

DISALLOWABLE INSTRUMENT



WELLINGTON, NEW ZEALAND

PURSUANT to sections 152, 155(a) and 159 of the Land Transport Act 1998, and after having had regard to the criteria specified in section 164(2) of that Act

I, Craig Foss, Associate Minister of Transport make the following ordinary Rule:

Land Transport Rule: Vehicle Dimensions and Mass Amendment 2015

SIGNED at Wellington

This 18th day of August 2015



Hon Craig Foss

Associate Minister of Transport

Land Transport Rule
Vehicle Dimensions and Mass Amendment 2015

Rule 41001/11

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Land Transport Rule

Vehicle Dimensions and Mass Amendment 2015

Rule 41001/11

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Objective of the Rule

Land Transport Rule: Vehicle Dimensions and Mass Amendment 2015

(the amendment Rule) amends *Land Transport Rule: Vehicle Dimensions and Mass 2002* (the Vehicle Dimensions and Mass Rule). The Vehicle Dimensions and Mass Rule provides a regulatory regime so that heavy vehicles such as truck and trailer combinations can operate safely.

The objective of the amendment Rule is to:

- allow road controlling authorities (including NZ Transport Agency, city or district councils, and Auckland Transport) to issue permits to high capacity urban buses to allow them to exceed the general mass limits for axle sets. The permits will allow the buses to operate at a higher loading capacity on scheduled public transport routes identified by the relevant regional council or equivalent authority:
- set the conditions for the new high capacity urban bus permits:
- clarify that weighing tolerances in the Vehicle Dimensions and Mass Rule apply to all vehicles operating under a permit to exceed general mass limits, including high capacity urban buses.

- include a new definition of “high capacity urban bus”.

Extent of consultation

Formal consultation on the draft amendment Rule began with the release of the public consultation document on 27 February 2015. The NZ Transport Agency sent details of the proposed amendments to the Vehicle Dimensions and Mass Rule by letter or email to approximately 1474 groups and individuals who had registered an interest in the Vehicle Dimensions and Mass Rule.

The consultation document was made available through the NZ Transport Agency’s Contact Centre and, together with Questions and Answers, was also available on the NZ Transport Agency’s website. The availability of the consultation document for comment was publicised in the metropolitan daily newspapers in Auckland, Hamilton, Wellington, Christchurch and Dunedin and in the *New Zealand Gazette*.

Public consultation closed on 2 April 2015. The NZ Transport Agency received 17 submissions on the proposals to amend the Rule and the related offences provisions. The submissions received were taken into account and corresponding changes were made to the draft Rule.

Following this, a potential ambiguity over the application of the weighing tolerances in the Vehicle Dimensions and Mass Rule was

raised by the New Zealand Police on 14 May 2015 and the draft Rule was further amended to clarify that these weighing tolerances apply only to vehicles operating under a permit to exceed general mass limits.

The draft Rule was then submitted to the Associate Minister of Transport for signing.

Section 1 Application

1.1 Title

This Rule is *Land Transport Rule: Vehicle Dimensions and Mass Amendment 2015*.

1.2 Commencement

This Rule comes into force on 1 October 2015.

1.3 Principal rule amended

This Rule amends *Land Transport Rule: Vehicle Dimensions and Mass 2002*.

Section 2 **Amendments to Rule requirements**

2.1 **Road mass limits**

2.1(1) After *clause 4.5(1A)*, insert:

“4.5(1B) A high capacity urban bus that is operating in accordance with a permit issued under *5.2A* must not exceed the mass limits applicable to the axles, axle sets and the gross mass in *Part A* of *Schedule 2* except for the axle sets and mass limits listed in *Part C* of *Schedule 2*.”

2.2 **Permits for high capacity urban buses**

2.2(1) After *clause 5.2*, insert:

“5.2A Permits for high capacity urban buses

“5.2A(1) A high capacity urban bus must have a permit issued under this clause to allow the vehicle to exceed the mass limits in *Part A* of *Schedule 2*.

“5.2A(2) A road controlling authority may issue a permit under this clause for a high capacity urban bus to operate on the bus routes specified in the permit with axle set mass limits of not more than

the mass limits prescribed in *Part C of Schedule 2*.

- “5.2A(3) Before issuing a permit under *5.2A(2)* the road controlling authority must duly consider:
- (i) the safety of the vehicle; and
 - (ii) the safety of road users; and
 - (iii) the durability of roads and bridges on which the vehicle may operate.
- “5.2A(4) A high capacity urban bus operating under a permit issued under *5.2A(2)* must comply with the following critical conditions:
- (a) the gross mass of the vehicle must not exceed the maximum gross mass specified in the permit; and
 - (b) the vehicle must not exceed the gross vehicle mass limits and the axle mass limits specified by the manufacturer; and
 - (c) the vehicle must comply with all bridge restrictions specified in the permit.
- “5.2A(5) A high capacity urban bus operating under a permit issued

under this clause must comply with the following conditions:

- (a) the vehicle must, if required under the Road User Charges Act 2012, have a current licence issued under that Act (including any licence required by section 12 of that Act); and
- (b) any conditions imposed under 5.2A(6); and
- (c) the vehicle must not exceed the axle set mass limits in *Part C* of *Schedule 2*; and
- (d) for axle mass limits other than those specified in *Part C* of *Schedule 2*, the vehicle must not exceed the axle and axle set limits in *Part A* of *Schedule 2*.

“5.2A(6) A road controlling authority issuing a permit under this clause may specify additional conditions under which the vehicle may be operated that the road controlling authority considers necessary to ensure the safety of road users, the protection of infrastructure, or to provide for compliance with the permit.

- “5.2A(7) A permit issued under this clause must:
- (a) be carried in the vehicle for the period of travel covered by the permit; and
 - (b) be produced for inspection on demand to an enforcement officer, or an authorised agent of the Agency or a road controlling authority.
- “5.2A(8) If a road controlling authority (the issuing authority) issues a permit for a high capacity urban bus where the route includes a road under the control of another road controlling authority, the issuing authority must obtain the written approval of the other road controlling authority given in accordance with 5.2A(9).
- “5.2A(9) Where an approval is required by 5.2A(8), a road controlling authority may approve the issue of a permit by the issuing authority for travel on roads under its control if it has duly considered, for those roads, the matters in 5.2A(3).”

2.3 Form of a permit

- 2.3(1) In *clause 5.4(1)*, replace “A permit issued under 5.1 or 5.2” with “A permit issued under this section”.
- 2.3(2) In *clause 5.4(1)(b)*, replace “5.2(5) or 5.2(8)” with “5.2(5), 5.2(8) or 5.2A(6)”.

2.4 Validity of a permit

- 2.4(1) In *clause 5.4A(1)*, replace “A permit issued under 5.1 or 5.2” with “A permit issued under this section”.

2.5 Revocation of a permit

- 2.5(1) Replace *clause 5.6(2)* with:
“5.6(2) A road controlling authority may immediately revoke a permit issued by it under 5.2 or 5.2A if, in its opinion, the continued operation of the vehicle to which that permit relates may cause extraordinary damage to the road infrastructure.”
- 2.5(2) In *clause 5.6(5)*, after “under 5.2” insert “or 5.2A”.

2.6 Weighing tolerances

- 2.6(1) Before *clause 5.8(1)* insert:
“5.8(A) This clause applies to a vehicle operating under a permit to exceed the general mass limits in *Part A* of

Schedule 2 that is issued under this section.”

- 2.6(2) In *clause 5.8(1)*, replace “5.1(3) and 5.2(6A)”, with “5.1(3), 5.2(6A) and 5.2A(4)”.
- 2.6(3) In *clause 5.8(2)*, replace “5.2(6A)(c) and 5.2(7)(a),” with “5.2(6A)(c), 5.2(7)(a), 5.2A(4)(c), 5.2A(5)(c) and 5.2A(5)(d),”.

Section 3 Amendment to Definitions

3.1 New definition inserted

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

“**High capacity urban bus** means a heavy passenger service vehicle fitted with seating positions for 60 or more passengers that is operating in a public transport service that is identified in or under a regional public transport plan as defined in the Land Transport Management Act 2003.”

Section 4 Amendment to Schedules

4.1 New *Schedule 2, Part C* inserted

In *Schedule 2* after *Part B*, insert:

**“PART C MAXIMUM AXLE LOADINGS
FOR HIGH CAPACITY URBAN
BUSES**

[Ref 5.2A(2) & (5)]

1	Twin-tyred axle in any axle set	8,800 kg
2	Two axles in a tandem axle set comprising:	
	(a) Twin-tyred axle with a single large-tyred axle and a 60/40 load share	14,600 kg
	(b) Twin-tyred axle with a single large-tyred axle and a 55/45 load share	16,000 kg”

4.2 Amendments to *Schedule 3*

4.2(1) In *Schedule 3, Part 1*, replace “Description of Vehicle(s) and load” with “Description of Vehicle(s) and load”.

4.2(2) In *Schedule 3, Part 1*, under “**Additional Conditions:**”, replace “*clause 5.1(4) or 5.2(8)*” with “*clause 5.1(4), 5.2(8) or 5.2A(6)*”.

- 4.2(3) In *Schedule 3, Part 3*, in the row relating to “Purpose of permit” after “(mass, dimension or both)” insert “OR high capacity urban bus”.
- 4.2(4) In *Schedule 3, Part 3*, replace the row relating to “Axle weights” with:

<p>“Axle mass</p>	<p>Permitted mass can be described by reference to Part A OR Part B OR Part C of <i>Schedule 2</i> OR by specifying individual axle limits.”</p>
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