
Questions and Answers: Heavy Vehicle changes August 2017

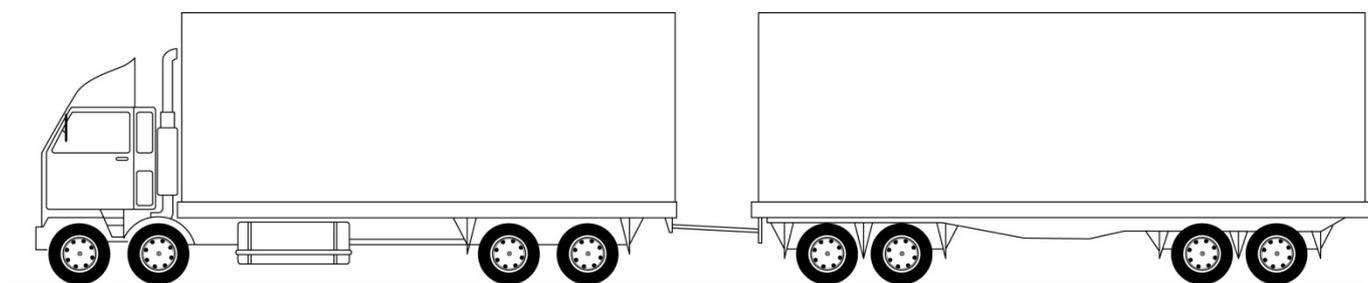
16 August 2017

VERSION 04

A set of changes to heavy vehicle regulation has been made, via the Land Transport Amendment Act 2017. These changes came into effect on 11 August 2017. Some other parts of the Amendment Act have different effect dates (small passenger services on 1 October, alcohol interlock changes in mid-2018).

Most of the changes for heavy vehicles are to aspects of the Land Transport Act 1998, but there are also some related changes to supporting legislation. They will impact on almost every operator of a heavy vehicle, especially in respect to overloading.

Please note that these FAQs do not cover every minor change made through the Amendment Act – they concentrate on the changes that have high impact.



Definition of Gross Vehicle Mass (GVM)

What's the main change here?

Prior to this amendment, the term used to describe total mass for a vehicle was "gross laden weight". This is now replaced by the term "gross vehicle mass" in a number of places.

Why remove "gross laden weight" (GLW)?

GLW allowed for different "weights" depending on the circumstances in which a vehicle was being operated. In some situations, it could be the "on road" (actual) mass; in others, the maximum safe load – something closer to the concept of a design limit. It also didn't line up with the use of GVM in some Rules (e.g. Land Transport Rule: Vehicle Dimensions and Mass 2016 – the VDAM Rule) and the Road User Charges Act 2012.

How does this fit with other pieces of legislation?

Within the Land Transport Act 1998 (the Act) the principal link is to section 43, offences relating to operating a vehicle overweight or contrary to the requirements for over-dimension vehicles. This now includes a specific offence for exceeding the vehicle GVM.

The definition of GVM in the VDAM Rule is already closely aligned with the new definition in the Act.

What else changes?

The new definition allows the NZ Transport Agency to set a GVM. It also provides that a GVM recorded on the motor vehicle register for the vehicle is the legal value.

Does this mean the Transport Agency will be setting GVMs for most vehicles?

No, the existing system of setting GVM generally works well. Manufacturers set GVMs for vehicles entering the fleet, and modifiers can certify a new GVM after a vehicle has extensive modification. The Transport Agency is aware, however, that in a few instances the recorded GVM is not an accurate reflection of the design limits (capability) of the vehicle. The Transport Agency is only likely to act where it has evidence that a vehicle's GVM is set well below design limits.

What happens if an operator exceeds GVM in service?

The immediate consequence is an overloading fine – using the same scale as other overloading offences. So if the GVM is 5.95 tonnes, and the weight recorded at a weigh station is just over 10.5 tonnes, then the penalty for 4 tonnes over (\$1650 on the current table of penalties) could be applied. Other penalties could also be incurred – such as an assessment for unpaid RUC.

Certificate of Loading (COL)

What's the purpose of this change?

Section 6(5) has been added, to make it clear that a COL label is only required to be displayed if a rule sets that requirement. This is designed to allow the removal of the physical label at some future point, when the information currently on the COL would be available in an alternate electronic form to an enforcement officer.

Overloading or breach of dimension requirements

What changes have been made?

Two provisions of the Act – section 16 (duties) and section 43 (offences) – have been updated. In both, we now have a consistent list of mass limits (axles, axle sets, axle groups and total mass) that must be observed. Added to both are two new components:

- observing GVM limits and
- over-dimension requirements.

Why have the descriptions of mass requirements changed?

Previously, these sections and the tables of infringement offences in the Land Transport (Offences and Penalties) Regulations 1989 used different terms to refer to the range of mass requirements. Now, all three are closely aligned. In addition, the new definition of GVM in the Act needed to be clearly identified as a mass limit.

Why place over- dimension in these provisions?

This allows government to consider appropriate infringement offences for serious breaches of dimension requirements.

Temporary restriction of heavy traffic

What has changed?

Section 16A in the Act allows a road controlling authority (RCA) to close a route to some or all heavy vehicles. Before the amendment, this could be a closure for any reason, and did not expire after a set duration. The RCA could carry out this process through public notices and signs on the route.

The new section 16A makes it clear that it can only be used to meet an urgent requirement (road damage or public safety) and only can last six months.

What other options are available to RCAs?

RCAs can make bylaws to restrict heavy traffic (for example, using section 22AB of the Act). This does, however, require them to consult. RCAs that have previously closed routes using this section have a transition period of 12 months to replace the notice with a restriction set through a bylaw.

Stopping and inspecting vehicles

What has changed in terms of diverting a vehicle?

The maximum distance for diversion, set out in section 125(3)(b), has been reduced to 10 km (was 20 km). As well, the reason for diverting a vehicle has been simplified. Previously, NZ Police had to believe that the vehicle was trying to avoid detection (very difficult to prove) before ordering it to divert more than 5 km to a weigh point. Now, diversion can occur for safety reasons or because “the site is not level enough for accurate weighing.”

What's happening with the "all trucks stop" signal?

Previously, section 125 only allowed one sign ("all trucks stop"). The new provision allows the sign to indicate that vehicles of a particular type (e.g. "All buses stop") or an individual vehicle ("ABC123 stop") must pull in for inspection.

Why allow a more flexible signal?

Firstly, volumes of heavy vehicles on our main routes have greatly increased since this measure was established. Leaving the sign on would rapidly fill up a weigh station or similar facility. Enforcement should instead be focused on a high-risk segment of the heavy vehicle fleet.

Secondly, the recent successful trial of Weigh Right as a screening device has shown that vehicles that are over their legal loading limit can be identified and required to stop for weighing. By contrast, vehicles within their gross vehicle mass limit can continue their journey uninterrupted.

Why is "alternative weighing technology" set out in the Act?

Enforcement powers, such as the authority to use records or detain persons, are set out in Acts of Parliament so that the circumstances in which they can be applied are clearly established. The Transport Agency has set up the "Weigh Right" project to align with this authority.

Can Weigh Right data be used to issue an infringement notice?

No, that information cannot be used to create an automated "ticket" in the way that safety cameras can target excess speed.

How can Weigh Right data be used?

NZ Police can use the data to identify vehicles based on their allowable weight and directed selected vehicles in to a weigh station for further investigation. Section 147A(4) notes that the data may be used to decide whether to "investigate a possible offence against this Act" (such as overloading).

The data can also be used to investigate possible offences against the Road User Charges Act.

Off- loading

What has changed?

Section 126 has been updated to state that NZ Police can require off-loading when EITHER the total vehicle mass is 10% over what is permitted (the current situation) OR is 2 tonnes over (whichever is the lesser).

An example would be an 8-axle combination, with a first to last distance of 18 metres, being operated without an HPMV permit.

Previously, this had a permitted gross mass of 44 tonnes. Off-loading would occur if the vehicle was weighed and found to exceed 48.4 tonnes: 10% over.

The new situation starts with a permitted gross mass of 46 tonnes (on available routes). A two-tonne margin has a similar threshold – a total mass of over 48 tonnes incurs off-loading.

The change is more dramatic when applied to a vehicle on an HPMV permit. Previously, a 50MAX vehicle would be offloaded at over 55 tonnes. Now, the margin is effectively halved (to 2 tonnes).

Why has this change been made?

The 10% margin was set when the maximum gross mass for heavy vehicles was 39 tonnes and the accuracy of weighing devices was a matter of concern. We now have HPMV combinations of up to 58 tonnes on primary routes and weight measurement is more reliably accurate.

The HPMV permit limits impose additional wear on pavements and structures – so encouraging operators to load close to the permit limits is important in protecting our roads and bridges. As well, many 8-axle combinations have an increased mass limit (from 44 to 46 tonnes) so it is important to encourage operators to stay as close as possible to those loadings.

Off-loading is a more effective penalty than fines alone, and this shows up in heavy vehicle data, with a small (but visible) proportion of combinations loaded to just under the previous off-load limit.

Exempting vehicles for NZ Defence

What's changing?

A new exemption power (section 166A) has been added. This only applies to operational vehicles controlled by the NZ Defence Forces. Normal exemptions (section 166) can only apply to an individual person or vehicle. Section 166A allows the NZ Transport Agency to grant exemptions to a class of vehicles.

What's an exemption?

Exemptions are a means of dealing with persons or vehicles which cannot fit the rules. For example, the rules require headlights on motor vehicles to meet international standards. Some specialist defence vehicles (such as armoured personnel carriers) have light fittings designed to protect lights from attack or reduce their visibility from a distance. It would be illegal, even in daylight, to use such a vehicle on a road unless an exemption is provided.

Why is NZ Defence being treated differently?

Previous experience showed that special purpose defence vehicles need a number of exemptions to be road legal. They are generally purchased in batches – and each new vehicle had to be identified in a further exemption. The new process is more efficient, and the NZ Transport Agency is required to use the same criteria (such as considering safety outcomes) as apply to other exemptions.

Bridge protection

What was the previous situation?

Driving a vehicle across a bridge where the weight exceeds a posted limit has been a flat \$500 fine for many years. That fee applied regardless of how far in excess of the limit the vehicle was.

Given that posted limits are applied to weak structures, where a heavy vehicle could cause collapse of the bridge, this did not appear to create a sufficient deterrent.

What is the new penalty regime?

Exceeding a bridge limit will now become another type of overloading offence –the heavier the vehicle, the larger the potential fine will be. For example, exceeding a posted limit by 4 tonnes incurs a \$1650 infringement fee (using the current table of penalties for overloading).

If you have further queries, call our contact centre on 0800 699 000 or write to us:

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This document is available on the NZ Transport Agency's website at:

www.nzta.govt.nz/commercial-driving/docs/heavy-vehicle-changes-faqs-august-2017.pdf