



Highway Maintenance Interface Management Guide

Guidance for decision making in challenging situations where the guidelines and policies are more difficult to navigate

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7 November 2022

V5.2

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More information

Waka Kotahi NZ Transport Agency
Published September 2022

This document is [following ratification in October] available on Waka Kotahi NZ Transport Agency's website at www.nzta.govt.nz

Document Control

This Guide is developed as a working document that is to be regularly reviewed and updated. In particular, the links to websites and references must be checked at least annually. It is recommended that reviews are undertaken mid-year, around June/July each year.

The reader is encouraged to provide feedback on use of the Guide and any recommendations for improvement. Please provide feedback to: HMIMG@nzta.govt.nz

DOCUMENT VERSION CONTROL

VERSION	DATE	AUTHOR	REVIEWED BY	SUMMARY OF REVISION
1.0	30 Sept 21	Karen Boyt & Kathy Tao	Ian Cox and Jeremy Smith	First Edition – for initial stakeholder* input (feedback via workshops)
2.0	16 Feb 22	Karen Boyt	Kathy Tao	Draft for stakeholder* review
3.0	1 Mar 22	Karen Boyt	Kathy Tao	Updated draft in response to Stakeholder* comments and suggestions
3.1	16 Mar22	Karen Boyt	Legal team	Clean draft for legal review
3.3	30 May 22	Karen Boyt	Kathy Tao	Updated draft for SME user group** review
4.0	June 2022	Karen Boyt	Kathy Tao	Final Draft for approval
5.0	Sept 2022	Karen Boyt & Kathy Tao	Ross l'Anson & MOLT	Final for issue to M&O team
5.2	Nov 2022	Karen Boyt & Kathy Tao	Ratification Committee	Final revisions following feedback from Technical Standards and Ratification Committees

* Stakeholders include key advisors listed in section 6 of this guide, as well as policy advisors from Transport Services Transport Policy and Corporate Services Investment Policies teams.

** SME user group includes Peter Connors, Lead Advisor Asset Quality; Andrew McKillop, Manager REG Partnership Programme; Iqbal Idris, System Manager Wellington; and two council representatives.

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1. Purpose of the Guide

The purpose of the Highway Maintenance Interface Management Guide (guide) is to provide the Waka Kotahi staff who are responsible for managing and maintaining the state highway (SH) corridors with guidance and direction for decision-making in challenging situations where the existing guidelines and policies are more difficult to navigate.

This guide has been produced to assist with resolving issues and difficulties that arise where responsibilities are ambiguous or uncertain, particularly around shared responsibilities or the boundary and interface between the highway asset/property and a neighbouring asset/property. It also includes advice for common issues that have arisen throughout the country in recent years. If an issue is not included specifically, this guide provides a principles-based approach for decision-making, including navigating legislation, policy, regulations and existing guidelines and for seeking advice from specialist teams within Waka Kotahi.

This guide has been written as a consolidation of Te kāpehu – our strategic direction, key legislation, policies, specifications, guidelines and manuals that are applicable to the management of the state highways. Links are included for relevant documentation to enable further investigation into any specific details of the reference material.

When using this guide, the reader is advised to ensure that any references to other documentation or websites within the guide are current. As legislation and policies do change over time, it is possible that these changes will be out of sync with the review cycle for this document.

2. Our Role in Managing State Highways

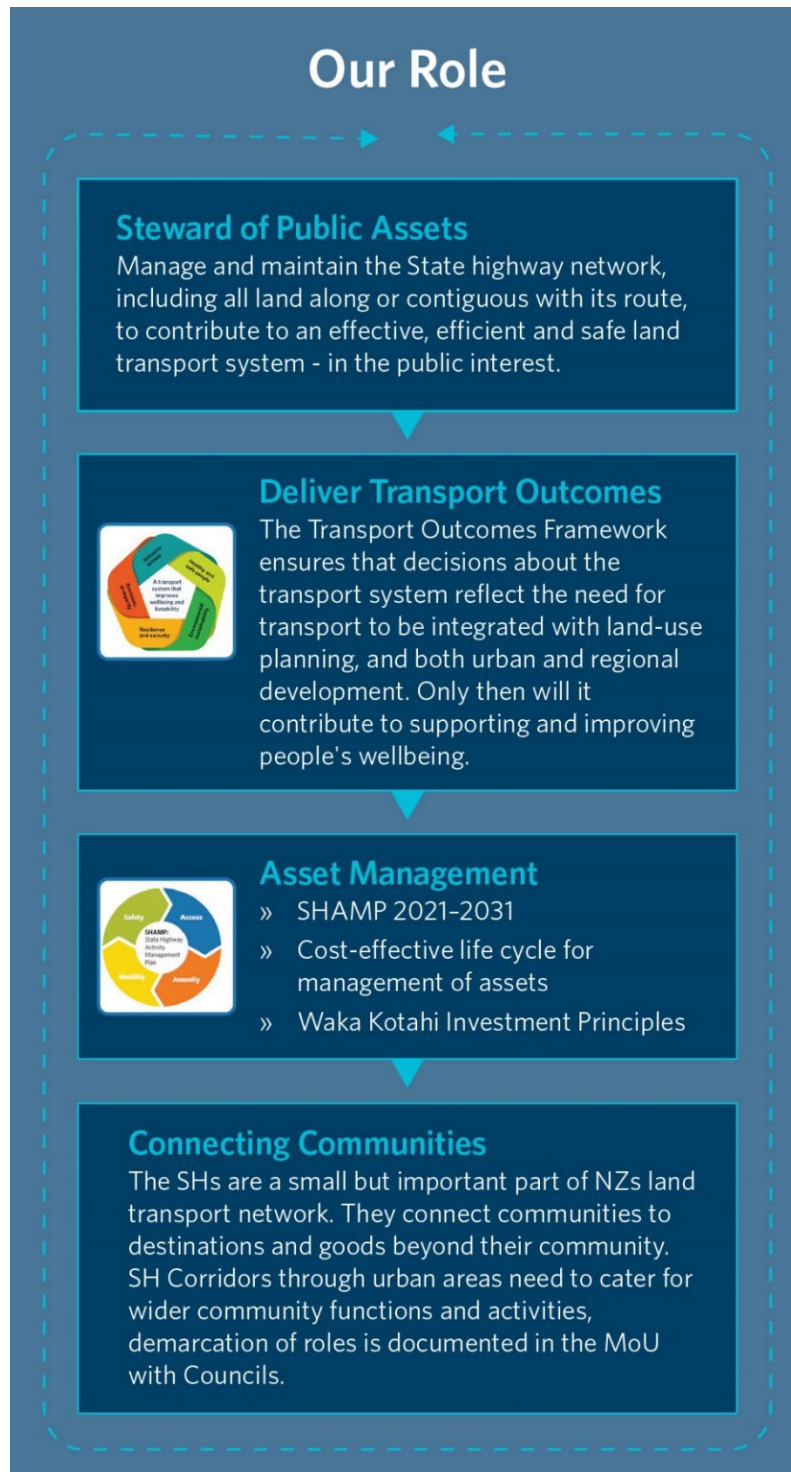


Figure 1: Overview of our role in managing the state highway network¹ to deliver in accordance with Te kāpehu – our strategic direction.

¹ Note, the State Highway Strategy will become the key guiding document for Our Role as Asset Managers when published.

2.1 Our Role as Stewards of Public Assets

Waka Kotahi is the Road Controlling Authority² for New Zealand's state highway network. Powers and functions to manage and maintain the state highway network are delegated to specific officers within the Transport Services' Maintenance and Operations Team. The Maintenance and Operations Team are responsible for day-to-day management and maintenance of the entire corridor within the state highway network; however, the extent of what this means is far more significant than simply maintaining the roads.

The state highway network (SH corridor) is made up of all roads that are declared to be state highway as defined in the [Land Transport Management Act 2003](#), including all land along or contiguous with its route. For the purposes of this guide, SH corridor refers to the maintenance boundaries identified for transport purposes³.

Waka Kotahi act as the steward⁴ of the land and infrastructure encompassed by the state highway network, ensuring this public space is maintained for safe travel and use by everyone. Te kāpehu sets the vision and roles in relation to this responsibility and is outlined in the [Waka Kotahi NZ Transport Agency statement of intent 2021–2026](#). As stewards, Waka Kotahi is responsible for enabling appropriate activities to be carried out within the SH corridor, such as freight movement, day-to-day community activities, special events, and SH corridor access for third party and neighbouring assets. Approval to work within the SH corridor is managed through an agreement to work on state highways⁵ (ATWOSH), issued under the [Government Rooding Powers Act \(GRPA\) s 51](#) to ensure that the operator does not cause an offence in law⁶.

As stewards of the SH corridor, Waka Kotahi applies the principle of sustainable management under the RMA and the principles of Te Tiriti o Waitangi. Waka Kotahi is committed to protecting and enhancing the environment as well as avoiding creating adverse effects during the planning, construction, maintenance and operation of the state highway network.

SH corridors must be maintained to ensure they contribute to an effective, efficient, and safe land transport system in the public interest. Waka Kotahi may own and manage land beyond the SH corridor for the purposes of protecting the land for future state highway development, for the management of environmental services such as stormwater or for other purposes that benefit the state highway user. Waka Kotahi may also construct within the SH corridor any facility, amenity or service that it considers to be desirable for the convenience of state highway users or for public safety purposes, with appropriate approvals and consents.

It is also important to note that district and city councils are the stewards of local community assets and are required by the Local Government Act 2002 to develop and deliver on a set of community outcomes⁷

² The NZ Transport Agency are the Road Controlling Authority (RCA) for state highways under the Government Rooding Powers Act 1989, Land Transport Management Act 2003 and Land Transport Act 1998. The Board delegate the RCA powers to act on behalf of NZ Transport Agency (Waka Kotahi) to the CEO, who then delegate appropriate functions to staff – refer further for information about delegations.

³ The definition of maintenance boundaries for transport purposes is usually understood to be fence-to-fence along the transport corridor, but may include the requirement to maintain additional land through agreements, MoUs or statutory requirements (which may include consent conditions or RMA reasons).

⁴ The [Public Service Act 2020](#) sets five principles for the provision of public services, one of which includes Stewardship.

⁵ The [State Highway Control Manual Part 4](#) provides the standard ATWOSH form for use in approving work within the SH corridor.

⁶ Consent for Utilities to access and carry out work on their assets within the SH corridor is managed through the Corridor Access Request process.

⁷ Community outcomes means the outcomes that a local authority aims to achieve in order to promote the social, economic, environmental, and cultural well-being of its district or region in the present and for the future as defined in the [Local Government Act 2002](#).

for their District/City. As such there needs to be a strong relationship with councils as both a neighbouring Road Controlling Authority and a custodian of community outcomes.

2.2 Our Role in Delivering Transport Outcomes

Transport provides ways for people to participate in society — it gives them access to whānau and whenua, as well as places of learning and work. It contributes to our economic prosperity and connects us with the rest of the world. It shapes land use, how our towns and cities function, and affects our health and environment.

The Ministry of Transport has established the Transport Outcomes Framework to ensure that decisions about investment in the transport system reflect the need for transport to be integrated with land-use planning, and both urban and regional development. Only then will it contribute to supporting and improving peoples' wellbeing.

The [Government Policy Statement \(GPS\) on Land Transport 2021](#) sets out the Government's priorities for transport investment over the period to 2031 in response to the five key outcomes of the [Transport Outcomes Framework](#), with the purpose of providing a transport system to improve people's wellbeing, and the liveability of places. The five key outcomes identified in the Transport Outcomes Framework are:



Figure 2: Transport Outcomes Framework – five key outcomes diagram

Inclusive access - Inclusive access enables all people to participate in society through access to social and economic opportunities such as work, education and healthcare. To be inclusive, the transport system must be accessible to all people in New Zealand including those with disabilities, low-income earners, and people of different ages, genders and ethnicities.

Healthy and safe people - The system protects people from transport-related injuries and harmful pollution and makes physically active travel an attractive option.

Economic prosperity - The transport system supports economic activity via local, regional and international connections, with efficient movements of people and products.

Environmental sustainability - The transport system transitions to net zero carbon emissions, and maintains or improves biodiversity, water quality and air quality.

Resilience and security - The transport system minimises and manages risks from natural and human-made hazards, anticipates and adapts to emerging threats, and recovers effectively from disruptive events.

2.3 Our Role as Asset Managers

The Treasury defines Asset Management as:

*the systematic and coordinated activities and practices of an organisation to optimally and sustainably deliver its objectives through the cost-effective lifecycle management of asset*⁸.

To deliver the Transport Outcomes, we are guided by the [Waka Kotahi Investment Principles](https://www.nzta.govt.nz/planning-and-investment/planning-and-investment-knowledge-base/202124-nltp/202124-nltp-principles-and-policies/investment-principles/) adopted for the 2021-24 National Land Transport Programme <https://www.nzta.govt.nz/planning-and-investment/planning-and-investment-knowledge-base/202124-nltp/202124-nltp-principles-and-policies/investment-principles/>:

1. Invest in the transport system to achieve multiple outcomes in line with the Government Policy Statement on land transport and wider government priorities and wellbeing
2. Take a robust approach to delivering best value for money, using the intervention hierarchy, social, environmental, safety, cultural and economic impacts, whole-of-life costs and benefits
3. Ensure solutions are future-focused and adaptable, considering intergenerational impacts and land-use integration opportunities
4. Collaborate and engage with the local government sector to understand and reflect local, regional and national perspectives, including Māori, stakeholder and community engagement
5. Make decisions following a transparent, risk-based process informed by a strong evidence base

The [Waka Kotahi Investment Proposal 2021-31](#) (WKIP) is the proposal for prioritising investment in state highways and provides an outline of the [State Highway Activity Management Plan](#) (SHAMP) 2021-2031⁹. It notes that “*the Strategic Asset Management Plan (SAMP) is under development to describe the strategic direction for asset management, forming a ‘line of sight’ from our desired transport outcomes and objectives through to the assets we manage. This plan will set out the framework we use to develop, direct, coordinate and control asset management activities, and align those activities with our objectives.*” The SAMP, now called the State Highway Strategy, will be a key guiding document when it becomes available.

The SHAMP sets the level of service for the investment in state highway maintenance, with the WKIP noting that “*the maintenance programme aims to sustain current levels of service and incrementally improve these where there is a gap against the One Network Road Classification (ONRC) targets and the role of place-based activities and multimodal aspects reflected in the One Network Framework. This should be done without undue service or investment risk, while improving long term efficiency and sustaining the customer experience.*”

The ONRC performance measures form a core element of our proposed performance measurement for the SHAMP. They are:

⁸ Asset Management definition from The Treasury website - [Investor Confidence Rating – Asset Management Maturity](#)

⁹ Access only available to Waka Kotahi staff.



Figure 3: SHAMP Outcomes

- **Safety** - Waka Kotahi is committed to creating a safe transport system. Ultimately, everyone needs to be able to travel and use the transport system safely, at all times (day and night), in almost all conditions (including during severe weather events, albeit at lower speeds), and have the confidence that they are able to do so.
- **Access** - Our customers want to reach their destinations reliably – every day. Reliable access supported by a resilient network is the fundamental base to a well-functioning state highway system and New Zealand’s economy.
- **Amenity** - Waka Kotahi is committed to creating a smooth road surface and managing the appearance of the road corridor to ensure an enjoyable travel experience for road users.
- **Mobility** - Continued reliable, cost-effective customer access for daily journeys contributing to an efficient and enjoyable travel experience

The [One Network Framework \(ONF\)](#) is currently being introduced as the new national road classification system to replace ONRC. It will be used to determine the function of our roads and streets and inform decision making.

The One Network Framework acknowledges the transport network has a ‘Place’ function. This means roads and streets are destinations for people, as well as transport corridors. The new framework also introduces classifications for different modes of transport, recognising that our roads and streets have different functions for different modes.

SH corridors are currently being reclassified under the ONF functions to enable application of this new approach to investment decision making for the next version of the NLTP (2024-2027).

2.4 Our Role in Connecting Communities

We provide a transport system that connects New Zealand to a safer place to live and work, more liveable places and a thriving economy.¹⁰

SH corridors help to facilitate the safe and efficient movement of people and goods throughout the entire length and breadth of the country. They link main centres of population to industrial hubs and tourism destinations. SH corridors also play an important role in delivering public transport and multi modal solutions.

SH corridors provide seamless connections with local road networks to connect communities. While the SH corridors are a small part of New Zealand’s land transport network, they provide the critical link to

¹⁰ Transport Services Group purpose statement 2021

connect communities to destinations and goods beyond their community. This includes through towns and cities, where SH corridors through urban areas need to cater for wider community functions and activities.

The boundary and interface with local roads, and with local communities in urban areas, can present challenges with regard to responsibilities and funding eligibility. The current approach is to enter into a Memorandum of Understanding (MoU) with neighbouring Road Controlling Authorities¹¹ to clearly outline where responsibilities lie, how the interface will be managed and any additional arrangements, such as for shared services. Waka Kotahi are also able to (and have in some areas) delegate their Road Controlling Authority (RCA) powers, in part or in full, to manage a state highway, or part of a state highway, in accordance with [GRPA s 63](#). Where separate agreements are required, such as delegation or a Licence to Occupy (refer section 5.7.11 and 5.7.12), these should be referred to in the MoU where possible to provide a single source of reference.

The MoU is now a key guiding document for demarcation of responsibilities between Waka Kotahi and other RCAs, and a relevant and up-to-date MoU is therefore critical in resolving issues on the SH corridors. MoU's are also in place with various government organisations that protect and govern other areas of public assets and interests. These organisations include but not limited to Heritage NZ, Kainga Ora, KiwiRail, Land Information New Zealand and the Department of Conservation¹².

¹¹ Road Controlling Authorities include Councils, Department of Conservation and any other authority responsible for managing public roads.

¹² Some government organisations, such as Department of Conservation, are both a Road Controlling Authority and an organisation that manages neighbouring public land. For this reason, there may be two or more different MoUs for the various relationships and responsibilities. Similarly, KiwiRail have both Deeds of Grant for road-rail level crossings, and an organisational MoU for boundary responsibility arrangements and relationship management.

3. Our Responsibilities

3.1 Road Funding Background

- 3.1.1 **State highway maintenance** activities are typically fully funded¹³ from the National Land Transport Fund (NLTF).
- 3.1.2 **Other public roads** are governed, managed and part funded by the relevant Road Controlling Authority (council or DoC) with jurisdiction for the road network. They are funded on a shared-cost basis between the council (known as an approved organisation under the LTMA) and Waka Kotahi from the NLTF. The NLTF contribution is managed as a share of a Waka Kotahi approved allocation on the basis of a Funding Assistance Rate (FAR) for each council. The FAR is reviewed and reset for each three-year NLTP, with rates published on the [Waka Kotahi website](#). The balance of local council costs are funded through a mix of funding sources including rates, borrowing, developer contributions and dividends from council owned organisations and investments.

3.2 Responsibilities as a Road Controlling Authority

- 3.2.1 Liability – legislation provides the tool to identify responsibilities and allocate these to the relevant party. Legislative delegation instruments then enable the responsibilities to be delegated through the responsible organisation for more streamlined decision making. Waka Kotahi staff are advised to refer to the current [link](#), to ensure full understanding of the delegations.
- 3.2.2 Contractual obligations also establish liability. Examples of agreements that might impose contractual obligations are contracts for services, delegation agreements, funding agreements and property agreements.
- 3.2.3 Consents and approvals under the Resource Management Act 1991 and other environmental legislation establish legal obligations that must be fulfilled, with penalties arising for non-compliance.
- 3.2.4 A Memorandum of Understanding is an agreement between two or more parties outlined in a formal document. It usually signals the willingness of the parties to move forward with an agreed understanding in relation to responsibilities and arrangements. A register of all Waka Kotahi MoUs is held in the [Memorandums of Understanding Register¹⁴](#) and maintained by the Cross Government Collaboration team.
- 3.2.5 While under common law the public has a right of passage over public roads, this right is not absolute and may be limited by legislation. The GRPA and LTA, for example, allow Waka Kotahi to establish bylaws to help manage its processes and risks on state highways. Bylaws may be introduced for a range of matters, including the safety of the public or better preservation of roads (s 22AB LTA, and s 61 GRPA).
- 3.2.6 As a Crown Entity, we strive to align with Government's expectations for [investment management and asset performance](#), which note that:
- The primary objective of the investment management system is to optimise value from new and existing investments and assets for current and future generations of New Zealanders.

¹³ Unless an agreement is in place for shared funding such as through an MoU with Councils, or there is separate Crown funding.

¹⁴ Access only available to Waka Kotahi staff.

- As each agency or party performs its roles in the system it should meet the following expectations:
 - recognise and respect statutory and administrative roles, functions and authorities;
 - work across government to develop, assess, and implement investments that improve wellbeing for New Zealanders;
 - consider the needs of present and future generations of New Zealanders;
 - operate management practices that meet the system objective, recognise and reduce investment risks, and improve Ministerial confidence in agency performance;
 - share information on past, current and projected investment performance to inform all-of-government management and decision-making processes;
 - build capability and minimise compliance costs by employing fit-for-purpose tools, methods, practices and policies.

3.2.7 Boundary Responsibilities - While all roads are used by road users seamlessly, it is important to agree the boundaries between SH corridors and local roads accurately to ensure appropriate lines of responsibility. Note that there may be different boundaries for different activities. Similarly, the boundary between the SH corridor and private property must also be well defined to ensure that public funding is spent appropriately. Memorandum of Understanding (MoU) agreements are essential to establishing and recording appropriate allocation of responsibilities. Please refer to section 2.4 and 3.2.4 of this document for further detail.

3.2.8 When we put all of the above aspects together, we may find conflicting drivers to achieve the outcomes we seek. Our responsibilities become uncertain when we find that funding is not allocated to enable investment in the right outcome. Specifically, we may have legal obligations to neighbours or road users which go beyond the established funding limits. Where this is the case, further assessment and advice will be necessary. In some cases, this may result in a need to seek funding approval beyond the current allocation, this will require advice beyond the guidance within this document. Care is needed to ensure decisions do not set a precedent for future investment, or if they do that the appropriate policy advice is obtained to inform and manage future changes to policy.

3.3 Responsibilities in Delivering SH Maintenance Activities

The diagram below provides a guide to understand the strategic drivers, enablers and mechanisms for programming and delivery of state highway maintenance investment activities:

Programming, Planning and Delivery Cycle for State Highway Maintenance and Management Investment

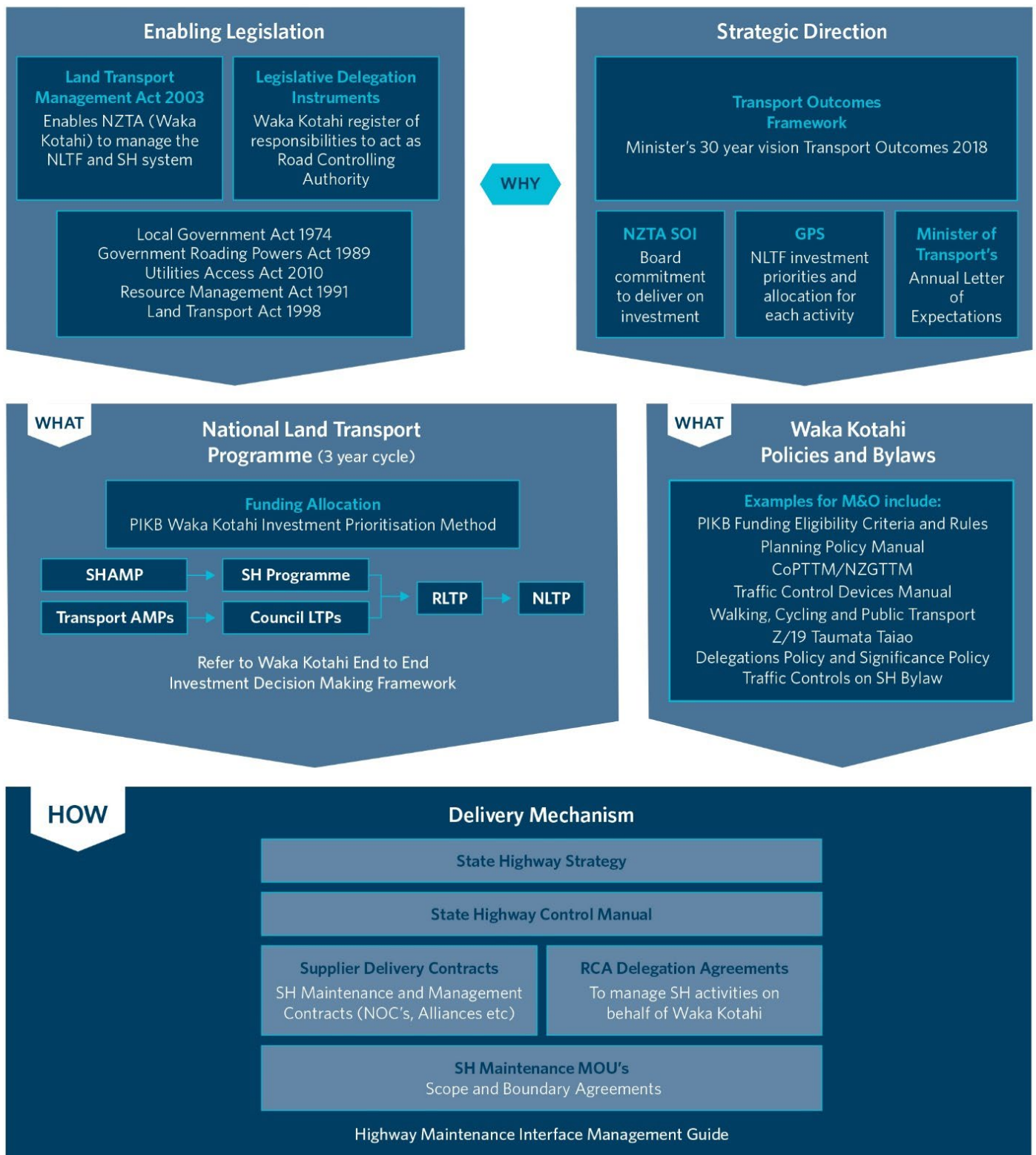


Figure 4: Programming, planning and delivery cycle for State Highway Maintenance Investment

3.3.1 Understanding the investment planning cycle

The funding for the National Land Transport Programme (NLTP) is provided from the National Land Transport Fund. Waka Kotahi allocates the Fund to activities to give effect to the objectives, results and expectations set out in the GPS.

The Waka Kotahi investment decision-making framework provides a guide to application of the three-year NLTP process for all Road Controlling Authorities, including Waka Kotahi, as outlined in the [end to end transport planning and investment diagram](#).

The priority for investment in state highways is currently directed by the GPS. The Waka Kotahi approach to applying this is documented in the [Investment Prioritisation Method for 2021-24 NLTP](#).

To reach approval status, the NLTP must give effect to the GPS priorities and direction, which are:

- Safety
- Better travel options
- Improved freight connections
- Climate change.

Funding to maintain the SH corridors is only available if investment is included in the approved NLTP. Whilst the timing to spend funding may be adjusted within the three-year period, the total value is locked in, through the allocated activity classes, and it is prudent as stewards of the SH corridors that this investment is managed as planned.

The State Highway Activity Management Plan (SHAMP) is developed as the state highway business case for investment in maintenance, operations, and improvement activities. Investment activities proposed in the SHAMP are included in the Waka Kotahi Investment Proposal, which becomes the Waka Kotahi bid for funding from the NLTP. Activities proposed within the SHAMP must be approved as part of the NLTP process before investment is confirmed.

3.3.2 Enabling Documents

[Appendix A](#) provides an outline of the existing legislation, policies and other enabling documents that are key to the day-to-day management and maintenance of state highways. However, guidance and advice from experts is necessary if interpretation is required – please refer to [Section 6](#) of this guide for the current list of key advisors within Waka Kotahi. It is also important that you check to ensure that any references provided below are current. As legislation and policies do change over time, it is possible that these changes will be out of sync with the review cycle for this document.

3.3.3 Delivery Mechanism

The guidance documents for delivery of SH corridor maintenance activities are outlined in Figure 4 above. The two key national guidance documents include:

- State Highway Strategy – currently under development by Transport Services Lead Advisor Investment Planning. It has 2 elements:
 - Provides direction on the sorts of activity we should prioritise to give effect to the 5 long term transport outcomes.
 - Provides direction on our behaviours, and how we maintain, operate and manage the state highway as a good asset manager.
- [State Highway Control Manual SM012 \(SHCM\)](#) - sets out Waka Kotahi powers and policy with regards to state highways. The manual details procedures for protection, control, asset management and work execution. It references empowering legislation and provides guidance for staff, consultants, district and city councils, regional councils and other bodies in their dealings with state highways.

As noted in Section 1. Purpose of the Guide, this guide has been produced to assist with resolving issues and difficulties that arise where responsibilities are ambiguous or uncertain, particularly around shared responsibilities or the boundary and interface between the highway asset/property and a neighbouring asset/property. Memorandum of Understanding (MoU) agreements are essential to establishing and recording appropriate allocation of responsibilities, refer to sections 2.4 and 3.2.7.

This guide also includes advice for common issues that have arisen throughout the country in recent years. If an issue is not included specifically, the following sections provide a principles-based approach for decision-making, including navigating legislation, policy, regulations and existing guidelines and for seeking advice from specialist teams within Waka Kotahi.

4. Problem Identification and Decision Guide

The following diagram provides a guide to problem identification and decision making for navigation of challenging situations for state highway maintenance and management activities¹⁵: While Section 5 of this guide provides examples for many of the commonly found challenges, new challenges continue to emerge which can be carefully navigated with the use of this process.

Decision-making Process

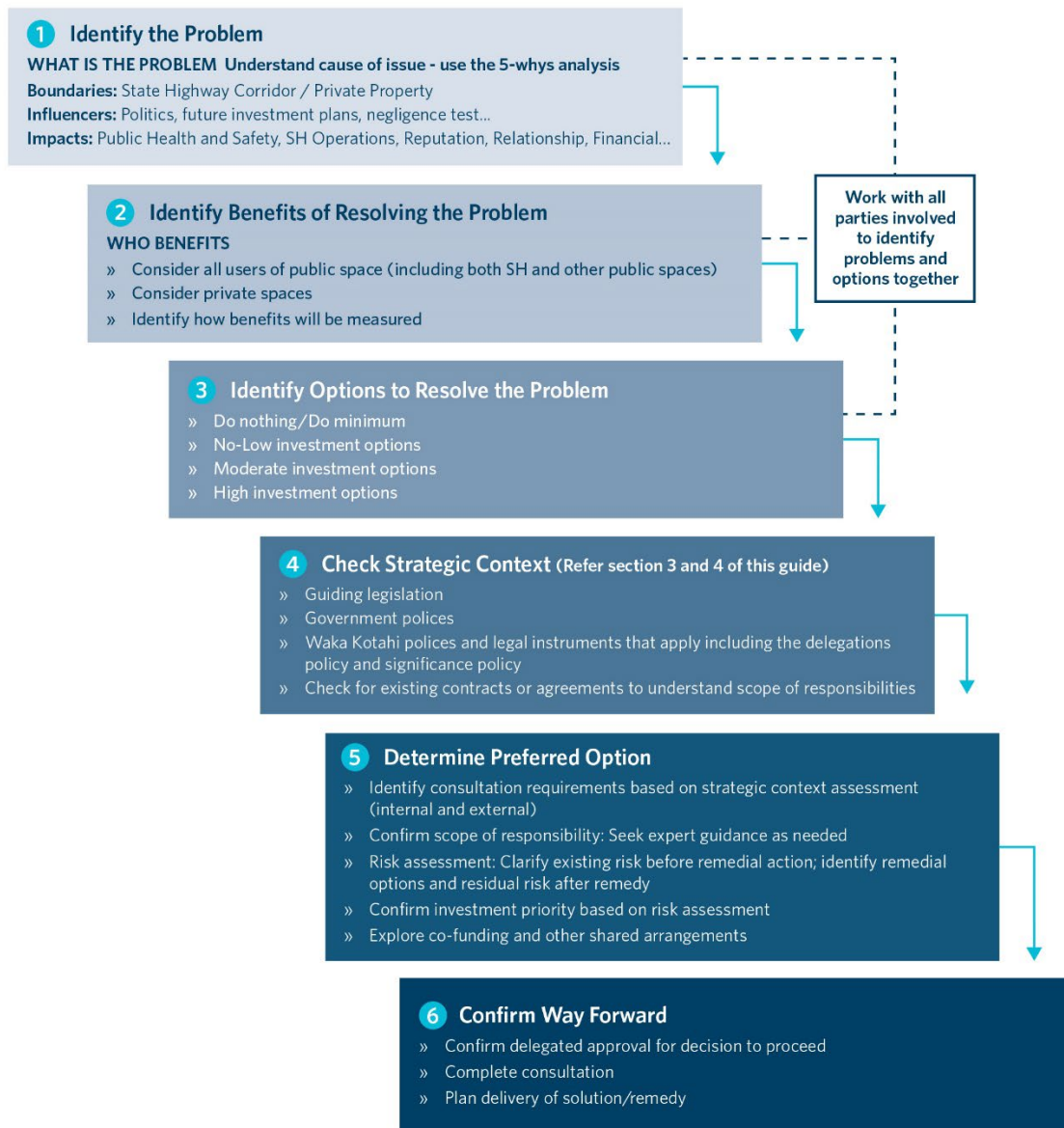


Figure 5: Decision-making process for problem solving¹⁶ within state highway maintenance and management environment¹⁷

¹⁵ Note, this process is not for use in capital improvements or to guide new investment. For advice on these areas, please refer to the end-to-end investment decision making framework.

¹⁶ The requirements for a successful legal claim in negligence or nuisance, and compliance with any relevant consent or designation conditions, must be considered when responding to any claim and legal advice should be sought.

¹⁷ Complex issues will require expert advice. For boundary issues, legal, planning and property advice is essential to guide the decision making.

5. Common shared responsibility and boundary interface challenges

5.1 How this section works

- 5.1.1 This section has been collated from examples of current and historic issues that have required more consideration and advice beyond the standard activities of state highway asset management. Whilst the Decision-Making Process in [Section 4](#) provides a guide as to how to consider a problem and determine the path to take for decision-making, these examples may be of assistance in understanding common issues and how they are dealt with.
- 5.1.2 The section is written as a list of individual examples, providing links to policies and manuals where applicable for reference to existing processes, or suggesting where to head for further advice.
- 5.1.3 It should be noted that every issue and problem is influenced by many factors and have different context that may make them unique, therefore local conditions and environment, local community needs and expectations and many other influencing factors must be identified and considered in order to make the most appropriate decision for the circumstances. Refer to Section 4 of this document to guide your consideration of these factors and approach to identifying the problem and resolution.
- 5.1.4 It is good practice when planning for new structures or assets on the SH corridor boundary, when considering applications for access to or use of the SH corridor, or for circumstances where shared responsibility is required, that an agreement is drawn up to clearly define the scope of responsibilities. The [State Highway Control Manual, Part 4](#), provides many templates for standard agreements controlling the use of the state highways.

5.2 Impact of Our Activities on Private Property and Businesses

- 5.2.1 Damage claims – claims to pay for repairs to vehicles and property are commonly received. These can result from vehicle crashes and SH corridor conditions e.g., windscreen damage from loose chip or tyre damage from potholes. [Part 3](#) (page 16-21 and 57-64), and [Part 11 \(identical copies – page 62-67 and 76-83\)](#) of the SHCM cover both cost recovery to repair and replace damaged state highway assets, and responding to claims for damage to third party property. These include templates for letters to respond to cost recovery requests. Any such payments (might be due to excessive culpability) are a Board decision.
- 5.2.2 Business disruption claims – it is important to consider impacts on businesses as a result of our activities, or from degrading SH corridor conditions. [Good neighbour policy](#) and [good communication](#)¹⁸ is an expectation to reduce impact. Refer to [CoPTTM](#) for guidance on setting out Temporary Traffic Management sites to allow safe access to private businesses and accessways. Where businesses claim costs related to SH corridor conditions refer to clause 5.2.1 above e.g., asphalt tracking onto their property, unexpected damage to trucks etc.

¹⁸ Link access only available to Waka Kotahi staff.

5.2.3 Property damage claims relating to stormwater runoff¹⁹ from the SH corridor are common in both urban and rural environments. Management of stormwater collected within the carriageway is critical to ensure overflow doesn't adversely affect other properties. Additionally, any state highway operation or planned maintenance activities should not cause nuisance to a neighbouring landowner, such as surface water runoff onto private property. In general, a downstream property is required to accept naturally-occurring water flows from an upstream property. However, the upstream property is not permitted to add to, concentrate or accelerate natural flows in a way which causes interference with downstream property.

The application of these general principles is not always straightforward, though. Claims should be considered carefully following the process in Section 4 to identify the root cause of the issue and test if the stormwater system for the SH corridor is sufficient – the [NZTA P46 standard](#) provides stormwater specifications for the construction of both new rural and urban state highways, noting that many of our roads were constructed to older specifications.

5.2.4 Noise and vibration claims – claims regarding impact to personal health and property are common, but all vary depending on location and environment. The Environment and Sustainability team within Transport Services have advised on many claims, and have developed [specific guidance](#) to assist with considering claims relating to noise. Specifically, the guidance for [road surface noise](#) and FAQs for [Vibration](#) and [Noise](#) provide examples of responses to issues.

5.2.5 The requirements for a successful legal claim in negligence or nuisance, and compliance with any relevant consent or designation conditions, must be considered when responding to any claim and legal advice should be sought.

5.3 Delegation of Responsibilities to Other Authorities

5.3.1 Road Controlling Authority responsibilities on a state highway can be delegated to councils²⁰ in accordance with [GRPA s 63](#) through a resolution approved by the Board – there is a folder on [Infohub](#) for the delegations to councils that have been signed in the last 2-3 years. Any delegation agreements signed prior to this (particularly pre-transformation) will be held in each regional office²¹. It is common for activities such as urban area streetlight and traffic signal maintenance, street sweeping, parking and no-stopping enforcement and animal control (including rural areas) to be delegated for efficiency or to allow the council to better deliver on their Community Outcomes. To develop a new delegation agreement, refer [part 11 of the SHCM](#) from page 36 onwards.

5.3.2 Whilst the delegation agreement establishes legal responsibilities, it is also standard practice to establish a Memorandum of Understanding with each council to confirm the boundaries and expectations for maintenance of the SH corridor in urban areas²², at intersections between SHs and local roads, at places of local interest and for the payment of any delegated or shared

¹⁹ Common law states that a downstream neighbour must accept stormwater from upstream, however the reverse duty is that the upstream neighbour must deliver it in such a manner that it does not cause nuisance or damage. Note that there is a section in the GRPA 1989 that allows Waka Kotahi to build a watercourse on a neighbour's property (although this is not a straightforward process) to ensure delivery happens properly. There is also a piece of law that prevents a downstream neighbour from reducing or otherwise affecting the flow in a downstream watercourse. That is a Regional Council's responsibility to action.

²⁰ The GRPA s 63 allows delegation of powers to a territorial authority, now referred to as a council.

²¹ Note that any delegations signed prior to the establishment of the NZTA (referencing Transit NZ) are likely to be no longer valid.

²² Whilst there is a standard practice related to the funding of SH corridor maintenance activities in urban areas, each council may have different requirements and expectations that can be outlined within the MoU agreement. For example, sweeping of SH corridors is covered in a standard NOC agreement, however some councils prefer a higher level of service and choose to carry out the sweeping themselves.

services as agreed. Where appropriate, specific asset maintenance can be included as exceptions in the MoUs, such as traffic signals and ITS.

- 5.3.3 Cycleways and footpaths – the PIKB local road and state highway maintenance work categories [WC124](#) and [WC125](#) explain the rules for funding footpath and cycleway maintenance, but they do not reference responsibility. While it is often thought that councils are responsible for maintenance of assets behind the kerb in urban areas, this is not captured in any Waka Kotahi investment guidance. Therefore, responsibilities must be allocated in the MoU with each council. Currently, the majority of urban footpaths and cycleways are maintained by the adjacent council at their cost in accordance with the relevant MOU. Hence the NLTP for 2021-24 only has limited funding allocated to state highways for maintaining footpaths and cycleways where it is an agreed Waka Kotahi cost.
- 5.3.4 Maintenance of rural state highway footpaths vary in form and approach. Further decisions have yet to be made relating to a more consistent approach to funding rural state highway footpaths and cycleways. Currently this is addressed in the local state highway maintenance delivery contracts or MoU with the council, unless there is a separate agreement in place with another Road Controlling Authority. The 2019 state highway maintenance contract requires use of the [Specification for Design, Construction and Maintenance of Cycling and Shared Path Facilities](#).
- 5.3.5 Bylaws are used to regulate the activities of SH corridor users. For example the Waka Kotahi bylaw for Parking and No Stopping is outlined on page 31 of [part 11 of the SHCM](#) under bylaws and included in [Bylaw 2017-14 New Zealand Transport Agency Traffic Controls on State Highways](#). Management of such bylaws can be delegated to councils to control the process, or delegation can refer to the council's own bylaws on state highways (subject to those bylaws being considered by Waka Kotahi to be of such nature that Waka Kotahi may itself have made them).
- 5.3.6 Specifically for parking, a new guideline is now available for good practice public parking management as follows: [National parking management guidance](#).
- 5.3.7 Issues can, and do, still arise around road boundaries and where councils and communities interface with the SH corridor. These can be very complex in nature and difficult to define. Gaining legal and property advice is essential to guide the decision making.

5.4 Boundaries and Responsibilities in Relation to Local Roads

- 5.4.1 Memorandums of Understanding with councils, as mentioned in Section 2.4 of this guide, should be established and regularly reviewed and updated (ideally every 3-5 years) to provide a clearly documented list of agreed responsibilities and boundary arrangements. For advice to establish these and recent examples, contact the legal team.
- 5.4.2 Responsibilities in relation to intersection management such as maintenance of median islands, advanced warning and directional signs, vegetation control, guardrails and other SH corridor furniture can vary and depends on a set of key principles including:
- [The PIKB section on Other Transport Related Funding Policies](#) identifies that in rural locations highway maintenance is to continue into each connecting local road, recommending that this reach to a minimum of 10 metres back from the limit line²³. However, individual MoU agreements may specify responsibilities for each asset e.g., it would be unhelpful if, when marking a centreline back from the limit line, Waka Kotahi did not remark the whole line even if it was longer than 10 metres.

²³ refer to the "Maintenance of local roads intersecting state highways" section at the bottom of the [PIKB section on Other Transport Related Funding Policies](#) webpage

- Maintenance includes whole islands etc. In principle, at a state highway and local road intersection, Waka Kotahi is responsible for any assets and their maintenance that provide for safe and efficient vehicle and people movements through the intersection. However, Councils are responsible for changes to the intersection controls on local roads because the side road is legally theirs. This may be carried out collaboratively through agreement with Waka Kotahi. The signs and markings will be Council owned, but are subsequently maintained by Waka Kotahi if they are within 10m or as agreed in the MoU.
- The main function of the specific asset and intersection layout – e.g., for on-ramps to a highway it may be essential to the function of the highway intersection to maintain further back to manage the full movement of traffic through the intersection.
- Practicality of maintenance activity management, e.g., it is reasonable to exercise some flexibility when resurfacing.

5.4.3 Local road name blades maintenance is defined on page 2 of [part 16 of the SHCM](#) under *Street Names*, which notes that local road names and signage are the responsibility of the council.

5.5 Boundaries and Responsibilities in Relation to Private Property

5.5.1 SH corridor boundaries can be found through [MapHub](#)²⁴ or by seeking advice from the Waka Kotahi property team. Note that for the purposes of this guide, SH corridor refers to the maintenance boundaries identified for transport purposes²⁵. For other boundary related queries, refer to the property team for guidance.

5.5.2 Private property owners are responsible for their accesses onto the SH corridor. Access is granted through the Land Use Development Application process, refer to the Planning Policy Manual (PPM) [Appendix B Accessway Standards and Guidelines](#).

5.5.3 Maintenance of private driveways is proposed to be the responsibility of the property owner, policy is in development for inclusion in the SHCM²⁶. Nonetheless, if a driveway is affected by authorised or permitted roadworks including SH corridor maintenance activities, Waka Kotahi is obligated to ensure that the driveway is restored to the same condition it was in prior to the roadworks activities. SH corridor drainage remains the responsibility of Waka Kotahi, which includes maintenance of culverts under driveways and any other drainage channels etc. If the driveway affected is found to be not approved or below standard, refer to clause 5.5.2 above for guidelines and seek advice from the planning team.

5.5.4 Limited Access Roads are sections of the SH corridor that can only be accessed from authorised crossing points. Existing Limited Access Roads are identified in the [Limited Access Road Map](#). The process to change accesses or allow new ones is detailed on the Limited Access webpage. The [PPM](#) contains guidance on access standards. For further information seek advice from the Environmental Planning team.

5.5.5 Responsibility for retaining wall maintenance can be difficult to define. While Waka Kotahi has limited control over retaining walls constructed on private property, any failures of retaining walls near the SH corridor could affect the safety and operation of the SH corridor. Some existing retaining walls are constructed with limited documentation defining ownership and ongoing

²⁴ Note that MapHub is not necessarily accurate – some formed road is on private property and vice versa. If in doubt, seek advice from the property team (e.g., to check the title or other more accurate data).

²⁵ The definition of maintenance boundaries for transport purposes is usually understood to be fence-to-fence along the transport corridor, but may also include the requirement to maintain additional land through agreements, MoUs or statutory requirements (which may include consent conditions or RMA reasons).

²⁶ As at writing this was awaiting ratification. Check for updates through the Principal Adviser Network Management

maintenance responsibilities. Use the Decision Making Process in [Section 4](#) to identify problem, cause and benefits sought. Proactive dialogue with relevant property owners and a pragmatic approach is recommended – this can be a common law issue²⁷ so more definition is required to understand the issue. Refer to Section 5.2.5 above for reference to negligence claims and seek legal advice.

- 5.5.6 For any concerns related to assets on the boundary, or private assets on the SH corridor, check if there are existing agreements in relation to maintenance responsibilities. The Environmental Planning team can assist with checking historic records. If none are available, legal, planning and property advice will be necessary to seek resolution and support decision making. All new assets on boundaries must require a maintenance agreement be approved prior to commissioning.

5.6 Responsibilities in Relation to Land Drainage and Stormwater Management

- 5.6.1 Land drainage ownership and responsibilities can be complex with many stakeholders and affected parties involved, including landowners and authorities such as local and regional councils. Water catchment areas may include the carriageway surface, surrounding land and property and can extend to the nearest highpoint particularly in rural environments. The issue relates to the SH corridor typically being the lowest point of the catchment area, therefore it receives all the rainfall runoff from the surrounding land. Refer Section 5.2.3 for guidance in dealing with property damage claims relating to stormwater runoff from the SH corridor onto private properties.
- 5.6.2 Where rainfall runoff from private property onto the SH corridor is a problem, this may come with other contamination such as vegetation, mud and debris. Responsibility for damage or contamination to the SH corridor from adjoining land can be addressed through a negligence claim as noted in Section 5.2.5 above. Legal, property and planning advice must be sought for this, for example when liaising with forestry areas.
- 5.6.3 It is important to seek legal and environmental planning advice and ensure that the relevant consenting or permitted activity requirements are understood. The Environmental Planning team can also assist with checking the rules around stormwater and advising on consents.
- 5.6.4 Management of Waka Kotahi owned stormwater systems (e.g., silt ponds) must be maintained in accordance with the consent requirements and any relevant stormwater management plans. Monitoring of consents is managed through the CS-VUE – an online compliance management platform to track and monitor our environmental statutory requirements. Refer to the [CS-VUE Getting Started Guide](#), more detail is provided in Section 5.9.5 below.
- 5.6.5 Ownership, maintenance, and replacement of stormwater assets such as catchpits and lead-pipes, as well as urban area street cleaning, sweeping and litter control activities are outlined in the PIKB under [WC 113: Routine drainage maintenance](#). It states that carriageway sweeping, catchpit and lead-pipe maintenance and renewal are part of the state highway maintenance activity scope. Street cleaning of state highways in urban areas is not fully funded and is therefore not delivered by Waka Kotahi contractors but can be partially subsidised if delivered by the council. WC 113 allows funding of 30% from the state highway maintenance programme for routine drainage maintenance – this needs to be covered in the MoU with each council. It is acknowledged that the WC 113 funding policy may be difficult to administer in day-to-day delivery of maintenance activities, so a practical approach that is acceptable to both parties can be

²⁷ Common law states that if you have affected the natural stability of a slope, you are legally responsible for ensuring support for your neighbour's property. The biggest difficulty in such long-term relationships is having decent records of who did what in the first place. Often, we have also inherited the issue from a third party, which can make resolving these difficult.

applied. The Local Road Maintenance Investment team can assist with clarifying responsibilities and provide examples of how this is applied in other council areas.

- 5.6.6 Waka Kotahi covers a percentage of the costs for relevant stormwater systems for use of this service. This has been calculated from practical measurement of typical catchments inclusive of SH corridors. The SH corridor is usually about 20% of the total catchment area contributing to the stormwater received at the catchpits on the SH corridor, less if the side roads are also contributing. This is why Waka Kotahi does not own the stormwater system in an urban area.
- 5.6.7 Waka Kotahi also builds slope drainage systems (either above or below the road) to maintain the stability of slopes. These are geotechnical structures. They are normally installed as part of a designed project (with details within the construction drawings) although some ad-hoc systems are present on networks. Such systems require maintenance to ensure their long-term operation and stability. Where funding is not available, the increased risk arising needs to be documented. The Geotechnical team can provide advice and support in considering maintenance needs and risks.

5.7 Management of Third Party Use and Encroachment of the Corridor

- 5.7.1 Approval to work within the SH corridor²⁸ is managed through an agreement to work on state highways (ATWOSH) issued under the [GRPA s 51](#) to ensure that the operator does not cause an offence in law²⁹. A template for the ATWOSH is provided on pages 38-43 of [Part 4 of the SHCM](#).
- 5.7.2 Work by councils to maintain their assets can be carried out without Waka Kotahi consent when the works are not within the carriageway ([s 52 \(3\)\(a\) GRPA](#)³⁰)³¹. The GRPA does not define carriageway, instead it provides that Waka Kotahi shall have the power to determine what part of a SH corridor shall be defined as a carriageway (s 61(4)(c)). The determination of carriageway should be recorded in the MoU with councils.
- 5.7.3 Work by utilities to maintain electricity, gas and telecommunication services is covered by the [Telecommunications Act s 128](#), the [Gas Act 1992](#) and the [National Utilities Code of Practice s 5.1.5](#) (made under the Utilities Access Act 2010).
- 5.7.4 Waka Kotahi has extensive advice and guidance on its health and safety responsibility. This guide will not try to summarise the Waka Kotahi health and safety obligations and risks associated with construction activities. Please see [OnRamp](#) for further information.
- 5.7.5 For management of advertising within the SH corridor refer to page 3 of [part 16 SHCM](#) under *Unofficial Signs*. This section of the SHCM also includes guidance for installation of Billboards and Electioneering Signs.
- 5.7.6 Electioneering Signage – during election seasons, both local government and national elections, requests will be received for installing electioneering signs on state highways. Sometimes signs

²⁸ [GRPA s 51](#) provides powers to issue penalties for damage to roads, which for this clause refers state highways. Road is defined in the GRPA as meaning any road defined in the Local Government Act 2002 s 315(1). LGA s 315(1) defines road as including every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;

²⁹ Consent for Utilities to access to carry out work on their assets within the SH corridor is managed through the Corridor Access Request process.

³⁰ Note that GRPA s 52 (4) specifically notes that section 52 does not prevail over any provision in the [Electricity Act 1992](#), the [Gas Act 1992](#), or the [Telecommunications Act 2001](#) that relates to works or maintenance on, under, or over a road.

³¹ Consent may still be required under utilities legislation (s 52(4), GRPA).

will be installed without request. Guidance is provided in [Part 16 of the SHCM](#) for dealing with these signs and requests. It is recommended that System Managers are proactive in writing to all local and regional authorities to provide details of the rules around installing signs on state highways. This is applicable for both local government and national elections.

- 5.7.7 Structures associated with council managed public services such as bus shelters and VMS etc are commonly council assets, however they need to be captured in the MoU between Waka Kotahi and the council, or other form of agreement, to clarify where responsibility lies. New assets on SH corridor require consent of Waka Kotahi as the owner of the asset, however the maintenance of assets outside the carriageway³² does not require consent in accordance with [GRPA s 52\(3³³\)](#).
- 5.7.8 The Planning Policy Manual outlines the process regarding third parties occupying the SH corridor. Where private and man-made structures such as verandas are encroaching on SH corridor, they are managed following relevant planning rules. Check with the Environmental Planning Team for assistance. When dealing with historical encroachment of structures built prior to establishment of planning rules, it is recommended to take a pragmatic approach considering road safety and operational impacts. Relevant legislation related to other structures includes:
- [s 68 GRPA](#) – provision for other facilities that Waka Kotahi considers desirable for the convenience of SH corridor users;
 - [s 316\(2\) LGA](#) – at the request of Waka Kotahi, a council may accept or relinquish its property, or any part of its property, in a SH corridor.
- 5.7.9 Stock underpass construction agreements are required for the construction of stock underpasses on the SH corridor, as per [Part 5 of the SHCM](#). Consenting for stock underpasses is controlled by councils through the building consent process. Separate agreements for maintenance and operations are also included in Part 5 of the SHCM. These are important to clearly allocate ongoing responsibilities between Waka Kotahi and the property owner. If an agreement for an existing underpass cannot be found, legal and planning advice is recommended.
- 5.7.10 Licences to Occupy Road Reserve³⁴ are used for regulating roadside vendors as outlined in the [Bylaw Regulating Roadside Vendors on State Highways](#). Licences to Occupy are also used for many purposes other than occupation of the SH corridor. A full list of templates is maintained by the Property and Legal teams and accessible on [InfoHub](#). To access existing licences or propose a new licence refer to the Property and Legal teams for advice. Any proposed use of SH corridor land that has a commercial aspect should be discussed with the property team prior to discussing and agreeing terms and conditions with the applicant.
- 5.7.11 Bridges and structures over SH corridors, or for the SH corridor to cross over local roads, usually require specific agreements to ensure ownership, rights and responsibilities are clearly allocated. Agreements should have been developed when the structure/crossing was built and legalised, so historic records should be checked. There may be a strata title in place or required for legal ownership rights to space above or below the SH corridor, but this is extremely rare. Differentiation of responsibilities may include structural integrity, general and aesthetic maintenance, transport corridor maintenance including handrails etc. To clarify any aspects of ownership, rights and responsibilities advice should be sought from the Property and Legal teams.

³² As per 6.7.2, the GRPA does not define carriageway, instead it provides that Waka Kotahi shall have the power to determine what part of a SH corridor shall be a carriageway (s 61(4)(c)). The determination of carriageway should be recorded in the MoU with councils.

³³ Consent may still be required under utilities legislation (s 52(4), GRPA).

³⁴ [Part 4 of SHCM](#) provides a template for the Licence to Occupy for roadside vendors, also included in the [Bylaw Regulating Roadside Vendors on State Highways](#). This is not appropriate for other uses relating to occupation of road reserve – refer to the InfoHub list for the appropriate template or to Property and Legal teams for further advice.

5.7.12 Tree Trimming for various purposes:

- Management of vegetation control, especially trees, in response to electricity hazards on both rural and urban SH corridors is outlined in page 23-24 of [part 18 SHCM](#) and in District plans.
- The [Telecommunications Act 2001 s 128](#), [Electricity \(Hazards from Trees\) Regulations 2003](#) and the [National Utilities Code of Practice s 5.1.5](#) (made under the Utilities Access Act 2010) contain particular requirements regarding the removal or trimming of trees.
- Envelope trimming for road safety and visibility will be detailed in the local state highway network maintenance contract and should form part of the contract's Environmental Management Plan. The [Waka Kotahi P39 Specification](#) for Highway Landscape Treatments Section L should be used to guide this work.
- In urban areas, it is not the responsibility of Waka Kotahi to carry out any vegetation control for aesthetic purposes; vegetation control should only be carried out to provide for safe and efficient operation of the SH corridor. However, to ensure the safe operation of the SH corridor, Waka Kotahi may decide there is benefit to the SH corridor from the vegetation control work. If this is the case, a fair assessment of benefits is appropriate, Waka Kotahi could then contribute to costs such as by providing traffic management. The decision-making process should be guided by Section 4 of this guide.

5.7.13 White crosses to mark a fatality site are sometimes requested by members of the public – refer to page 13 to 15 of [Part 15 of the SHCM](#) for guidance on what is permitted. NZ Police also assist with providing guidance to families concerned.

5.7.14 Requests to fly drones above the SH corridor – Approvals must be processed in accordance with page 51 to 56 of [Part 3 of the SHCM](#).

5.8 Management of Highways Crossing over Other Crown Owned Corridors

5.8.1 The Level Crossings Guide – [refer TCD Manual Part 9](#) – provides best-practice guidance for rail level crossings to both road and rail practitioners. The full set of KiwiRail Level Crossing Deeds of Grants for state highways are available to Waka Kotahi staff in the following folder in [Infohub](#). The cost of maintaining level crossings is allocated depending on the ownership of the crossing – check the Deed of Grant for details. The [Principal Advisor Network Management](#) can provide advice regarding queries relating to road-rail level crossing maintenance.

5.8.2 For bridges and structures relating to KiwiRail land, refer to [Part 10 of the SHCM](#) - Consolidated KiwiRail Sections.

5.8.3 There may also be other Deeds of Grant for encroachments on rail corridors, such as for cycleways alongside the railway, these may be stored in the following [InfoHub folder](#). All Deeds of Grant with KiwiRail incur an annual cost – refer to the [Principal Advisor Network Management for queries](#).

5.8.4 DOC conservation corridors – for management of SH corridors through national parks, reserves and conservation land refer to [Part 8 of the SHCM](#).

5.9 Responsibilities in Relation to the Environment and Compliance

5.9.1 As SH corridors connect regions, they navigate through many unique and environmentally important spaces. SH corridors run alongside public spaces, such as coastlines, reserves, community and cultural spaces. Understanding the boundary and responsibilities in relation to the needs of these spaces is complex. Environmental management responsibilities are directed by policy, statutory conditions and the contract which includes requirements contained in Waka Kotahi specifications.

- 5.9.2 The [Z19 Taumata Taiao, our Environmental and Sustainability standard](#) outlines the relevant environmental requirements for maintenance activities. Reference to Z19, the PPM and seeking advice from the Environmental Planning team is necessary. It is essential to utilise the decision process in Section 4 to ensure all relevant guidance is sought.
- 5.9.3 Waka Kotahi [Environmental and Social Responsibility Policy](#) makes a commitment to protecting and enhancing the environment as well as avoiding adverse effects during the planning, construction, maintenance and operation of the state highway network. This includes obligations to ensure maintenance activities comply with relevant environmental standards and specifications. In addition, any appropriate consents and approvals are obtained and conditions complied with. Advice should be sought from the Environment and Sustainability team within Programmes and Standards team. For any information regarding consent compliance requirements contact your regional Environmental Planning team.
- 5.9.4 State highway network maintenance and bridge management contracts require an Environmental Management Plan (EMP) as per Waka Kotahi [Environmental Management Plan Guidelines](#) to describe how the supplier will comply with environment requirements, establish environmental processes and include procedures to minimise negative impacts on the environment.
- 5.9.5 Waka Kotahi uses CS-VUE – an online compliance management platform – to track and monitor our environmental statutory requirements. Where a statutory approval such as a resource consent applies, CS-VUE must be kept up to date with respect to any conditions of that approval. The Environmental Planning team can provide advice related to consents and compliance.
- 5.9.6 Emergency Works – the RMA recognises that in cases of emergency it is not always possible or practicable to obtain consent to undertake works that would otherwise require consent under the RMA. The emergency provisions apply where Waka Kotahi considers that a state highway is affected by or likely to be affected by an adverse effect on the environment which requires immediate preventive or remedial measures, or any sudden event causing or likely to cause loss of life, injury, or serious damage to property. In these circumstances, Waka Kotahi is not required to obtain consent to undertake the emergency works. However, the RMA requires Waka Kotahi to advise the appropriate consent authority within 7 days that the activity has been undertaken ([RMA s 330A\(1\)](#)). Further, where the activity would have normally required a resource consent and the adverse effects of the activity continue, Waka Kotahi must apply for retrospective resource consents within 20 working days of notifying the consent authority that the activity has been undertaken ([RMA s 330A\(2\)](#)).
- 5.9.7 A full [Emergency Works Guide](#) has been developed to ensure that good practice is followed through an emergency response to enable full access to the funding required, refer to the [PIKB WC141](#) for the Emergency Works Process. Where emergency works are required, it is necessary to ensure the Waka Kotahi RMA consents team is advised and kept informed on progress so that they can provide support for consent applications and ensuring correct process is followed.
- 5.9.8 The emergency works activities must also comply with other necessary specifications and requirements, particularly cultural and heritage requirements (refer to the [Heritage New Zealand Pouhere Taonga Act 2014](#)).
- 5.9.9 Obligations from construction works consents, such as mitigation and landscape planting and the management of Waka Kotahi owned stormwater systems e.g. silt ponds must be maintained in accordance with the consent requirements, EMP and contract specifications. Monitoring of consents through CS-VUE is essential to ensure consent conditions are understood and managed, and surrender/closure of consents is processed when the works are complete and conditions are met/complete. CS-VUE is an online compliance management platform to track and monitor our environmental statutory requirements. Refer to the [CS-VUE Getting Started Guide](#)

5.10 Other Corridor Management Responsibilities

- 5.10.1 Rockfall and slope debris from slopes above the road can create a safety hazard and, in extreme circumstances, be a threat to life. The current process requires the identification of such areas by the maintenance contractor (noting that this may vary from contract to contract). They undertake a rockfall hazard rating (RHRS) assessment in accordance with the annual plan requirements. Such ratings are reviewed by the Programme and Standards Resilience Team from which those considered to be the most hazardous are required to have an Assessed Risk Level (ARL) assessment undertaken by an accredited person generally through the SMC (Structures Management Consultant). Where a rockfall hazard rating assessment requires more urgent action, the Geotechnical team should be consulted for advice.
- 5.10.2 Traffic Control Devices include bus lanes, cycle lanes, cycle paths, special vehicle lanes, emergency stopping lanes, one-lane roads, stock driving rules, stopping restrictions, turning restrictions, height restrictions, and engine breaking restrictions. The register for each region is published in the [NZTA Bylaw 2017/14 New Zealand Transport Agency \(Traffic Controls on State Highways\) Bylaw](#)³⁵.
- 5.10.3 Waka Kotahi has a responsibility to ensure the provision of stopping places (rest areas, viewing points or similar) that contribute to safety objectives by providing SH corridor users with the opportunity to break their journey and reduce fatigue. Guidance for Stopping Places is provided in [Part 17 of the SHCM](#). Delivery of this requires Regional Stopping Places Strategies, however there is no funding available in the 2021-2024 NLTP to develop these strategies. Refer to Part 17 of the SHCM for further details and to guide future planning to deliver this activity.
- 5.10.4 [Part 17 of the SHCM](#) also covers the [Freedom Camping Act 2011](#)³⁶, in that it only applies to local authorities and the Department of Conservation. Where issues arise relating to freedom campers creating a nuisance, legal advice is necessary to determine the appropriate legislative requirements.
- 5.10.5 Features and structures e.g. toll gates and structures, road closure gates, stock piling area, weighing stations, electronic signs, gantries, Cultural installations / Artworks and other features - refer to [s 68 GRPA](#) for guidance on the provision of other facilities.
- 5.10.6 Stock effluent disposal facilities (SEDF) are generally owned and maintained by the local council or regional council; however, Waka Kotahi maintain the access and signage where the SEDF is served directly from the SH corridor, this may also include the stopping area surrounding the facility. Refer to the relevant agreement with council.
- 5.10.7 The Maintenance and Operations team (M&O) have a role in supporting the revocation process as part of improvement projects. M&O should be advising Project Delivery and be involved in the agreement with council on outstanding work that needs completing and boundaries for maintenance responsibilities³⁷. They may also be asked to deliver any maintenance or other minor work that needs undertaking. The updated state highway [Revocation: Policy and Guidance document](#) is now available to guide responsibilities and expectations for timely decisions regarding revocation. Revocation is part of project planning, therefore should be led by the project team, with input sought from M&O – refer to current Waka Kotahi Project Management guidance for further detail on timing of input from a maintenance perspective.

³⁵ Note: the bylaw is amended to update the register – refer to the [Principal Advisor Network Management](#) for further advice.

³⁶ Last year the NZ Government announced its intended policy changes to support sustainable freedom camping in Aotearoa New Zealand, more detail is available here: [Supporting sustainable freedom camping in Aotearoa New Zealand](#).

³⁷ New boundaries for maintenance responsibilities must be added to the existing MoU with the council.

6. Internal References and Contacts

Table 1 - Internal References and Contacts

Topic	Reference	Contact Team	Current Contact Person
Highway management and maintenance standards	<ul style="list-style-type: none"> ○ State Highway Control Manual ○ Existing Highway Delegations, MoUs, Bylaws and Deeds of Grant ○ KiwiRail Level Crossings 	Programme and Standards, Service Delivery Group	Ian Cox (Wellington) / Principal Advisor Network Management Ian.Cox@nzta.govt.nz
Planning and Investment Knowledge Base (PIKB)	<ul style="list-style-type: none"> ○ Investment Principles 	Investment Assurance	Mark Yaxley (Christchurch) / Lead Advisor, Investments Partnerships and Policy Mark.Yaxley@nzta.govt.nz
Environmental Planning	<ul style="list-style-type: none"> ○ Statutory approvals (resource consents, outline plans, designations, wildlife permits, archaeological authorities, RMA emergency works) ○ Environmental compliance (conditions compliance, CS-Vue) ○ Limited Access Roads ○ Planning Policy Manual ○ Designation uplifts ○ Third party land use (e.g. subdivision, signs on private land) ○ Developer agreements 	Poutiaki Taiao / Environmental Planning, System Design	Jenni Fitzgerald (Hamilton) / Manager Poutiaki Taiao / Environmental Planning environmentalplanning@nzta.govt.nz Virginia Comer (Hamilton) / Technical Lead Compliance Virginia.Comer@nzta.govt.nz

<i>Topic</i>	<i>Reference</i>	<i>Contact Team</i>	<i>Current Contact Person</i>
Environment and Sustainability	<ul style="list-style-type: none"> ○ Waka Kotahi Environmental and sustainability operational policy ○ Z19, Taumata Taiao Environmental and Sustainability Standard ○ Environmental management plan guidelines <p>Environmental and sustainability guidelines, contract specifications and tools</p>	Programme and Standards, Environmental	<p>Sarah Cronwright (Auckland) / Manager Safe and Sustainable Standards Sarah.Cronwright@nzta.govt.nz</p> <p>Karolyn Buhring (Auckland) / Team Lead Environment and Sustainability Karolyn.Buhring@nzta.govt.nz</p> <p>Sam Bourne (Hamilton) / Team Lead Urban Design and Place Sam.Bourne@nzta.govt.nz</p> <p>Natalie Rowe (Wellington) / Lead Advisor Environmental Sustainability Natalie.Rowe@nzta.govt.nz</p>
Local Road Maintenance Investment	<ul style="list-style-type: none"> ○ MoUs for boundary agreements with councils ○ Maintenance responsibilities of councils in urban areas. 	Transport Services-National Maintenance and Operations	<p>Rob Bullick (Hamilton) / Principal Investment Advisor Rob.Bullick@nzta.govt.nz</p>
MoU Cross Government Collaboration	<ul style="list-style-type: none"> ○ Existing MoU agreements, including (but not limited to): Department of Conservation, Heritage NZ, KiwiRail etc. 	Cross Government Collaboration	<p>Genevieve Woodall (Wellington) / Manager, Cross Government Collaboration Genevieve.Woodall@nzta.govt.nz</p>

<i>Topic</i>	<i>Reference</i>	<i>Contact Team</i>	<i>Current Contact Person</i>
Legal	<ul style="list-style-type: none"> ○ Legal Advice ○ Claims ○ Reviewing new Delegations, MoUs, Bylaws and Deeds of Grant ○ Legal ownership agreements 	Legal Counsel, Environment & Property	<p>Jeremy Smith (Wellington) / Senior Legal Counsel Jeremy.Smith@nzta.govt.nz</p> <p>Mark Sly (Auckland) / Principal Counsel Mark.Sly@nzta.govt.nz</p>
Property	<ul style="list-style-type: none"> ○ Property boundaries and agreements ○ Licences to occupy ○ Property rights under Public Works Act 	Property	<p>Julian Rattray (Hamilton) / Manager, Disposals Julian.Rattray@nzta.govt.nz</p> <p>Mark Spring (Wellington) / Manager, Acquisition Mark.Spring@nzta.govt.nz</p> <p>Mike Forrest (Auckland) / Manager, Infrastructure Property Mike.Forrest@nzta.govt.nz</p>
Structures	<ul style="list-style-type: none"> ○ Bridge and structures maintenance and renewal programme ○ Advice for all structures 	Transport Services-National Programme and Standards	Barry Wright (Auckland) / Lead Advisor Structures Barry.Wright@nzta.govt.nz

<i>Topic</i>	<i>Reference</i>	<i>Contact Team</i>	<i>Current Contact Person</i>
Traffic Control Devices and Temporary Traffic Management	<ul style="list-style-type: none"> ○ Traffic Control Devices Manual ○ CoPTTM (or the new NZGTTM) 	Programme and Standards, Safety	<p>James Hughes (Wellington) / Lead Advisor Safety James.Hughes@nzta.govt.nz</p> <p>Julian Chisnall (Wellington) / Team Lead Road Safety Julian.Chisnall@nzta.govt.nz</p>
Walking and Cycling	<ul style="list-style-type: none"> ○ Programme and standards for Walking and Cycling activities 	Transport Services-National Programme	Gerry Dance (Wellington) / Team Leader Multimodal Gerry.Dance@nzta.govt.nz
Geotechnical	<ul style="list-style-type: none"> ○ Geotechnical ○ Rockfall protection and prevention ○ Land instability 		Stuart Finlan (Hamilton) / Lead Advisor Geotechnical Stuart.Finlan@nzta.govt.nz
Road Safety	<ul style="list-style-type: none"> ○ Safety in Design ○ Road safety audits and reviews ○ Design reviews for road safety 		James Hughes (Wellington) / Lead Advisor Safety James.Hughes@nzta.govt.nz

7. Appendix A: Enabling Documents

This appendix provides an outline of the existing legislation, policies and other enabling documents that are key to the day-to-day management and maintenance of state highways. However, guidance and advice from experts is necessary if interpretation is required – please refer to Section 6 of this guide for the current list of key advisors within Waka Kotahi. It is also important that you check to ensure that any references provided below are current. As legislation and policies do change over time, it is possible that these changes will be out of sync with the review cycle for this document.

7.1 Key Legislation, Government Policies and Expectations

- 7.1.1 [Ministry of Transport's Transport Outcomes Framework](#) - The Transport Outcomes Framework sets a purpose for the transport system centred around the well-being of New Zealanders and the liveability of places.
- 7.1.2 [Government Policy Statement \(GPS\) on Land Transport 2021](#) - The GPS is issued by the Minister of Transport and reviewed at least once every 3 financial years. The GPS sets out what the government wants land transport to achieve through investment in different types of activity (for example, state highways, roads, road policing and public transport). It must also set out how much funding will be provided and how this funding will be raised. The GPS also enables the government to take a longer-term view of its national land transport objectives, policies and measures.
- 7.1.3 [Waka Kotahi NZ Transport Agency Statement of Intent \(NZTA SOI\) 2021 -2026](#) - As a crown entity under the [Crown Entities Act 2004](#), Waka Kotahi is required (s 139) to prepare an SOI³⁸. The purpose of a Statement of Intent (s 138) is to promote the public accountability of a Crown entity by:
- (a) *enabling the Crown to participate in the process of setting the Crown entity's strategic intentions and medium-term undertakings*
 - (b) *setting out for the House of Representatives those intentions and undertakings*
 - (c) *providing a base against which the Crown entity's actual performance can later be assessed.*
- Note: The KPI for state highway Maintenance is measured by the proportion of the state highway network that meets minimum asset condition requirements – [refer page 39 of the SOI](#).*
- 7.1.4 [Waka Kotahi NZ Transport Agency Statement of Performance Expectations](#) - Under the Crown Entities Act 2004 Waka Kotahi is also required (s 149C) to prepare a Statement of Performance Expectations, before the start of each financial year. Its purpose (s 149B) is to:
- (a) *enable the responsible Minister to participate in the process of setting annual performance expectations; and*
 - (b) *enable the House of Representatives to be informed of those expectations; and*
 - (c) *provide a base against which actual performance can be assessed.*
- 7.1.5 The [Minister of Transport's Annual Letter of Expectations to Waka Kotahi \(NZTA\)](#) - The Crown Entities Act 2004 allows for Ministers to communicate expectations on strategic direction and performance expectations, which is done through the Annual Letter of Expectations, which Waka Kotahi reflects through the annual Statement of Performance Expectations.

³⁸ Content required for the Statement of Intent is provided in the [Crown Entities Act 2004 s141](#)

- 7.1.6 [Government Roothing Powers Act 1989](#) (GRPA) – The GRPA provides Waka Kotahi with the necessary powers to build and maintain state highways (s 61), including the ability to declare and manage limited access roads (ss 88 – 98).
- 7.1.7 [Land Transport Management Act 2003](#) (LTMA) – Legislation establishing the NZ Transport Agency³⁹ and enabling the Transport Agency to manage the National Land Transport Fund (NLTF) and the state highway system. The purpose of the [LTMA \(s 3\)](#) is to contribute to an effective, efficient, and safe land transport system in the public interest.
- 7.1.8 [Utilities Access Act 2010](#) – which establishes the [National Code of Practice for Utility Operator's Access to Transport Corridors 2019](#) for regulating access to transport corridors for the provision of utility services.

7.2 Transport Programmes and Investment Plans

- 7.2.1 The [National Land Transport Programme 2021-24](#) (NLTP) – Waka Kotahi must prepare and adopt an NLTP every three years to give effect to the GPS and to contribute to the purpose of the LTMA. The NLTP includes a list of the activity classes identified in the GPS to be funded from the national land transport fund, and their proposed level of funding. In preparing the NLTP, Waka Kotahi must take into account any regional land transport plans, national energy efficiency and conservation strategy, and relevant national policy statement and any relevant regional policy statements or plans that are in force under the RMA (s 19B).
- 7.2.2 [National Land Transport Fund \(NLTF\)](#) - While the GPS provides a national picture of land transport funding, the specific detail of how funding is invested is the responsibility of Waka Kotahi. Waka Kotahi investment in the land transport system is implemented through the Fund. The Fund is the main central government funding source for the land transport system. All Fuel Excise Duties and Road User Charges are allocated directly to the Fund. Additionally, a portion of motor vehicle registration income, track user charges from rail users, and other revenue is paid into the Fund. Waka Kotahi allocates the Fund to activities to give effect to the objectives, results and expectations set out in the GPS.
- 7.2.3 Regional Land Transport Plans (RLTPs) – The RLTPs provide each region's view of transport issues and priorities seeking investment from the relevant NLTP. This includes transport priorities for local roads and state highways. A Council's Long-Term Plan provides input into the RLTP for their region.
- 7.2.4 The [Waka Kotahi Investment Proposal \(WKIP\) 2021-31](#) – provides the Waka Kotahi bid for funding state highway activities within each region for inclusion in the RLTPs (each council provide their bid to the RLTP in the form of transport activity management plans and Long-Term Plans).
- 7.2.5 [State Highway Activity Management Plan 2021-31](#) – the Waka Kotahi business case for investment in the state highway asset management activities within the NLTP.

³⁹ Whilst the Transport Agency now refers to itself as Waka Kotahi, legislation refers to the NZ Transport Agency and has not yet been updated to the new title. Therefore, any contractual arrangement established for Waka Kotahi needs to recognise that the legal entity is the NZ Transport Agency – often for legal purposes the full title of NZ Transport Agency Waka Kotahi is used.

7.3 Waka Kotahi Strategic and Operational Policies, Legal Instruments and Manuals

7.3.1 [Planning and Investment Knowledge Base](#) (PIKB) - PIKB sets out the Waka Kotahi investment policies and requirements for investment from the National Land Transport Fund; including which activities are eligible for funding under each work category within each activity class. The GPS sets out the funding range and government priorities for investment through each activity class and the NLTP as a whole; [refer to the NLTP 2021-24 Activity Classes breakdown](#).

For state highways, the [PIKB Activity Classes Summary](#) notes that:

Table 2 - State Highway Maintenance Activity Class Summary

State highway maintenance Activity Class	Types of activity that could be funded through this activity class	Likely scope of investment (based on forecast revenue & planned spend)
<p>GPS key results:</p> <ul style="list-style-type: none"> • Safer land transport network • Freight routes that are more reliable • Freight routes that are more resilient • Reduced number of deaths and serious injuries 	<ul style="list-style-type: none"> • Operation of existing state highways to optimise existing infrastructure and deliver an appropriate level of service • Maintenance of existing state highways to deliver an appropriate level of service, excluding asset upgrades • Renewal of existing state highways to deliver an appropriate level of service • Footpath and cycle infrastructure maintenance & renewals • Bridge and structure maintenance & renewals • Urgent response to transport network disruptions to restore an appropriate level of service [including emergency works] • LED streetlight replacement programmes (as part of a renewals programme) • Like for like end-of-life bridge replacements • Emergency works including response and reinstatement • Routine community road safety promotion activities⁴⁰ • Routine travel demand management activities⁴¹ 	<ul style="list-style-type: none"> • Will fund works to minimise decline in condition and risk to service levels (e.g., safety) in line with forecast demand • Funding is set aside to respond to emergency events

7.3.2 Waka Kotahi NZ Transport Agency Funding Delegations Policy - summarises current planning, funding and procurement delegations from the Waka Kotahi Board and Chief Executive to

⁴⁰ Added for this guide as an additional routine network operational activity that is funded.

⁴¹ Added for this guide as an additional routine network operational activity that is funded.

management and staff. Powers granted to Waka Kotahi by legislation (e.g. GRPA, Land Transport Act 1998) sit with the Waka Kotahi Board unless delegated down. The Board have reserved some powers while the rest have been delegated to the Chief Executive.

- 7.3.3 The Chief Executive has delegated powers to Waka Kotahi staff. These delegations are set out in excel spreadsheets. Waka Kotahi staff are advised to refer to the current [NZTA link](#), to ensure full understanding of the delegations.
- 7.3.4 State Highway Delegations to other Road Controlling Authorities – Waka Kotahi may delegate any of its functions, duties and powers to construct, maintain and control any state highway, or portion of a state highway, to territorial authorities (s 62, GRPA). Any delegation must be effected by a resolution of Waka Kotahi, which may be subject to conditions (s 63, GRPA).
- 7.3.5 [State Highway Control Manual SM012 \(SHCM\)](#) - sets out Waka Kotahi powers and policy with regards to state highways. The manual details procedures for protection, control, asset management and work execution. It references empowering legislation and provides guidance for staff, consultants, district and city councils, regional councils and other bodies in their dealings with state highways.
- 7.3.6 [Planning Policy Manual \(PPM\)](#) – currently under revision, the manual sets out Waka Kotahi policy and approach to integrated planning. The new version will include the following sections:
- Part 1 – Guidance on third party land use activities affecting the state highway network. This section contains guidance relevant to the Waka Kotahi Maintenance and Operation Team, including Limited Access Roads (LAR) and state highway access standards, reverse sensitivity, signs on/visible from state highways, roadside vendors, connecting utilities in the state highway corridors and cost sharing for third party consents and plan changes.
 - Part 2 – Guidance in relation to Waka Kotahi legislative requirements, priorities and strategic direction
 - Part 3 – Planning and delivering the state highway network
- 7.3.7 [Code of Practice for Temporary Traffic Management \(CoPTTM\)](#) – the guide for temporary traffic management, which sets the requirements to work safely on a road. CoPTTM is currently undergoing a full review to move to a more risk-based approach; the website link provides progress updates on the review and associated change management.
- 7.3.8 [Traffic Control Devices Manual \(TCDM\)](#) - The manual provides guidance on industry best practice, including, where necessary, practice mandated by law in relation to the use of traffic control devices in accordance with the [Traffic Control Devices Rule](#). Traffic control devices include all forms of road signs, road markings, barriers, sight rails and delineators. It also includes speed management, the Code of Practice for Temporary Traffic Management (CoPTTM), level crossings, parking control and signs and markings for motorways and expressways.
- 7.3.9 [State Highway Bylaws](#) – The Government Rooding Powers Act (GRPA) allows Waka Kotahi NZ Transport Agency to have the power to establish roading bylaws to help manage its processes and risks on the state highway network. A full list of state highway Bylaws is available through the link in the website. As this spreadsheet may not be current at the time of reading it is important to review the bylaws web page for recent amendments.
- 7.3.10 [State Highway Environmental and Social Responsibility \(ESR\)](#) – this webpage link provides information to the Waka Kotahi teams on how and where to implement the Waka Kotahi environmental and social responsibility requirements as part of any highway work. The [Z19 Taumata Taiao, our Environmental and Sustainability Standard](#) includes a series of tasks to be completed at different phases of state highway work. The standard contains links to all relevant environmental guidelines and specifications.

7.3.11 Additionally, Waka Kotahi has committed to the following strategies and directives:

- [Waka Kotahi Sustainability Action Plan](#)
- [Vision Zero/ Road to Zero Strategy](#)
- [Te Ara Kotahi \(Māori Strategy\)](#)
- [Walking, Cycling and Public Transport Policies and Guidance](#)

To search for specific standards, guidelines and manual, a useful reference is the [Waka Kotahi NZ Transport Agency standards and guidelines register for land transport](#).