



17 February 2022

OC220027

Hon Michael Wood

Action required by:

Minister of Transport

Tuesday, 1 March 2022

APPROVAL OF THE LAND TRANSPORT RULE: TRAFFIC CONTROL DEVICES (KURA/SCHOOL SIGNS) AMENDMENT 2021

Purpose

To advise you of the outcome of the public consultation and seek your signature on the Land Transport Rule: Traffic Control Devices (Kura/School Signs) Amendment 2021.

Key points

- The Land Transport Rule: Traffic Control Devices (Kura/School Signs) Amendment 2021 (the Amendment Rule) seeks to enable bilingual 'Kura School' traffic signs. This supports your commitment to seeing bilingual signs across Aotearoa New Zealand by the end of this Government term.
- Public consultation on the proposed Amendment Rule closed in December 2021. Waka Kotahi NZ Transport Agency (Waka Kotahi) received 564 submissions on the Amendment Rule, 90% of which were in support of the concept of bilingual traffic signs.
- Further consideration of the public submissions has resulted in Waka Kotahi recommending the use of different sized font to create a boldening effect for differentiation of te reo Māori on the 'Kura School' signs.
- The other specific design details will remain the same on the 'Kura School' signs, pending your informal consultation with your colleagues.
- Waka Kotahi and Te Manatū Waka have identified an opportunity to enable most 'Kura School' signs earlier than the likely commencement date for the proposed Land Transport Rule: Setting of Speed Limits 2022 (the Speed Rule), pending your approval.
- The Amendment Rule is attached for your signature and, to achieve a commencement date of 5 April 2022, needs to be signed by 3 March 2022 to comply with the 28 Day Rule.
- This is the first stage of the wider bilingual traffic signs project. Waka Kotahi and Te Manatū Waka are working on prioritising the next set of signs and will advise you in the next quarter on the candidates.

Recommendations

We recommend you:

- 1 **agree** to enable 'Kura School' signs earlier through separating the Amendment Rule from the Speed Management Framework rule change Yes / No
- 2 **agree** to undertake an informal consultation with your Cabinet colleagues and interested Ministers, beginning 21 February 2022 Yes / No
- 3 **sign** Land Transport Rule: Traffic Control Devices (Kura/School Signs) Amendment 2021 once any changes from your informal consultation have been made. Yes / No

Out of Scope



17 / 02 / 2022

Hon Michael Wood
Minister of Transport

..... / /

Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Out of Scope		<input checked="" type="checkbox"/>

APPROVAL OF THE LAND TRANSPORT RULE: TRAFFIC CONTROL DEVICES (KURA/SCHOOL SIGNS) AMENDMENT 2021

The Land Transport Rule: Traffic Control Devices (Kura/School Signs) Amendment 2021 will enable bilingual 'Kura School' traffic signs

- 4 The Land Transport Rule: Traffic Control Devices (Kura/School Signs) Amendment 2021 (the Amendment Rule) (**Appendix 1**) will enable existing school signs to be replaced with 'Kura School' signs, prescribe design specifications for 'Kura School' signs, and outline the circumstances under which 'Kura School' signs can be used.
- 5 The Amendment Rule is now ready for you to informally consult with your colleagues on and sign. This briefing provides information to support your decision making, including:
 - 5.1 Your previous decisions
 - 5.2 A summary of consultation feedback
 - 5.3 Recommendations as a result of consultation feedback
 - 5.4 An identified opportunity to enable most 'Kura School' signs earlier
 - 5.5 Your legal authority and legal matters for your consideration
 - 5.6 Timeline and next steps.

You previously agreed to progress a rule change to enable 'Kura School' signs to take advantage of a planned sign roll-out as part of the proposed Speed Rule changes

- 6 You have made a commitment to having bilingual traffic signs implemented throughout Aotearoa New Zealand by the end of this Government's term. Waka Kotahi and Te Manatū Waka have been progressing this work.
- 7 Previously we provided you advice on a range of approaches to implementing bilingual traffic signs through the TCD Rule [OC210592 refers]. You indicated your preference for approach two, to enable and begin installing a selection of signs within this term of Government.
- 8 We met with you on 28 September 2021 to discuss this approach and raised an upcoming opportunity with school traffic signs. The new Land Transport Rule: Setting of Speed Limits 2022 (the Speed Rule) will require councils to lower speed limits around 40 percent of schools by 30 June 2024 and the rest by 31 December 2028. As part of this work, councils will need to install new speed limit signs around schools.
- 9 Aligning the Speed Rule and the bilingual school traffic signs projects will enable a high number of bilingual school traffic signs to be installed across Aotearoa New Zealand, fulfilling part of your public commitment. It is expected that these changes

could equate to about 1,600 school signs by June 2024 and 4,000 signs by December 2028. Aligning the projects will also leverage the investment that Road Controlling Authorities (RCAs) will need to make for new speed limit signs

- 10 On 21 October 2021, you agreed to progress with enabling bilingual school traffic signs via an amendment to the *Land Transport Rule: Traffic Control Devices 2004* (TCD Rule) and to align with the Speed Rule, with Waka Kotahi responsible for fulfilling the consultation requirements [OC210786 refers].

Waka Kotahi undertook public consultation on your behalf in 2021

- 11 Public consultation on the Amendment Rule occurred from 5 November 2021 to 17 December 2021. Following the consultation period, Waka Kotahi have drafted a summary of submissions report (**Appendix two**). Waka Kotahi will publish the report on its website once the Amendment Rule is signed.
- 12 Waka Kotahi received a total of 564 submissions on the Amendment Rule.

Table one: types of submitters on the Amendment Rule

Category of submitter	Number of submitters
Individuals	549
Schools and kindergartens	13
Industry Associations	2
Local government and RCAs	9
Central government departments or agencies	4

- 13 The consultation document asked submitters twelve questions relating to the 'Kura School' signs. Six of the questions sought feedback on:
- 13.1 design elements of the 'Kura School' signs – including whether to use bold or italic font for differentiation of te reo Māori,
- 13.2 the benefits or impacts of the signs,
- 13.3 and the proposed timing to enable 'Kura School' signs at the same time as the proposed Speed Rule changes.
- 14 The remaining six questions sought feedback on the removal of three warning signs, the removal of the school zone option for the symbolic warning – active flashing light sign, and some other minor or consequential changes to the TCD Rule.
- 15 Approximately 90% of submitters supported the idea of bilingual traffic signs in general. Most submitters, even if they were against the project overall, supported aligning the timing of the proposed Amendment Rule with the changes to the Speed Rule. Many stated this was “practical”, “sensible”, and “cost-saving”.

Majority of submitters supported the proposed design of the new 'Kura School' traffic signs

- 16 67% of submitters who provided feedback on the proposed design of the new 'Kura School' traffic signs supported the sign as proposed. 16% of submitters made alternative suggestions regarding some sign design elements, and 17% did not support the proposed design though many were supportive of the intent.
- 17 Many submitters (including Te Taura Whiri i te Reo Māori) expressed that the proposed design encourages bilingualism, promotes the learning of te reo Māori, and promotes learning equality. They contended the design is a step forward for normalising te reo Māori and giving mana and credence to New Zealand's indigenous language.
- 18 A number of submitters expressed that the proposed design would make school speed areas safer for te reo Māori speakers.
- 19 Some submitters stated that this project honoured Treaty of Waitangi commitments and existing Crown commitments for the revitalisation of te reo Māori. Similarly, some submitters commented on how the overall bilingual signs project is positive.
- 20 Submitters who did not support the proposed design of the 'Kura School' signs were generally concerned over visual clutter and the design being too complicated for road users.
- 21 There was also some concern over tourists not being able to read the signs. The Waitaki District Council, while not being entirely against the proposal, was a key stakeholder that raised such concerns, but recommended that education/information be supplied to international drivers to mitigate any safety concerns with the signs.

Majority of submitters supported the use of bold rather than italics to differentiate te reo Māori

- 22 Submitters were asked if they had any feedback on the use of italics or bold to differentiate te reo Māori from English. Waka Kotahi stated in the consultation document that italics were the current preferred form of differentiation because italics distinguished the languages slightly better and were therefore a safer form of differentiation.
- 23 63% of submitters were in favour of using bold, 14% were in favour of italics, and 23% were in favour of another form of differentiation.
- 24 Te Mātāwai contended that using italics on the Kura school signs is not appropriate as it would create the impression that te reo Māori is a foreign language and outside the norm, which runs contrary to the promotion of te reo Māori as the indigenous language of New Zealand. Te Mātāwai instead recommended the use of bold because it has a higher prioritising effect as it more clearly delineates, and viewers are more likely to notice bold text over standard text. Te Mātāwai also noted that using bold would be consistent with the Te Puni Kōkiri Bilingual Signage guide for best practice, which recommends against the use of italics to differentiate English from Māori.
- 25 Waitaki District Council observed that bold typeface more suitably met the criteria to differentiate the languages as set out in the consultation document, as it was easier to read and differentiate.

- 26 Some submitters stated that italics would be hard to read for the reading impaired (for example those with dyslexia) as italics can look blurry and squash the text together. Some submitters suggested that the Easyread guidelines¹ should be followed to be more inclusive.

Submitters in support of italics to differentiate te reo Māori on the 'Kura School' signs provided a variety of reasons

- 27 Some submitters were concerned that bold language indicated primacy and English would not have equal provision on the sign.
- 28 Some submitters stated that English was a more universal language so this needs to be more obvious for English speakers and tourists.
- 29 Some submitters, including Hamilton City Council, Ia Ara Aotearoa Transporting New Zealand, and the Automobile Association, were supportive of italics as they observed that it would be easier to differentiate. With some asserting it would therefore be the safer typeface.

We recommend changing the font style in response to consultation feedback

- 30 Following consultation and further consideration by Waka Kotahi, we recommend the use of different sized font to create a boldening effect for differentiation of te reo Māori in the design of the 'Kura School' signs, rather than italics.
- 31 Technical design constraints have meant that the bold 'Kura' design that was originally consulted on (figure 1 below) cannot be manufactured or implemented on the network.
- 32 Transport Series is the standard font type used for all traffic signs in New Zealand. Manufacturers cannot produce a Bold Modified Transport Series E font in all capital casings, which was not identified before consultation as Waka Kotahi developed the consultation font options at pace. As soon as this issue was identified, alternative transport series font options were considered and a thorough process was undertaken to determine an appropriate font to take forward.
- 33 A new type of bold distinction is proposed for the 'Kura School' sign that is present on the network (figure 2 below). The 'bold' distinction will be created by using an all-capitals version of 'Kura' in Transport Series E, in conjunction with 'School' in Transport Series D. While this distinction is now one of font size as opposed to typeface, it still has boldening effects that are enough to differentiate the two languages. This distinction renders the te reo Māori 'Kura' as noticeably bolder than the 'School'.
- 34 We recommend proceeding with using different sized font to create a boldening effect for differentiation of te reo Māori, despite the font not being the one shown in the consultation document. This is because the new font chosen still creates a bold effect and differentiates between the two languages – keeping with the design principles for preferring bold that were taken from the submissions on this consultation. We believe doing so is still within the principles of effective consultation.

¹ <https://www.odi.govt.nz/guidance-and-resources/a-guide-to-making-easy-read-information/>

Figure 1: Transport Series Font E 'Kura' in Bold Modified, Transport Series Font D 'School' – Example sign used in consultation document



Figure 2: Transport Series Font E 'Kura', Transport Series Font D 'School' – Recommended new font



Waka Kotahi and Te Manatū Waka have identified an opportunity to enable most 'Kura School' signs earlier, pending your approval

- 35 Waka Kotahi and Te Manatū Waka originally planned for the 'Kura School' signs to align with the Speed Rule changes, and were working towards the date of the 31 March 2022, as this was the original proposed planned date for the Speed Rule to come in force.
- 36 The proposed date for the Speed Rule coming into force is now 19 May 2022 and could potentially be pushed out further depending, for example, on Cabinet process and decision making.
- 37 The flexibility of the Speed Rule date means that if the 'Kura School' Rule change remains aligned with the Speed Rule, the bilingual signs work may be delayed. This could impact your commitment to implement bilingual signs in Aotearoa New Zealand by the end of this term of Government.
- 38 To meet your commitment, we recommend going ahead with the 'Kura School' Rule change and not aligning it with the proposed Speed Rule changes, with the exception of the R1-6.2 Kura School permanent speed limit sign². This will provide the best

² The R1-6.2 Kura School permanent speed limit sign will incorporate permanent school speed limits, which are not available under the current Speed Rule. Therefore, these signs cannot be enabled prior to the new Speed Rule coming into force.

opportunity to have the 'Kura School' signs introduced onto the network as soon as possible.

- 39 We recommend the R1-6.2 Kura School permanent speed limit sign remains aligned with the Speed Rule changes and is enabled through a consequential amendment to the TCD Rule. This is because we believe there is little benefit in enabling the R1-6.2 Kura School permanent speed limit sign ahead of the Speed Rule changes, as it may create confusion for stakeholders if the sign is enabled in the TCD Rule but cannot (or is unlikely) to be used until the Speed Rule changes come into force. Also, the aligned timing leverages the investment that RCAs will need to make for new speed limit signs.
- 40 We do not see any risks at this stage with doing this.

You have legal authority to make Land Transport Rules

- 41 The Land Transport Act 1998 empowers you as Minister to make, amend, or revoke an ordinary rule.
- 42 You are authorised to make this Amendment Rule under the following sections of the Act:
- 42.1 *section 152* is a general empowering provision for making rules for matters such as safety, technical requirements and standards, and any other matter contemplated by the Act.
- 42.2 The following section is especially relevant for the amendment to the Traffic Control Devices Rule:
- 42.2.1 *section 157(g)* allows rules to be made providing for the design, construction, maintenance, and operation of traffic control devices.

Legal matters for your specific consideration

- 43 Section 164(2) of the Act requires you to have regard to, and give such weight as you consider appropriate in each case, to a number of matters when deciding to make a rule.
- 44 You must consider these matters yourself and may not delegate this obligation to anyone else. The matters are set out below, together with Te Manatū Waka advice on these (incorporating advice received from Waka Kotahi).

Matter to be considered	Advice
Section 164(2)(a) The level of risk existing to land transport safety in each proposed activity or service	Research by Waka Kotahi and overseas experience show that there is little evidence of major safety impacts associated with bilingual signage, especially when best-practice design elements are used. However, as the bilingual school traffic signs are introduced, it is expected that there will be an initial increase in the demand of the driving task as people become accustomed to the new information on the signs.

Matter to be considered	Advice
<p>Section 164(2)(b)</p> <p>The nature of the particular activity or service for which the rule is being established</p>	<p>The layout and content of traffic signs approved for use in New Zealand are governed by the <i>Land Transport Rule: Traffic Control Devices 2004</i>. This proposed Amendment Rule is being established to enable councils to replace existing school signs with 'Kura School' signs, create new 'Kura School' signs, prescribe formatting requirements for 'Kura School' signs, provide for the particular circumstances under which 'Kura School' signs are to be used, and remove signs referring to 'school zone'.</p>
<p>Section 164(2)(c)</p> <p>The level of risk existing to land transport safety in NZ in general</p>	<p>The level of risk to land transport safety in terms of the road toll continues to be a source of concern, and reducing it is one of the government's priorities. The <i>Road to Zero</i> safety strategy sets out our vision for a New Zealand where no one is killed or seriously injured in road crashes.</p> <p>To be effective and to contribute to improved transport safety, rules must be clear, up-to-date, and enforceable. The purpose of the Amendment Rule is to enable bilingual school traffic signs. Research by Waka Kotahi and overseas experience shows that bilingual signs generally do not have negative safety effects. However, as the 'Kura School' signs are introduced, it is expected that there will be an initial increase in the demand of the driving task as people become accustomed to the new information on the signs.</p>
<p>Section 164(2)(d)</p> <p>The need to maintain and improve land transport safety and security, including (but not limited to) personal security</p>	<p>The proposed Amendment Rule is not expected to have a direct effect on the maintenance or improvement of land transport safety and security.</p>
<p>Section 164(2)(e)(i)</p> <p>Whether the proposed rule assists economic development</p>	<p>The proposed Amendment Rule is not expected to have a direct effect on assisting economic development.</p>
<p>Section 164(2)(e)(ii)</p> <p>Whether the proposed rule improves access and mobility</p>	<p>The proposed Amendment Rule will encourage and support the use of te reo Māori across New Zealand. This may increase Māori access to the land transport system.</p>
<p>Section 164(2)(e)(iii)</p> <p>Whether the proposed rule promotes and protects public health</p>	<p>The proposed Amendment Rule is not expected to have any direct effect on the protection and promotion of public health.</p>
<p>Section 164(2)(e)(iv)</p>	<p>The proposed Amendment Rule is not expected to have a direct effect on ensuring environmental sustainability.</p>

Matter to be considered	Advice
Whether the proposed rule ensures environmental sustainability	
Section 164(2)(ea) The costs of implementing measures for which the rule is being proposed	The Amendment Rule does not require signs be replaced immediately with the 'Kura School' version. Instead, it requires that when school signs need replacing, they must be replaced with 'Kura School' signs. The normal costs of replacing traffic signage due to damage or wear is already built into the system, and these funds will be used to implement Kura School signs when signs require maintenance. In terms of the R1-6.2 Kura School permanent speed limit sign, which is to remain aligned with the proposed Speed Rule, the aligned timing leverages the investment that RCAs will need to make for new speed limit signs.
Section 164(2)(eb) New Zealand's international obligations concerning land transport safety	The proposed Amendment Rule is consistent with New Zealand's international obligations concerning land transport safety. Bilingual traffic signs are quite common across Europe, Asia, North America and in some places in the Middle East. Waka Kotahi has used research on common international practice on bilingual signs to inform the design of the 'Kura School' traffic signs, to help ensure there is little effect on land transport safety.
Section 164(2)(f) The international circumstances in respect of land transport safety	The proposed Amendment Rule is consistent with international circumstances in respect of land transport safety. Bilingual traffic signs are quite common across Europe, Asia, North America and in some places in the Middle East. Waka Kotahi has used research on common international practice on bilingual signs to inform the design of the 'Kura School' traffic signs, to help ensure there is little effect on land transport safety.
Section 164(2)(g) Such other matters as you consider appropriate in the circumstances	The proposed Amendment Rule will improve the inclusivity of the land transport system as enabling bilingual school traffic signs will encourage and support all New Zealanders to learn, use and value te reo Māori as a normal part of daily life.

- 45 Ordinary rules are secondary legislation and are disallowable instruments for the purposes of the Legislation Act 2019. Under section 114 of that Act they must be also be laid before the House of Representatives in accordance with the House's rules and practice. Current House rules and practice require this instrument to be presented to the House not later than the sixteenth sitting day after the day on which they were made.

Regulations Review Committee

- 46 Drafts of the Amendment Rule have not been referred to the Regulations Review Committee under Standing Order 326(2).

- 47 There do not appear to be any grounds for the Regulations Review Committee to draw the Amendment Rule to the attention of the House under Standing Order 327(2).

Compliance

- 48 The Amendment Rule is consistent with:

48.1 The principles of the Treaty of Waitangi.

48.2 The rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

48.3 The principles and guidelines set out in the Privacy Act 2020.

48.4 Relevant international obligations.

48.5 The *Legislation Guidelines (2021 edition)*, which are maintained by the Legislation Design and Advisory Committee.

Other legislative implications

- 49 No changes to any other secondary legislation will be required as a result of the Amendment Rule.

Costs

- 50 The costs of the Amendment Rule, and processes associated with administering them, are being met through current Waka Kotahi funding. If councils are making funding applications relating to lowering any speed limits, these will be aligned with the 2024 Regional Land Transport Planning process and money could be available through the Road to Zero activity class.

Publicity

- 51 Waka Kotahi will notify the making of the Amendment Rule in its publications and on its website.

Timeline and next steps

- 52 In agreeing to public consultation, you indicated your preference to informally consult with your Cabinet colleagues and interested Ministers before signing the Amendment Rule [OC210786 refers].

Table 2: Potential timeline of consultation and signing

Task	Timing
Informal consultation with colleagues	21-28 February 2022
Any feedback to Te Manatū Waka	1 March 2022
Rule signed	3 March 2022
Rule gazetted	7 March 2022
Rule comes into force	5 April 2022

- 53 If you would prefer more time for informal consultation with your colleagues, you could expand on this timeline as the Rule no longer has to meet the Speed Rule timeline. This would result in a slightly later Rule commencement.
- 54 We are continuing to work with Waka Kotahi on the next stage of the wider bilingual signs work programme and will provide you with further advice on the next tranche of signs to be prioritised in the next quarter.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

UNCLASSIFIED

**APPENDIX ONE: PROPOSED LAND TRANSPORT RULE: TRAFFIC
CONTROL DEVICES (KURA/SCHOOL SIGNS) AMENDMENT 2021**

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

UNCLASSIFIED

UNCLASSIFIED

APPENDIX TWO: SUMMARY OF SUBMISSIONS REPORT

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

UNCLASSIFIED