapping or injuring passengers;
- allow the fitting of a speed-sensitive or other automatic door-locking device provided that the device does not lock the doors on a small passenger service vehicle while the vehicle is stationary;

Entry and exit steps and ramps

- align the requirement for the surfaces of entry and exit steps, aisle steps and ramps and wheelchair ramps with overseas standards by replacing the words “non-slip” with the more practical term ‘slip resistant’;
- correct an error in the Rule relating to the use of extending steps for access to passenger service vehicles;

Aisles

- allow a reduction in the minimum aisle height from 1.83 m to 1.80 m to accommodate imported fully-built-up buses, provided that their Certificate of Loading allows only primary- and intermediate-school pupils to stand;

Seating

- allow sideways-facing folding seats without armrests to be fitted in heavy passenger service vehicles to enable the carriage of wheelchairs and pushchairs;
- provide for tilting seats;

Vision from the driving position

- require that the driver of a passenger service vehicle has a clear view of passengers to assist in monitoring passenger safety, including a view of any persons outside the vehicle near the rear doors;
- remove prescriptive requirements that limit the use of camera systems for providing the driver with indirect views from the driving position, and remove the duplicated reference to closed-circuit camera screens that provide a view to the rear when the vehicle is reversing¹;

¹ Television screens for assisting the driver to reverse safely are provided for in *Land Transport Rule: Vehicle Equipment 2004*.

Emergency exits

- clarify the requirements relating to the emergency exit signage for entry and exit doors, and relax the prescriptive wording requirements to allow the use of commercially available products that may use different wording but that convey the correct message;
- allow the use of different types of device that become available with advances in technology for breaking the glass in emergency exit windows;
- assist compliance with the Rule by specifying that a gap between the rear window used as an emergency exit and the rear of the seats in front of it has to be bridged only if the gap is large enough (that is, more than 150 mm wide) to cause difficulties for passengers using the exit in an emergency;

Guard rails and partitions

- clarify the requirements for fitting guard rails or partitions in front of seats for occupant protection in the event of sudden deceleration of the vehicle;

Fire fighting and protection against fire

- reduce the risk of fires by requiring that the engine compartments of heavy rear- and mid-engined buses be kept clean and well maintained, and introduce additional measures to reduce the risk of electrical fires resulting from the short-circuiting of battery terminals and leads;
- reduce the risk of theft of, or interference with, fire extinguishers carried in passenger service vehicles, without decreasing the level of fire preparedness;

Loading

- align the requirements for the minimum percentage of mass carried on the front axle with that required for heavy rigid vehicles by

Land Transport Rule: Vehicle Dimensions and Mass 2002;

Baggage, freight and pushchairs

- clarify the requirements for the safe containment of baggage and freight carried on a light passenger service vehicle;
- provide for greater flexibility in the design of multi-purpose spaces that can be used by pushchairs;

Steering systems

- prohibit the entry into service as a passenger service vehicle of a left-hand-drive vehicle;

Changes in terminology used in Rule

- replace the terms ‘certifier’ and ‘authorised’ with, respectively, ‘vehicle inspector’ and ‘appointed’ to align with the current terminology as used in *Land Transport Rule: Vehicle Standards Compliance 2002*;

Wheelchairs

- require wheelchair restraints to be provided in all passenger service vehicles that are designed to transport forward-facing wheelchairs;
- require wheelchair restraints to be provided in light passenger service vehicles that are designed to transport rearward-facing wheelchairs;
- require spaces designed to transport rearward-facing wheelchairs in all passenger service vehicles to be fitted with backrest head supports;

Certificate of Loading

- provide options for simpler and more flexible Certificate of Loading requirements for operators of heavy passenger service vehicles;
- require the calculation of the number of standing passengers allowed on a vehicle to

take account of a specified floor area adjacent to the rear door that has a sign and is not available for standing passengers;

- require the weight of the driver and any other crew member to be taken into account when the vehicle's loading is calculated;
- exclude passenger service vehicles with nine or fewer seats from the requirement to have an occupant loading calculation done;
- require that the weights of any wheelchairs to be carried in passenger service vehicles be included when calculating the maximum deemed passenger loading for the vehicle;

Definitions

- add definitions of 'dedicated wheelchair position' and 'left-hand-drive vehicle'.

Extent of consultation

Consultation on the draft amendment Rule began with the release by the NZ Transport Agency, in September 2011, of the public consultation (yellow) draft for comment on the proposed changes to the Rule. The NZ Transport Agency sent a letter or emailed advice about the availability of the yellow draft to about 800 groups and individuals who had registered an interest in the Rule. The draft was made available through the NZ Transport Agency's Contact Centre and, together with Questions and Answers, was available on the NZ Transport Agency's website.

Prior to consulting on the draft amendment Rule, the NZ Transport Agency had sought and received comments from several stakeholder groups, including the Bus and Coach Association and other interested industry groups which were valuable in developing the scope and content of the amendment Rule.

The availability of the draft amendment Rule was publicised in the metropolitan daily newspapers in Auckland, Hamilton, Wellington, Christchurch and Dunedin and in selected regional daily newspapers, and in the *New Zealand Gazette*.

The NZ Transport Agency received 17 submissions. The submissions were taken into account in redrafting the amendment Rule before it was submitted to Cabinet, and then to the Associate Minister of Transport for signature.

Section 1 Application

1.1

Title

This Rule is *Land Transport Rule: Passenger Service Vehicles Amendment 2012*.

1.2

Date when Rule comes into force

This Rule comes into force on 1 October 2012.

1.3

Scope of Rule

This Rule amends *Land Transport Rule: Passenger Service Vehicles 1999*.

Section 2 Amendments to Rule requirements

2.1 Application

2.1(1) Replace *clause 1.6(a)* with:

“(a) a motor vehicle used in a service which is an exempt passenger service as specified in *section 12 of Land Transport Rule: Operator Licensing 2007*;

“(aa) a motor vehicle used in a service which is an exempt transport service as specified in the *Transport Services Licensing Regulations 1989*.”.

2.1(2) Replace *clause 1.6(b)* with:

“(b) a passenger service vehicle that is excluded from the definition of ‘transport service vehicle’ in section 2(1) of the *Land Transport Act 1998*.”.

2.2 Entrance and exit

2.2(1) Delete *clause 2.1(10)(c)*.

2.2(2) After *clause 2.2(2)*, insert:

“2.2(2A) Without limiting the means of compliance with 2.2(2) a power-operated door complies with 2.2(2) if:

“(a) the door is:

“(i) located at the left-front of the vehicle; and

“(ii) within the driver’s direct line of sight; and

“(iii) opened and closed by means of a driver-operated control; or

“(b) in the event that the door closes onto part of a person, the person can readily extract the trapped part.”.

- 2.2(3) In *clause 2.2(3)*, after “alongside”, insert “and within the direct line of sight of”.
- 2.2(4) Replace *clause 2.2(5)* with:
“2.2(5) Speed-sensitive or other automatically operating central-locking devices fitted to a small passenger service vehicle must not automatically cause any door to be locked while the vehicle is stationary.”.
- 2.2(5) In *clause 2.3(1)* replace “non-slip” with “slip resistant”.
- 2.2(6) Replace *clause 2.3(3)* with:
“2.3(3) Manually-operated extending steps on the side of a passenger service vehicle must:
“(a) be constructed so that they are not likely to injure any person; and
“(b) protrude not more than 20 mm beyond the adjacent body line of the vehicle when they are folded away; and
“(c) if the steps extend more than 20 mm beyond the adjacent bodyline of the vehicle, have an audible or visual alarm system that alerts the driver if the vehicle is moving and the steps are extended.”.

2.3 Aisles

- 2.3(1) In *clause 3.2(2)(f)* replace “non-slip material” with “slip resistant material”.
- 2.3(2) Replace *clause 3.3(3)* with:
“3.3(3) The aisle height, measured from the floor to the ceiling, must be at least:
“(a) 1.80 m if the Certificate of Loading allows only primary-

and intermediate-school pupils
to stand; or

“(b) 1.83 m.”.

2.4 Seating

- 2.4(1) In *clause 4.1(9)(a)*, after “seats”, insert “except folding seats fitted in accordance with *4.1(10)*”.
- 2.4(2) In *clause 4.1(9)(b)*, after the second occurrence of “seats”, insert “except folding seats fitted in accordance with *4.1(10)*”.
- 2.4(3) After *clause 4.1(9)*, insert:
- “4.1(10) Sideways-facing passenger seats may be fitted in a heavy motor vehicle without armrests if:
- “(a) the seats fold down for use and fold away when not in use to enable the carriage of wheelchairs or pushchairs; and
- “(b) a row of sideways-facing seating positions is no more than 1.8 m wide.”.
- 2.4(4) Replace the heading to *clause 4.2* with “Folding and tilting seats fitted in stairwells”.
- 2.4(5) In *clause 4.2(2)*, after “Folding”, insert “or tilting”.
- 2.4(6) In *clause 4.2(2)(b)*, after “fold-away”, insert “or tilted”.
- 2.4(7) In *clause 4.4(3)*, after “driver is provided with a”, insert “clear”.
- 2.4(8) Replace *clause 4.4(3)(b)* with:
- “(b) any person in the exterior vicinity of any door used by passengers.”.
- 2.4(9) Replace *clause 4.4(4)* with:
- “4.4(4) A closed-circuit camera system may be used to provide the driver with an indirect field of view on a television screen.”.

2.5 Emergency exits

2.5(1)

Replace *clause 5.3(1)* with:

“5.3(1) A clear instruction sign for opening the exit must be displayed, both inside and outside the vehicle, on or next to every:

“(a) power-operated passenger entry and exit door; and

“(b) dedicated emergency exit.”.

2.5(2)

After *clause 5.3(2)*, insert:

“5.3(3) The instruction sign in *5.3(1)* must include:

“(a) the word “Emergency” in letters which are at least 10 mm high; and

“(b) words or drawings that identify the exit, and clearly identify and describe or illustrate its operating mechanism.”.

2.5(3)

Replace *clause 5.4(2)(c)* with:

“(c) a device that is capable of breaking the glass to enable the safe exit of passengers must be provided in a prominent position on or next to the glass on the inside of the vehicle; and”.

2.5(4)

After *clause 5.4(2)(c)*, insert:

“(d) if the device in (c) is readily removable there must be an audible or visual alarm system that alerts the driver if the device is removed or tampered with.”.

2.5(5)

In *clause 5.6(3)(c)*, after “gap”, insert “, greater than 150 mm,”.

2.6 Safety design features and loading

2.6(1)

Replace *clause 6.1(3)* with:

“6.1(3) Every forward-facing passenger seat must have either another seat, a

partition or a guard rail positioned not more than 1 m in front of the front edge of the seat unless the seat is:

“(a) fitted with a seatbelt; or

“(b) fitted in a heavy passenger service vehicle and is facing a longitudinal aisle.”.

2.6(2) After *clause 6.2(1)*, replace “*Materials and design*” with “*Materials, design and maintenance*”.

2.6(3) Replace *clause 6.2(5)* with:

“6.2(5) The design of the engine installation and engine compartment must ensure that no fuel, oil or other combustible materials could accumulate in the engine compartment or drip on to any high temperature surface.”.

2.6(4) After *clause 6.2(5)*, insert:

“6.2(5A) The engine compartment of a heavy passenger service vehicle, with an engine positioned rearward of the front axle set, must be maintained free of any build-up of residual fuel, oil or other combustible material.”.

2.6(5) In *clause 6.2(6)*, after “materials”, insert “in a manner that complies with the engine manufacturer’s specifications for minimum clearances”.

2.6(6) After *clause 6.2(6)*, insert:

“6.2(6A) The engine compartment of a heavy passenger service vehicle, with an engine positioned rearward of the front axle set, must be maintained to ensure that the clearance space between the lining or compartment walls and the engine or its ancillary components is maintained within safe tolerance of the clearance that existed when the engine was installed.”.

2.6(7) Replace *clause 6.2(16)* with:

“6.2(16) One of the fire extinguishers must be located near the driver and must:

“(a) be clearly visible to passengers;
or

“(b) have clearly visible signage that indicates its location to passengers.”.

2.6(8)

After *clause 6.2(16)*, insert:

“6.2(17) If a fire extinguisher is located within a closed container, the container must:

“(a) have a cover that is readily removable or breakable by a passenger; and

“(b) clearly display instructions that explain how to access the fire extinguisher in an emergency; and

“(c) enable a driver to confirm that the fire extinguisher is present by:

“(i) being sufficiently transparent to enable a clear view of the fire extinguisher; or

“(ii) being equipped with an audible or visual alarm system that alerts the driver if the extinguisher is not in place when the vehicle’s engine is running.”.

2.6(9)

After *clause 6.4(6)*, insert:

“6.4(7) A heavy passenger service vehicle with an engine positioned rearward of the front axle set, that entered service as a passenger service vehicle on or after 1 October 2012, must comply with the following requirements:

- “(a) all batteries must be secured and easily accessible; and
 - “(b) battery terminals and leads must be protected against the risk of a short circuit.”.
- 2.6(10) Replace *clause 6.6(1)(b)* with:
 - “(b) at any normal loading condition of the vehicle, component overloading will not occur.”.
- 2.6(11) Replace *clause 6.8(2)* with:
 - “6.8(2) A light passenger service vehicle that is designed to carry cargo must be equipped with facilities capable of securing or containing that cargo such as:
 - “(a) a separate cargo compartment; or
 - “(b) a means of safely securing items of cargo likely to be carried; or
 - “(c) a cargo barrier that is fit for purpose, which may be demonstrated by compliance with the version of *Australian Standard/New Zealand Standard 4034* that was applicable at the time the cargo barrier was installed.”.
- 2.6(12) Replace *clause 6.8(3)* with:
 - “6.8(3) A passenger service vehicle that is intended to carry one or more pushchairs carrying infants must have at least one area for this purpose which has sufficient area for the person in charge of the infant to stay next to the pushchair and to control the pushchair’s movement.”.
- 2.6(13) In *clause 6.13(2)*, replace “motor vehicle” with “light motor vehicle”.
- 2.6(14) After *clause 6.15*, insert:

“6.16 Steering systems

“A left-hand-drive vehicle may not enter service as a passenger service vehicle.”.

2.7 Stability and structural strength

- 2.7(1) In *clause 7.1(2)(f)*, replace “certifier” with “vehicle inspector”.
- 2.7(2) In *clause 7.1(2)(g)*, replace “a person authorised by the Agency” with “a vehicle inspector”.
- 2.7(3) Replace *clause 7.3(3)(b)* with:
 “(b) be rated and certified by a vehicle inspector, and fitted in accordance with that person’s instructions.”.
- 2.7(4) In *clause 7.3(4)(d)(ii)*, replace “person authorised by the Agency to do so” with “vehicle inspector”.
- 2.7(5) In *clause 7.4*, replace “person authorised by the Agency to do so” with “vehicle inspector”.
- 2.7(6) In *clause 7.5(13)*, replace “person specifically authorised by the Agency to do so” with “vehicle inspector”.
- 2.7(7) In *clause 7.5(14)*, replace “person authorised by the Agency” with “vehicle inspector”.

2.8 Requirements for special equipment for persons with disabilities

- 2.8(1) In *clause 8.2(2)(b)*, replace “non-slip” with “slip resistant”.
- 2.8(2) In *clause 8.2(2)(f)(iii)*, replace “person authorised by the Agency to do so” with “vehicle inspector”.
- 2.8(3) In *clause 8.4(1)(c)(vii)*, replace “person authorised by the Agency” with “vehicle inspector”.
- 2.8(4) After *clause 8.4(2)*, insert:
 “8.4(3) A passenger service vehicle that is designed to carry a forward-facing wheelchair and occupant must be fitted with a restraint system for a wheelchair.

- “8.4(4) A light passenger service vehicle that is designed to carry a rearward-facing wheelchair and occupant must be fitted with a backrest head support and a restraint system for a wheelchair.
- “8.4(5) A heavy passenger service vehicle that is designed to carry a rearward-facing wheelchair and occupant must be fitted with a backrest head support and may be fitted with a restraint system for a wheelchair.”.

2.9

Certificate of Loading

- 2.9(1) In *clause 9.1(3)*, delete “light”.
- 2.9(2) In *clause 9.1(5)(b)*, replace “1.83 m” with “1.80 m”.
- 2.9(3) After *clause 9.1(5)(b)*, insert:
- “(ba) an area where the internal height is less than 1.83 m except in accordance with the restricted use allowed in *9.1(5A)*.”.
- 2.9(4) After *clause 9.1(5)(b)*, insert:
- “(i) an area, in a vehicle that is entering service as a passenger service vehicle on or after 1 December 2012, extending at least 300 mm inboard of the area swept by a rear door, with a sign or other device to warn passengers not to stand in that area.”.
- 2.9(5) After *clause 9.1(5)*, insert:
- “9.1(5A) An area where the internal height is more than 1.80 m and less than 1.83 m is only available for standing primary- and intermediate-school pupil passengers.”.
- 2.9(6) Replace *clause 9.2(2)* with:
- “9.2(2) The gross vehicle mass of a passenger service vehicle that has more than nine seats must not be exceeded when the vehicle is loaded with the maximum deemed occupant loading, which is calculated from the deemed mass of

the maximum number of passengers allowed in the Certificate of Loading and the crew.”.

2.9(7)

In *clause 9.2(3)*, replace “maximum deemed passenger loading” with “maximum deemed occupant loading”.

2.9(8)

After *clause 9.2(3)*, insert:

“9.2(4) The gross vehicle mass of a passenger service vehicle that is fitted with a dedicated wheelchair position must not be exceeded when the vehicle is loaded with the maximum deemed occupant loading, calculated according to 9.2(2), and the wheelchairs for which it is designed.”.

2.10

Responsibilities

In *clause 10.4*, replace “authorised” with “appointed”.

Section 3 Amendments to Definitions

3.1 Insertion of definitions

In *Part 2 Definitions*, insert in the appropriate places:

“**Dedicated wheelchair position** means a seating position for transporting a wheelchair and its occupant that is unavailable for other passengers when it is not occupied by a wheelchair.”

“**Left-hand-drive vehicle** has the same meaning as in *Land Transport Rule: Steering Systems 2001*.”

3.2 Amendment to definition

In *Part 2 Definitions*, the definition of ‘passenger service’, replace “from requiring a Transport Service Licence under the *Transport Services Licensing Act 1989*” with “in *section 12* of *Land Transport Rule: Operator Licensing 2007*, or that is an exempt transport service as specified in the *Transport Services Licensing Regulations 1989*”.