

FINAL SUBMISSION – SETTING OF SPEED LIMITS RULE 2021

25 June 2021

INTRODUCTION

This submission is made on behalf of the Transportation Group NZ (TG). The National Committee members have compiled this submission and sought feedback from TG members.

TRANSPORTATION GROUP NZ

Transportation Group NZ is a Technical Interest Group of Engineering New Zealand with approximately 1,200 members in total (approximately half being engineers). Membership is made up of transportation, traffic engineering, and planning professionals working in central government, local government, academia and the private sector.

With an organisation of this size, it is invariably difficult to gain consensus on all matters within a submission. This submission has been developed initially by a National Committee member with input from other interested people, and then feedback sought on that draft from the wider membership. As much as possible we have focused on areas where our members have some expertise in the matters being discussed, rather than being general opinions. In presenting our final view, we acknowledge that there have been a few dissenting views to some of the matters presented.

GENERAL COMMENTS

In general, we support the overall intent and direction of the Government's reform of the Land Transport Rule - Setting of Speed Limits 2021, particularly for its safety-focused goals and efforts to make the process of changing speed limits easier. The move away from default 50 km/h and 100 km/h speed limits to "safe and appropriate speeds" as the starting point for setting speed limits is also welcomed from a Vision Zero standpoint. As well as Road Controlling Authorities (RCAs) benefiting from the improved procedural process, the resulting speed management regime will produce a transport network that will considerably benefit all road users, especially children and active mode users.

As always, the devil is in the detail and in the willingness of the Government and its road safety partners to make the necessary "hard calls" to implement some of the proposed measures. As an industry group with a wide range of expertise across speed management, we are more than happy to assist the Government in any way we can with the implementation and promulgation of this Rule, including development of and feedback on proposed new speed management guidance.

Discussions to date with some industry staff, particularly from RCAs, highlights some general uncertainty about the speed management process and key aspects of it such as the development of speed management plans and the use of various speed management measures. To that end, we strongly encourage that industry training in speed management is developed, which introduces the new Rule and best-practice for speed management planning and implementation.

Although we note that the issue of enforcement of speed limits and the use of speed cameras is not specifically covered by this Rule, we strongly urge the Ministry of Transport to review the existing penalties for speed infringements, particularly the relatively low infringement fines and demerit points for speeding.

CONSULTATION QUESTIONS

To assist with the submission review process, we have sought to capture our thoughts within the framework of the specific questions asked in the public consultation - our answers are given in **red text** below.

Speed Management Plans and Speed Management Committee

1. Do you think the proposed Speed Management planning process should replace the existing bylaw process? If not, why not?

Yes, we are very supportive of the general aims of this new Rule, as it seeks to simplify the ongoing implementation of new speed limits for RCAs). The requirement to only consult once on a Speed Management Plan every three years for the whole network rather than for each individual speed limit change is particularly welcomed. A region-wide and nation-wide approach to setting speed limits should also ensure a more consistent approach across the roading network. And the new national Register of speed limits will reduce the costs associated with the current bylaw processes.

2. How do you think the timing of the Speed Management Plans should fit with the National Land Transport Programme process and Regional Land Transport Plans? For example, do you think the Speed Management Plans should be prepared at the same time as the Regional Land Transport Plans?

We believe that the development of Speed Management Plans will need to be completed (or at least well advanced) prior to the commencement of the development of the Regional Land Transport Plans. Speed management plans would need to be confirmed at least 12 months in advance of either a new or a review of a RLTP. This will be necessary so that the outcomes of the consultation completed for the Speed Management Plans will be able to feed into the development of the engineering and education components of the RCA programme and funding applications to the RLTP development.

There is a need for a national online tool that makes it quick and easy to submit, review and approve speed limits that are different to Waka Kotahi's estimate of what is the safe and appropriate speed limit for the road (as currently indicated by MegaMaps). This tool should be able to be utilised by the RCA (or their consultants) to provide updated information about a road section, or to propose changes to the existing sectioning of road lengths.

3. Do you support the proposed joint consultation process for State highway and Regional Speed Management Plans? If not, why not?

Yes; a joint consultation process will help the community and other stakeholders to understand the logic of proposed speed limit changes and the inter-relationship between the state highway network and local road network. However, it is not clear whether this will be feasible given the likely differences in timeframes around the country. In theory, a single national SH Plan has to be coordinated with 16 separate regional speed management plans. The logic of having a single national SH Plan also seems unclear when the most important interactions for state highways will be at a regional level with adjacent local roads.

We note that some Unitary Authorities are adjacent to each other (e.g. Nelson City and Tasman District), and it would seem prudent to have consultation and alignment between regions in this case as well.

4. Do you think the content requirements are appropriate, both for full and interim Regional Speed Management Plans? If not, why not?

For those RCAs that have already produced a speed management plan, Clause 12 of Schedule 3 seems to imply that a new Plan will have to be prepared. It would be better to have the ability for existing Plans to be recognised and certified (if necessary with any minor changes).

In a similar vein, some RCAs are currently preparing speed management plans that would appear to have to refer for now to the existing 2017 Setting Speed Limits Rule (e.g. the use of bylaws to introduce new speed limits, individual listing of all streets), even though most of their practical implementation is likely to occur after the 2021 Rule is enacted. We seek some clarification around expectations for the preparation of Plans at present.

Regarding clause 3.5(1)(d) about speed limits that do not align with the safe and appropriate speed in MegaMaps, it should not be necessary to list every single differing proposed speed limit if the reasons behind them are simply due to incorrect or out of date information in MegaMaps and this is agreed with the Agency.

In reviewing the required content of a speed management plan under clause 3.7, we would argue that some of this information is unnecessary or at least impractical to provide in a plan, e.g. exact dates for implementation, monitoring of effects of previous plans. We suggest that certain elements of a plan be listed as optional or listed separately outside the Rule in the speed management guidance as recommended practice.

We note that the proposed content focuses solely on the road safety role of speed management plans. While important, we feel that Plans should also acknowledge where appropriate other objectives of speed management, such as improvement to public amenity and encouragement of active modes.

5. Do you support the proposed approach for the transitional period prior to 2023? If not, why not?

We note that clause 3.13 requires the Agency to prepare guidance on speed management for RCAs and the industry at large. We are unsure what timeframes this will take to prepare and what weight will be given to the existing Agency speed management guidance in the interim (some of it which is likely to contradict best-practice advice going forward).

6. Do you think the respective roles of RCAs and RTCs proposed under the new rule are appropriate? If not, why not?

We believe that the proposed roles are appropriate. However, the responsibility and power of Regional Transport Committees (RTCs) needs to be considered carefully. These committees tend to be non-expert, being dominated by representatives of the constituent district and city councils. This paucity of expertise is in contrast to the expectations of the proposed Speed Management Committee overseeing the State Highway SMP. At the very least, there should be a requirement for suitable training of RTC members about best-practice speed management measures and that they receive suitable technical advice from the Agency and staff members of a regionally created technical committee.

7. Do you support the proposed approach for consultation, including the separate requirement for Māori? If not, why not?

We are particularly heartened by the move to no longer name specific parties in the Rule who must be consulted (e.g. NZAA, RTF), sometimes to the detriment of other relevant stakeholders (e.g. active mode users and local residents/businesses). We would still encourage suggestions for possible stakeholders to consult with to be included in the updated Speed Management Guide.

We are unclear whether the specific requirements to consult with Māori are necessary in addition to the existing requirements already covered by related legislation such as the Land Transport and Local Government Acts. Section 3.8 (7) should only refer to Treaty obligations if this is not adequately covered by Section 82 of the *Local Government Act 2002*, noting that Clause 2 in Section 82 specifically refers to consultation with Māori.

8. Do you think the Speed Management Plan certification requirements are appropriate? If not, why not?

We question how State Highways are practically incorporated into Regional Speed Mgmt Plans; presumably the Independent Committee must have certified the proposed speed limits. We believe that the Committee would benefit from being able to see how the proposed state highway changes relate to the changes proposed on the local roads, so the Regional Plans could be used for the certification of the state highway programme by the Committee and would not require a separate document - creating a 'one stop shop' for all speed management in a region.

9. Do you think the scope of the Speed Management Committee's role is appropriate? If not, why not?

We suggest that the role of the proposed Independent Speed Management Committee could be expanded to deal with more than just approval of the State Highway SMP and could provide an avenue for providing technical advice on or independent review of Regional SMPs, including resolving points of difference/inconsistencies between RCAs, RTCs and Waka Kotahi.

10. Do you think the Speed Management Committee member requirements are appropriate? If not, why not?

While the requirements and attributes of the Committee members listed in Schedule 2 seem quite comprehensive, we would recommend that all incoming members receive some form of training or briefing on basic speed management research, principles and best practice to ensure that they are fully aware of the evidence behind the decisions and can come to consistent conclusions.

We note that the specific requirement regarding diversity included in the Crown Entities Act has been omitted. Diversity will be important for this committee to ensure that the committee is able to be representative of the all the parties listed in Schedule 2, Clause 1(3)(b).

11. Do you think the settings for when to use the alternative process for making speed management changes are appropriate? If not, why not? Are there any other situations where the alternative process could be helpful?

We note that more specific guidance in clause 2.5 regarding differences in timeframes or location points is needed to identify when the alternative method via Director Approval will be required.

12. Do you think the process for RCAs that are not territorial authorities to make speed management changes is appropriate? If not, why not?

In general we are supportive of this, although it's not entirely clear what is the practical benefit of this – is it so that Police could prosecute speeding offences in these locations? We would also note that the examples provided are of Department of Corrections and supermarkets, which do not seem the most likely bodies; the likes of Dept for Conservation and university campuses may be better ones to list.

Section 6 does not specifically require the RCA to be considering the speed limits in the surrounding road network and consulting with the neighbouring RCA (generally a territorial authority) in developing any speed limit changes/programmes. It is noted that many of these RCA roads blend into the general territorial authority without being noticeably different and the general public will not understand the boundary between the two RCAs.

Use and lodgement of speed limits

1. Do you support the proposed approach for creating an emergency speed limit? If not, why not?

Yes; this is basically the same process as before, now with the use of the Register.

2. Do you see any issues with temporary speed limits sitting outside the Register for the time being? If so, what are these?

Given the huge number of temporary speed limits at any given time across the country, and often changing quite dynamically over a short time period, it would seem impractical to require them all to be placed in the Register in the long-term.

As a related side note, we request that the Agency consider the ability for temporary traffic management requirements to more easily be prepared, introduced and managed on lower-speed low-risk roads, as was recently done to allow roadway art on such roads.

3. Do you think it is clear how the Register should be used? If not, why not?

We note that, under the proposed Clause 2.1(1)(c), any road not captured by the Register or a bylaw will have a default speed limit of 100 km/h. Would it not make more sense to set a lower default limit of (say) 30 km/h? This would serve as an incentive to get it registered quickly; it would also prevent “technically legal” speed limits of 100 km/h being applied even to new residential subdivision roads that haven't yet been submitted to the Register.

4. Do you support RCAs being able to set 70 and 90 km/h speed limits without approval from Waka Kotahi? If not, why not?

Generally, we are supportive of the ability to reintroduce the ability for RCAs to use 70 and 90 km/h limits, as it will assist the pragmatic introduction of more appropriate speed limits for some road environments as they currently stand, thus achieving better public support and buy-in. Any concerns about small (<20 km/h) changes in speed between road sections seem inconsistent when we continue to have similar small differences for roads with ≤ 60 km/h limits and those with 100/110 km/h limits. We note some debate about this amongst our members and can appreciate the longer-term desire to have a more limited range of speed limits and associated self-explaining roads; however, this is unlikely to be the case any time soon given the wide range of road environments at present.

5. Do you think RCAs should only have the ability to use 70 and 90 km/h speed limits as interim speed limits (as opposed to permanent speed limits)? If so, would three years be an appropriate term for these speed limits?

A limitation of term should only be considered if the Agency is able to provide funding to assist an RCA to introduce suitable physical measures to either “engineer up” or “engineer down” a road. We note that MegaMaps still does not consider the explicit possibility of engineering down an existing road section, i.e. introducing appropriate speed management treatments to better align a road environment with a lower speed limit.

6. Do you support RCAs being able to set variable speed limits without approval from Waka Kotahi? If not, why not?

Yes - we believe that there is sufficient guidance and experience in the use of variable speed limits in New Zealand to allow these to be set by the RCA.

7. Do you think the circumstances for setting variable speed limits without Waka Kotahi approval are appropriate? If not, why not?

Yes - we support the specific circumstances set out in Clause 4.8(1)(b) of the draft Rule for RCAs to be able to set Variable Speed Limits without the Directors approval.

8. Do you think there are any situations where Waka Kotahi approval should be sought? If so, what are these?

It is expected that there will continue to be new situations where variable speed limits may be considered appropriate as a safety or traffic management tool to reflect different numbers or types of road users by time of day or year (this could also include their use for seasonal speed limits). It is hard to foresee these but, for any new applications of these types of speed limits, Director approval should be sought in the first instance so that appropriate monitoring and evaluation of the situation can be completed.

9. Do you support the proposal to replace urban traffic areas with speed limits areas? If not, why not?

Yes - these should enable a large reduction in the number of roads being specifically listed for the same speed limit (which has the potential to overlook small lanes and minor roads otherwise).

10. Do you think it is appropriate to use speed limits areas to set any speed limit (up to 100 km/h)? If not, why not?

Yes - it should make administration easier in the longer term and move away from having to list a large number of streets that do not meet the requirements of current urban traffic areas or the existing default 100km/h speed limit.

Speed limits around schools

1. Do you support the timeframes for introducing safer speed limits around schools (an initial 40% of changes to be completed by 30 June 2024 and the remaining by 31 December 2029)? If not, what do you think would be more suitable timeframes?

While we are fully supportive of this proposal, it is not clear what funding will be available to assist RCAs to implement the necessary signage (and possibly speed management) for school zones in their districts, e.g. Road to Zero activity class

funding. We also question why similar provisions do not also apply (at least optionally) around early childhood education and care centres, or tertiary institutions.

Draft clause 5.2(5) also appears to provide a way for RCAs to not have to provide an explanation why an existing 40 km/h school zone should be allowed to remain at that speed rather than being reduced to 30 km/h; this seems inconsistent with clause 5.2(4). There is strong support amongst our membership for pushing most school speed zones towards 30 km/h, which would be more consistent with the “Stockholm Declaration” on road safety, signed by our Government in March 2020. We would also suggest the future possibility of introducing 20 km/h speed limits around school gates when children are present, as is currently required with school buses picking up and dropping off children.

2. Do you support the proposal that RCAs would designate rural areas? If not, why not?

We support the approach that this is an active step an RCA must take, rather than having default rural school speeds. However, this should be guided by advice from the Agency, such as a default recommendation in MegaMaps.

3. Do you think the presence of a school nearby meets the ‘point of obvious change in the roadside development’ requirement for a change in speed limit? If not, why not?

No; the mere presence of the school would be insufficient in many cases as the school may be set back well from the road up a driveway or behind other buildings or vegetation, so many not be immediately obvious. We believe that there is a need for appropriate supporting signage defining the school frontage in order to become an ‘obvious change in the roadside development’ and to highlight the presence of the school.

4. When setting variable speed limits around schools, do you support RCAs having the ability to determine school travel time periods (whilst having regard to guidance from Waka Kotahi)? If not, why not?

Yes - but there should be caution exercised by RCAs before making any changes beyond that provided in the guidance. Consistency in approach throughout the country is key to ensuring that motorists know what to expect and are more likely to understand and comply with the requirements.

Other proposals

1. Do you agree RCAs should not be able to change a speed limit for a period of five years, if directed to change the original speed limit by Waka Kotahi? If not, what do you think would be a more appropriate timeframe?

The timeframe should be determined on a case-by-case basis and should only be subject to complying with the requirements of the Speed Limit Rule 2021 and associated guidelines - including inclusion in the relevant Speed Management Plan. A 3-year period may be more appropriate to align with the update cycle of Speed Management Plans. It is very possible that there may be changes to the adjacent land use and physical nature of the transport corridor occurring within the 5-year period that would make a speed limit change appropriate prior to the expiry of the proposed period.

2. Do you think the minimum length and signage requirements for speed limits should sit in guidance provided by Waka Kotahi? If not, why not?

There is some debate on this - having these included in the Speed Limits Rule would help with the delivery of consistent speed management regionally and nationally. However, there are always exceptions to standard situations where some professional judgment may be required to achieve the best practical outcome, and being relatively new there may be further changes to suggested best-practice requirements, so it may be better being referred to in the guidance where it can more easily be changed.

3. Do you think the use of mean operating speed should sit in guidance provided by Waka Kotahi? If not, why not?

Guidance on the use of mean operating speeds would be better placed in supporting documentation like the Speed Management Guide, rather than the Rule itself, to avoid being constrained by the Rule technically disallowing some situations. While it is desirable that the resulting mean operating speeds roughly reflect the posted speed limit of a road, this is not always possible with the current physical road environment (and limited funding to make complementary physical road changes at the same time). A reduced speed limit that still reduces current mean operating speeds (as is usually the case¹) will still provide a safety improvement over the status quo.

Thank you for your consideration. For more information please contact:

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¹ Evidence is noted in Koorey G., Frith W. (2017), "Changing Rural Speed Limits – Learning from the past", *IPENZ Transportation Group Conference*, Hamilton, 29-31 Mar 2017 - <http://viastrada.nz/pub/changing-rural-speed-limits>