

**From:** [Olivia Kitson](#)  
**To:** [Anita Waring](#); [Hugh Mazey](#); [Jo Gould](#)  
**Cc:** [Official Correspondence](#); [Amy Moorhead](#); [Anna Cleary](#); [Eden Christie](#)  
**Subject:** CAB-556 RESPONSE RE: Departmental consultation on the draft Setting of Speed Limits Rule  
**Date:** Monday, 13 May 2024 3:51:59 PM  
**Attachments:** [Cabinet paper - The new Setting of Speed Limits Rule - Public consultation.docx](#)  
[Consultation document - Setting of Speed Limits 2024.docx](#)  
[Official NZTA response on static variable option.docx](#)  
[Draft Rule - Setting of Speed Limits Rule 2024.docx](#)  
[Regulatory Impact Assessment - Setting of Speed Limits 2024.docx](#)  
[image002.png](#)  
[image003.png](#)

Please refer to documents 10a-e in the document schedule.

Kia ora koutou

Thank you for providing the NZ Transport Agency Waka Kotahi (NZTA) with an opportunity to comment on draft Cabinet paper and associated documents on *The new Setting of Speed Limits Rule – public consultation*. We appreciate having this opportunity to provide feedback in addition to that provided throughout the policy development and drafting process. We have provided detailed comments in the documents (attached). Below are some more high-level comments, grouped into themes, on the package of documents and the policy itself. In providing you our feedback we sought input from our wider new Speed Rule project team, as well as our Directors of Regional Relationships and Finance area. As requested, we have also prepared a summary of the Agency's position on greater use of static variable speed limit signs.

*Quantifying costs and benefits – inconsistency risks and aligning with policy intent*

- As indicated previously, we note that the CBA process may lead to outcomes that do not align with the policy intent. CBA could identify much greater costs with higher speed limits with increased severity of crashes and DSIs. We recommend making this clear so Cabinet is aware of this at the outset.
- We note having the CBA tool as non-binding and 'editable' will introduce inconsistencies among RCAs. Allowing RCAs to add extra factors into their calculations is likely to lead to inconsistent CBA analysis and results, which would be contrary to the policy intent of ensuring consistency in approach to CBA. We recommend that the CBA tool is binding, to meet the intent of consistency in approach. There is a similar risk with the Ministerial objective being 'guide only'.
- In the Consultation document it could be useful to clarify the CBA tool NZTA is producing uses the values and methods within the Monetised Benefits Costs Manual, but will produce a Benefit Cost Ratio based on Treasury's preferred approach.
- We note the RIS does not include any monetised benefits and costs, please let us know if this material is to be updated following public consultation. We are happy to work with you to update that section if you need.

*Financial implications – increased costs*

- We note the scale of any financial implications will be subject to:
  - finalisation of the Government Policy Statement on Land Transport (GPS) and funding through the National Land Transport Programme being approved.
  - policy decisions being made, and the new Rule finalised.
  - the extent to which RCAs will seek to retain lower speed limits.
- The Directors of Regional Relationships noted the reversals process is likely to place significant costs on RCAs, for:
  - the consultation process that is required if they wish to retain lower speed limits, and
  - the costs of removing and/or replacing speed signs.
- We anticipate the feedback from the Directors will also come through in feedback from

RCAs through consultation on the draft Rule. You may wish to include some of the information above regarding the scale of financial implications, in the Cabinet paper. We also recommend clarifying whether funding to cover costs has been signalled or accommodated in the GPS.

*Shift from 'safe and appropriate speeds' to classifications schedule – clarifications and referencing*

- We recommend clarifying in the Cabinet paper the:
  - requirement to provide Safe and Appropriate Speeds will be removed from the Rule and replaced with a binding schedule of speed limit classifications, and the range of speed limits available for each road type. We also recommend clarifying the new binding speed limit classifications are different ranges to the Safe and Appropriate Speeds.
- We recommend clarifying in the Cabinet paper, for accuracy, how the 2022 Rule enabled:
  - permanent changes targeted to schools i.e. by exempting schools from the requirement for an "obvious change in environment" at the point of the speed limit change
  - RCAs to change permanent speed limits in alignment with the Safe and Appropriate Speeds, which in many local streets and roads is 30km/h.
- We recommend clarifying whether NZTA is still required to provide a recommended speed limit for roads, within the ranges provided in the classifications Schedule. There are some inconsistencies between 3.14 and 3.15 of the draft Rule where this is unclear, and we have included a comment in the draft Rule with more detail on this.
- There was some concern from the Directors of Regional Relationships on the speed classifications in Schedule 4. These may align with lower speeds on roads subject to reversal and could lead to RCAs needing to reverse a speed limit and then potentially set a new speed limit at the same speed that has been reversed. They have suggested this could be avoided by specifying where the speed is consistent with the speeds set out in Schedule 4, reversal is not required
  - we note the policy intent is for speed limits to be reversed to the limits in place as at 31 December 2019, and the Schedule applies to any future changes, so it could be useful to make the intent more explicit in the Cabinet paper and consultation document.
- We suggest MoT outline or reference the 'basis for safety' used in relation to the speed classifications, particularly in the RIS.

*Consultation requirements for RCAs*

- We suggest making it clearer in the Cabinet paper that RCAs will need to undertake new consultation to demonstrate support for reduced speed limits on arterial roads and rural State highways, as opposed to relying on consultation previously undertaken.
- There was also concern from the Directors of Regional Relationships that the requirement for "public support" does not appear to provide any scope for RCA assessment of submissions. For example, weighing a submission supported by detailed evidence and experience of using the corridor versus a submission simply saying 'yes' or 'no'. They consider the proposals on public support effectively establish a "vote" where the most votes either for or against will win. This may mean local communities (the people who live on/near and use the corridors often) could be "out-voted" by submissions from people who may rarely or never use the road in question, or in some cases who may not even live in New Zealand. One Director mentioned a recent example of SH58 in this regard, where local support for speed limit reduction was high, however a late social media post saw

objection to reduction flow in heavily from people unlikely to use the road/reside in New Zealand. We anticipate this will also be raised by RCAs during consultation, so any clarification that can be given on expectations for consultation to mitigate this would be helpful. However, we note this is a complex issue and recommend further consideration of how to address it following consultation.

- The Directors also noted the requirement for “public acceptance/public support” may limit RCAs’ consideration of safety and economic impacts. That is, even evidence exists to support safety and economic impacts, a lack of public acceptance would seem to still require lower speed limits not be implemented under the proposed Rule. We recommend further consideration of how to balance safety and economic impacts, alongside public acceptance, following consultation.

#### *Reversals process:*

- We remain concerned the timeframes for reversals may not be able to be met by RCAs or the NZTA as regulator – regardless of whether the timeframe is by the end of 2025, or 1 July 2025.
- It is still unclear who will enforce reversals – we suggest clarifying who will enforce reversals and what that would look like in the documents.
- The Directors of Regional Relationships noted the current approach for exemptions from reversal appears to remove any consideration of evidence to support lower speeds being retained from a safety perspective. This differs from the public statements about reversals occurring “where it is safe to do so”. They noted the example of SH6 Nelson to Blenheim, which has seen a 75% decrease in deaths and serious injuries since the speed limits on this road were changed.
  - We note MoT is considering how to provide for the Minister’s intent re: sections of road requiring a lower speed for safety reasons should have the lower speed limit retained. However, we recommend considering how the criteria for exemption from reversal is framed in the documents for clarity – is this confirmed as the new Government direction or is it being tested via consultation on the new Rule?
- It would be helpful if the shift to variable speed limits outside schools considers how default pick-up and drop-off times can account for differences around the country. For example, we are aware certain schools in Canterbury finish at 2pm on Wednesdays. We suspect you will receive more feedback on this when you go out for public consultation.

#### *Role of NZTA*

- We suggest providing more clarity as to the role of the NZTA as regulator, and the Director of Land Transport, in terms of the level of assessment expected in assessing the CBA and other criteria RCAs are required to meet for reversals and any future changes.
- Is checking an RCA has completed the CBA/public consultation processes purely a ‘tick box exercise’? or is further assessment required? We recommend it is the former, with RCAs required to use the CBA Tool to ensure national consistency. If it is the latter, we note this will have impacts for the Agency in supporting the Director to make the assessment required. For example, the ability for RCAs to use more criteria in CBA assessments would also complicate any expectation of more detailed assessment by the NZTA as regulator and Director.

#### *Language and consistency across all the documents*

- We appreciate there will have been insufficient time to look across the papers to check for consistency, but we recommend doing this prior to lodgement. Some areas of inconsistencies we noted include:
  - References to Ministerial Direction in some places, which needs updating to

- Ministerial Objective
- Some of the timeframes proposed for reversals are different – e.g., the RIS includes a deadline of 30 November 2025 for RCAs to provide additional information to the Director if the Director has requested more information.
  - Interchangeable use of “operating speed” and “travel speed”. Travel time is the total time taken for a trip, combining operating/travel speed. We recommend checking the use of these terms across all the documents for consistency.
  - We would recommend avoiding absolutes where possible throughout the documents. For example, there are several statements where the proposed changes will “ensure” a particular outcome (e.g. para 27 in the Cabinet paper states proposals to require variable speeds outside schools will ensure slower speeds, the statement in the RIS that enabling static signs will reduce costs for RCAs). There may be some nuances here, particularly when discussing a draft proposal to go out for consultation. We would suggest instead using language like ‘support’ rather than ‘ensure’.
  - The RIS highlights the following safety risk with reversals: "Potential for increased crash numbers and deaths and serious injuries, through reversing certain reduced speed limits." We recommend this is also included in the impact analysis section of the Cabinet paper.

Ngā mihi

Olivia

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**Subject:** Departmental consultation on the draft Setting of Speed Limits Rule

Dear NZTA

Thank you for all your work in helping us prepare the consultation documents for the draft Setting of Speed Limits Rule. We are now seeking your formal feedback on the documents. Please provide feedback by **COP Monday 13 May 2024**. I appreciate this is a short turnaround but we are working to a tight timeframe to get the new Rule in place as soon as possible.

Thank you

**Anita Waring**

Kaitohutohu | Adviser, Safety

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Please note, I do not work Wednesdays

## NZTA Position on Static variable signs for schools and a possible amendment to the Road User Rule

There is no clear evidence that static variable signs are effective in higher speed environments e.g., 50km-100km and in environments with high traffic volumes. The New Zealand Transport Agency (NZTA) is currently unable to make a recommendation about whether it would be safe to use the current static variable sign on the main road of a school in this way. We could only make a recommendation of this nature after trialling the sign in these speed environments and assessing collected data to prove/disprove their effectiveness.

The current sign is appropriate for use on No exit, Give-way and Stop sign-controlled *side roads*. This is because drivers should already be travelling at a low speed, to comply with the control, negotiate the corner and have time to read the sign.

We note the current sign does not meet minimum font legibility requirements for either urban (<60km/h) or rural (>60km/h) speed environments if used on a main road.

For an urban environment minimum font legibility is 120mm and for the rural environment minimum font legibility is 160mm. The font size of the "school days" and times shown on the current static variable sign is 80mm. This font size would not meet minimum font size requirements in an urban or rural environment if used on a main road.

The font size of the Kura School text is 125mm. This would meet minimum requirements in an urban environment but not a rural environment if used on a main road.

The size of the roundel showing the speed limit of '30' is 600mm and meets minimum requirements in both an urban and rural environment. However, existing best practice is to use 750mm to 900mm roundels as a minimum in rural environments.<sup>1</sup>

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<sup>1</sup> Normal sign size where 85th percentile operating speeds are 50km/h or less is 600mm in diameter. The only exception to this is when a Keep Left sign is used as part of two identical vertically-stacked 300mm discs. Where signs are to be installed on a median-divided road and where vehicle operating speeds are over 65km/h, signs 750mm in diameter or larger should be considered. In rural areas, the normal size is 750mm in diameter. However, where signs are to be installed on median-divided roads and where operating speeds are high (generally >90km/h), signs 900mm in diameter or larger should be considered. Large signs (1200mm in diameter or larger) should be considered for motorways, other high-speed expressways and critical locations where there is a speed limit change and the leading ends of median islands.

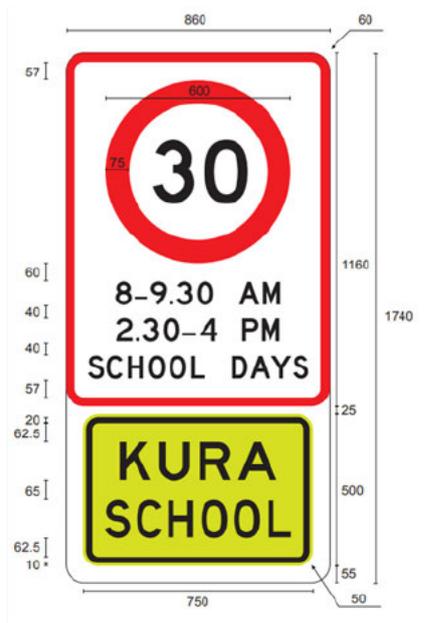


Figure 1 proposed static variable school speed limit sign

Schedule 1 of the TCD Rule provides the minimum specifications for signs. RCAs relying on engineering judgment can increase sign size in accordance with cl 4.4(2) of the Land Transport Rule: Traffic Control Devices 2004 (TD Rule). It is generally accepted the minimum font size is not always appropriate to use when installing signs i.e. widespread use of this font size does not align with best-practice engineering and international protocols. Minimum font requirements are set out in the Guide Sign Design Manual (the Manual). The Manual conforms as closely as possible to the UN Protocol on road signs. The UN protocol has been adopted for use in approximately 30 countries, including most of those in Europe. New Zealand signs are therefore similar to road signs in many other parts of the world.

The legal basis for TCD legibility requirements is set out in cl 3.1 of the TCD Rule. Enabling the use of the current static variable on main roads outside schools could create enforceability issues. This is because a driver could claim a “no fault” defence if they can show it wasn't possible for them to read the sign. We suggest Te Manatū Waka check with Crown Law on this issue.

We are not aware of similar signs being used in high-speed environments in other jurisdictions. In Victoria, Australia for higher volume and higher speed (70km/h and over) roads, electronic variables must be used. Their sign also appears to be much larger than the existing static variable we currently use on side roads.

### Previous Trial of the Static Variable by Queenstown Lakes District Council and Hamilton City Council

The smaller static variable sign at Figure 2 below was trialled by Queenstown Lakes District Council and Hamilton City Council. The purpose of the trial was to determine how effective the static signs are in reducing vehicle speeds around schools. The schools for this trial were selected/eligible by already having a mean operating speed <37km/h.

The timing of data collection varied across school sites but was collected between 2019-2023. Data was collected pre-implementation, 5 months post implementation and 18 months post implementation.

Due to limitations in the data collection and the mixed results that were observed, the TCD Steering group determined that there was not enough conclusive evidence of the effectiveness of this sign to recommend national use of the static variable speed sign on main roads outside schools, and recommended further trials be carried out.



Figure 2 Smaller Static variable school speed limit sign used in the trial.

### Road User Rule Amendment

#### **TCD RULE extract:**

#### *3.1 General safety requirements for traffic control devices*

*Traffic control devices, whether used singly or in combination, must contribute to the safe and effective control of traffic, and must:*

- (a) be safe and appropriate for the road, its environment or the use of the road; and*
- (b) not dazzle, distract or mislead road users; and*
- (c) convey a clear and consistent message to road users; and*
- (d) be placed so as to:
  - (i) be visible to road users; and*
  - (ii) be legible to road users, if of a type that includes written words or symbols; and Traffic Control Devices 2004 5 As at 21 August 2023*
  - (iii) allow adequate time for the intended response from road users; and**
- (e) comply with the relevant requirements in Schedules 1, 2 and 3; and*
- (f) be maintained in good repair.*

In relation to sign size and font legibility, the NZTA interprets cl 3.1 (a) and 3.1 (d) of the TCD Rule as clear on the importance *and* interdependence of the below for road user awareness and understanding:

- Sign placement
- Sign Font size
- Sign environment e.g. speed of passing traffic/related time for road users to understand/read sign and respond appropriately

Based on these interlinked criteria, we believe an amendment to the TCD Rule to increase minimum font specifications would be needed to enable legibility, enforceability and achieve the ultimate goal – road user speed reduction. This would increase the overall size of static variable

signs but also give people the best chance of knowing when to reduce speeds/comply with the sign's direction.

In our view larger static signs are more likely than smaller static signs to meet the general safety requirements in cl 3.1 of the TCD Rule.

We are also aware larger static variables may actually be similar in price or cost more to install than electronic variable signs.

It's also important to note that static speed limit signs should be 'gated' (e.g. an additional sign located on the right side of the lane or central median) on all roads that carry high volumes of vehicles/an average of 500 vehicles per day, to ensure adequate visibility and safety. This is not a requirement for electronic VSLs.

It's important to note, larger static signs can create visibility issues by virtue of the greater physical obstruction they create. There is also the possibility of resource management implications and costs e.g., whether in certain situations RCAs will need resource consent to use larger signs under a District Plan.

This amendment would ensure static variables meet minimum font legibility requirements in both urban (<60km/h) and rural (>60km/h) speed environments.

An advantage of using the current sign is it only requires one support pole and would be less costly to manufacture and install than a larger static sign meeting minimum legibility requirements.

In the absence of minimum legibility, other steps would need to be taken - this could include nationally consistent pick up and drop off times, possibly an extensive public education campaign and changes to the road code and driver testing, and enforcement. This approach would require some time to embed in the road code and in drivers' knowledge and behaviour.

If a decision is taken to use the current static sign, consideration could be given to amending the Road User Rule, to specify the times VSLs outside schools apply. Under this approach drivers would be expected to know when the applicable times are, which could be encouraged via education and marketing campaigns, as well as inclusion the Road Code. This could help partially mitigate the risk of drivers not being able to clearly read the 'times of operation' and 'school days' text of the sign.

There is also a risk that drivers won't be able to read the Kura School text of the sign in the rural environment as the current sign doesn't meet the minimum font legibility requirements for this environment.

We don't have evidence to say whether this will be effective. We also suggest legal advice is sought in relation to any potential issues relating to potential misalignment cl 3.1 of the TCD Rule around legibility and amendments to the Road User Rule if a less-than-ideally-legible sign becomes relied on – in part – for enforcement purposes.

Having a nationally consistent approach to the school pick-up and drop-off period in transport legislation may not be consistent with school autonomy on the topic under education legislation/policy. For example, we are aware some Canterbury schools finish at 2pm on Wednesdays. Departmental and public consultation may yield solutions to this risk.