

Proposed changes to legislation relating to overweight and high- productivity motor vehicles

Consultation document

February 2014

Making a submission

Before making your submission

Please read the information provided in the consultation document

Please write clearly or, preferably, send typed comments

If possible, send your submission by email to rules@nzta.govt.nz and, if you wish, follow this up with a signed copy. If emailing your comments, please let us know your postal address. You can also submit your comments on the online submission form at:

<http://www.nzta.govt.nz/consultation/overweight-and-high-productivity-motor-vehicles/index.html>

Please include the following information in your submission

- the title of this document
- your name, and title if applicable
- your organisation's name if applicable
- your address – postal, and email if applicable

When making your submission

If you are not using the online form, it would be appreciated if you would ensure that you quote the subject headings or Rule references used in the consultation document.

If posting your submission, address it to

Overweight and high-productivity motor vehicle legislation
Rules Team
NZ Transport Agency
Private Bag 6995
WELLINGTON 6141

Please note the deadline for submissions

Monday, 7 April 2014

Your submission is public information

Please note that the NZ Transport Agency may publish any information that you submit, and may identify you as the submitter should it publish your submission or provide it to a third party. Please indicate clearly, if your comments are commercially sensitive, or if, for some other reason, they should not be disclosed, or the reason why you should not be identified as the submitter.

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1. Executive summary

The changes proposed in this consultation document are designed to address two problems:

- fines for vehicles operating overweight without a permit are insufficient to deter offending; and
- operators who hold overweight permits are incurring excessive fines for minor breaches of permit requirements.

This imbalance appears to reduce the uptake of permits. To meet the objective of providing more appropriate penalties, amendments would be made to:

- *Land Transport Rule: Vehicle Dimensions and Mass 2002* (the VDAM Rule); and
- *Land Transport (Offences and Penalties) Regulations 1999* (the Offences Regulations).

Background

The regulatory regime that governs heavy vehicle operations on our roads is designed to ensure that vehicles can be operated safely and that infrastructure assets (road surfaces and bridges) are protected from excess wear and damage. The VDAM Rule sets upper dimensions and mass (weight) limits for general access vehicles of 20 metres (length) and 44 tonnes.

The VDAM Rule also establishes a controlled permit regime to allow operators to legally exceed these limits for overdimension and/or overweight loads.

Overweight permits fall into two categories:

- indivisible loads, such as a large bulldozer on a low loader; and
- high-productivity motor vehicles (HPMV), which were introduced in 2010. HPMV permits allow eligible trucks to regularly carry divisible loads (eg, milk, logs or shingle) that exceed the upper limits of the Rule for dimensions and mass.

The permit regimes enable central and local government road controlling authorities (RCAs) to manage the risks to safety and infrastructure damage from overdimension/overweight vehicles. Each permit application must show evidence that the vehicle can safely carry the load for which the permit is being sought. The RCA can then set appropriate conditions for the specified time and route.

Some HPMV permits allow the efficient transport of bulky loads through the use of over-length combinations.

The aim of the HPMV permit regime is to increase the productivity of the freight sector by enabling the number of trucks on the roads to be reduced while delivering the same or a greater amount of freight, without reducing the safety of road users.

Offences Regulations

The VDAM Rule and permit regimes are supported by Schedules of the Offences Regulations, which set out graduated penalties for breaches of mass limit provisions.

Compliance is enforced by the Commercial Vehicle Investigation Unit of NZ Police.

Issues with the status quo

Vehicle fleet operators and NZ Police have identified that the current legislation creates disincentives to the uptake of overweight permits by operators. At present, breaching any one of a range of permit conditions, regardless of its importance, can incur disproportionately harsh consequences and penalties.

Under the current Rule and regulations, once a permit condition has been breached, the permit is “voided” – the vehicle is then assessed against the general access weight limits of the VDAM Rule, not the increased legal weight on the permit form. Resulting fines can have a significant effect on the profitability of a business. This is a significant disincentive for applying for a permit, particularly for HPMV operation.

By comparison, available data from NZ Police records and monitoring of loads by the NZ Transport Agency shows that the incidence of vehicles exceeding the legal weight limits accounts for about 10% of heavy truck movements, and may be increasing. This indicates that the current Offences Regulations appear not to be effective in supporting the VDAM Rule limits.

The proposed solution

The proposed changes to the VDAM Rule and the Offences Regulations would:

- create graduated offences, with appropriate penalties, for breaches by permit holders; and

- increase the levels of fines for overweight vehicles if the vehicle does not have a permit.

The intention is to **reduce** the total penalties payable for a permit breach in most situations. While there would still be circumstances where the permit had no effect (such as operating outside an area described in the permit) the current effect of voiding a permit for any breach of a condition would be removed. This requires changes to be made to the existing permit form. The power to revoke a permit would remain.

Offences would then be divided into two categories, with proportionate penalties applied:

- breaches of critical conditions (such as exceeding gross weight limits stated on the permit); and
- additional conditions (such as being overweight on a single axle).

A new tolerance level of 500 kg would be set for weight breaches for a vehicle that is operated under an overweight permit.

Higher fines would be imposed for overweight vehicles that do not have a permit.

The current 3-tonne tolerance for vehicles operating above 60 tonnes would be removed. However, other existing weighing tolerances (eg, 1.5 tonnes for vehicles exceeding 33 tonnes) would remain for vehicles operating without a permit. These tolerances apply to the issue of an infringement offence notice and the level of fine to be applied where an offence is detected.

Transitional provisions in the Rule would specify that permits issued prior to the new permit requirements continued to be valid, until they were revoked, replaced, or reached their expiry date. The new penalty scales would be applied equally to all operators, whether they held an old or a new permit form, after the effective date of the Rule.

2. Current issues, Proposed solutions

This consultation document describes how default limits for heavy vehicles are set, and the permit system that allows vehicles to exceed those limits, with appropriate conditions.

It also sets out our current knowledge about how weight limits and permits are working in actual practice. The document concludes that the existing offences and penalties are not delivering the policy outcomes that government is seeking.

The preferred solution is to provide for more appropriate penalties.

This requires changes to the VDAM Rule. These would be linked to amended offences and penalties regulations, to ensure that a consistent regulatory and enforcement approach is taken with all vehicles that are operated overweight.

Content

Because a package of changes is proposed in this publication, most of the explanation is in this section. There are also sections which set out:

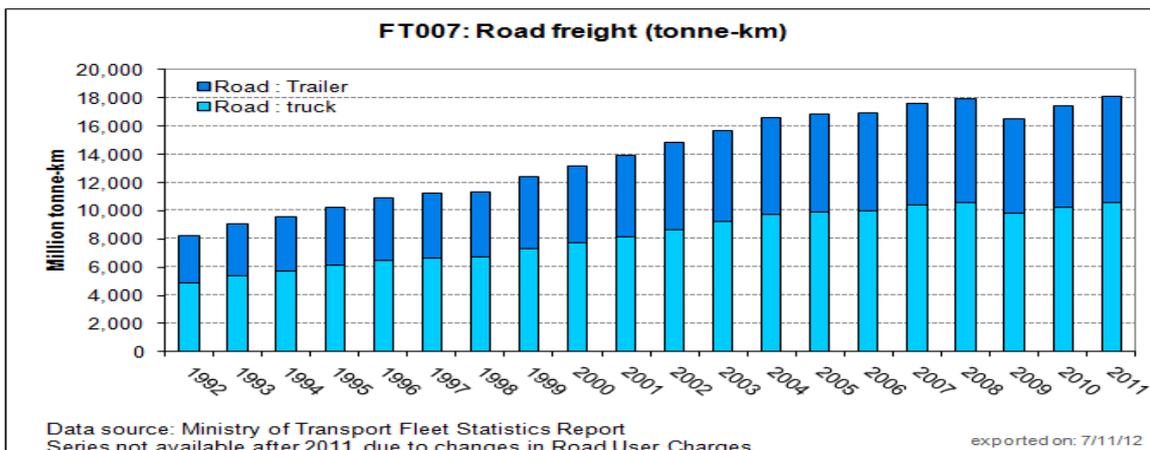
- the proposed Rule changes;
- the consultation (yellow) draft of *Land Transport Rule: Vehicle Dimensions and Mass Amendment 2014* (Rule 41001/9) ('the amendment Rule');
- an explanation of how the Rule changes would link to changes proposed to the *Land Transport (Offences and Penalties) Regulations 1999*;
- further information about Land Transport Rules and how they are made.

A table summarising the key benefits and costs is provided at page 54.

Context

A growing freight task

The amount of freight carried on New Zealand roads has increased steadily since 1992 from eight billion tonnes-kilometres to about 18 billion tonne-kilometres in 2011.



It has been necessary to develop a regulatory regime to manage the increased risks to road safety and road infrastructure. The original objective of the VDAM Rule was to manage the risks to road safety. The main way it achieves these objectives is by setting upper limits for the dimensions and mass of vehicles – 20 metres in length and 44 tonnes for general access. The limits imposed by the Rule also have the effect of protecting road infrastructure.

The VDAM Rule creates three weight limit regimes:

- the general access limit allowing up to 44 tonnes (*section 4* in the VDAM Rule);
- a High-Productivity Motor Vehicle permit system for vehicles to operate under specified conditions at greater dimension and mass limits than otherwise allowed (*section 5.2*); and
- a permit system for overweight vehicles transporting indivisible loads (*section 5.1*).

HPMV permits

In order to maximize the productivity of general freight movements for divisible loads (eg, milk, logs, shingle) while still managing the risks of heavier vehicles for road safety, the VDAM Rule was amended in 2010 to allow for the introduction of a controlled permit system. This allows general freight vehicles to exceed the general access weight and/or length limits, subject to permit conditions. These permits are generally issued for regular use on repeated trips.

Before the HPMV regime was introduced, the estimated productivity gains for permitted vehicles were a 20% reduction in costs for overweight HPMVs and a 14% reduction in costs for over-length

HPMVs. Operator cost savings were expected to create wider economic benefits such as improving the competitiveness of our exports, by reducing the transport component of the price of the goods being sold.

The HPMV permit regime allows RCAs (including the NZ Transport Agency for highways) to issue permits that set conditions for specified vehicles on specified routes at weights and/or lengths greater than the current limits set out in the VDAM Rule over a specified period of time. The permits are conditional on the specified routes being able to sustain the impact of the heavier and/or longer vehicles.

Each HPMV permit specifies the vehicle's axle configuration, the permitted gross mass and/or dimensions, and the route it is to travel on. The issuing RCA can set additional conditions that are designed to minimise the risk of damage to infrastructure on the local roads for which they are responsible. All conditions are designed to:

- preserve the safety of other road users and the vehicle and driver; and
- mitigate damage to the road network covered by the permit.

Indivisible load permits

Permits issued for an indivisible load to exceed general access weight limits may include:

- the transport of very large machinery, equipment or buildings (generally using a specialised trailer or trailers with multiple axles); and
- permitting a higher weight on an axle or axles, such as some mobile cranes or specialist agricultural machines fitted with cutting equipment.

Many indivisible permits include restrictions for specified bridges, which have limited capacity for dealing with very high total loads or axle weights. This may include a maximum speed for travel across that structure or even a requirement to close the bridge to other traffic (using a qualified vehicle pilot) and cross using the centre-line.

Protecting infrastructure (including bridges and culverts) from damage by overweight vehicles is an essential component of the permit system.

The NZ Transport Agency, using Weigh in Motion (WiM) data, has recorded significant damage to some of its highway bridges, immediately following the movement of very high loads, at speed, with no permit in place. Damage may require extensive repairs, or the closing of routes; significant structural damage to bridges could create immediate safety risks for the overloaded vehicle and other road users. This is why the

proposed Rule changes emphasise the need to observe restrictions for specified state highway or local road bridges.

For granting permits for overweight axles, RCAs use a table (the Vehicle Axle Index) which shows how to calculate available limits for a variety of tyre configurations; permits above these levels would create excess damage to road surfaces.

The other constraint on these permits is that the permit weight must not exceed the manufacturer's design limits for that vehicle. The design limits include gross vehicle mass (GVM) as recorded on the motor vehicle register.

Overloading without permits

Police enforcement statistics for vehicles that exceed VDAM limits indicate that overloading of vehicles operating without a permit may be increasing.

As well, WiM data collected by the NZ Transport Agency at a number of key points on the state highway network suggests that about 10% of heavy vehicles exceed the VDAM limit of 44 tonnes. Of these, over half are significantly overloaded.

NZ Transport Agency WiM data does not differentiate vehicles with permits that are legally carrying loads exceeding 44 tonnes from those operating without a permit and subject to the general access weight limit. However, as HPMV-permitted vehicles make up a relatively small proportion of the freight sector, the WiM data trends support the assumption that overloading is increasing in freight transport. WiM data from 2012 showed the number of overweight vehicles increased by 2.7 percent from in 2011. The truck-and-trailer-type vehicle was the most prevalent overweight vehicle type recorded during 2012, comprising 67.6 percent of the total overweight vehicles.

The conclusion from this data is that the current penalties for overloading appear to be ineffective as a deterrent for breaching the general access weight limits set by the VDAM Rule.

Increased levels of offending are a problem because they:

- impact on the efficient operation of the market. While the majority of operators comply with the VDAM Rule requirements, it appears that a small number of operators consistently do not and, hence, gain a competitive advantage over those operators who abide by the law;
- impair the management of the impact of heavy vehicles on road infrastructure and road safety as overweight vehicles are being

operated with none of the constraints imposed by compliance with permit conditions; and

- reduce the uptake and, as a consequence, the effectiveness, of overweight and HPMV permits.

Weighing tolerances

The current penalties incorporate a weighing tolerance applied when:

- establishing whether an infringement notice will be issued; and
- reducing the level of fine payable.

These tolerances were originally set to allow efficient loading of vehicles and recognise unintentional overloading, such as the added weight that rain may add to an unprotected load. As well, weighing devices in use by NZ Police at the time were of variable accuracy. However, operators now have much better information on the weight being transported and the Police equipment is much more consistently accurate.

There is evidence that some operators load to the tolerance level of 45.5 tonnes rather than the specified maximum level of 44 tonnes. Even if an operator is prosecuted for exceeding the weight limits by more than the tolerance, the actual level of fine imposed may offer no disincentive. For example, a vehicle combination detected at 46 tonnes is fined on the basis of 2 tonnes *less* the tolerance (1.5 tonnes) which results in an overweight offence of 500 kg (\$150).

Please note that the proposals set out in this document:

- **RETAIN** the existing 1.5-tonne gross weight tolerance for vehicles operated without a permit at a gross weight of more than 33 tonnes;
- **REMOVE** the 3-tonne tolerance for vehicles operating with a gross weight in excess of 60 tonnes; and
- **SET** a tolerance of 0.5 tonnes for all vehicles operating under a permit, to apply to gross weight and axle loadings. This tolerance would **not** be applied when establishing the level of fine due.

The rationale for applying a lower tolerance for permitted vehicles is that they are already operating above the VDAM limit and, therefore, need to be more tightly managed to mitigate potential safety risks and limit the damage caused to infrastructure.

Changes to Road User Charges Act

Another factor impacting on choices made by freight operators was the replacement in 2012 of the previous Road User Charges (RUC) regime

which allowed nominated weights, by a regime which set a charge based on the carrying capacity of the vehicle, not the load actually carried.

Problem statement

The problem can be summarised as:

- operators are discouraged from applying for permits, especially for HPMV, because the application process is demanding and the risks of substantial fines, if a minor breach of the permit is detected, are well understood;
- operators overloading without a permit understand that the consequences of detection (especially if the overload is close to VDAM limits) are relatively minor.

An example of this situation might be an operator providing a general freight service for divisible loads. Running at about 46 tonnes without a permit risks only minor (eg, \$150) fines when the vehicle is detected overweight. By comparison, if the operator obtains an HPMV permit at present, any breach of a condition can result in substantial fines (please see scenarios in *Table 1*, page 47). The assumption is that operators are looking at their increased compliance requirements, the need to pay additional RUC, and the risk of heavy fines, and comparing these to the additional revenue earned from transporting higher loads using a permit.

Current data indicates that there has been a much slower uptake of the HPMV permit regime than was anticipated, and this is believed to be directly related to the existing penalty regime. This low uptake means that the freight transport industry is not able to benefit from the productivity and safety benefits that HPMV operation offers.

Operators holding a permit for an indivisible load have also noted that the penalties for any breach are not always proportionate to the severity of the breach. For example, if a large bulldozer is not positioned correctly on a low-loader trailer, one or more axles may then exceed the permit or VDAM limits – and the resulting fines are substantial, even though the load is on an approved route and is within the gross weight limits set by the permit.

Setting up of projects to address issues

A joint Ministry of Transport/NZ Transport Agency/Police Commercial Vehicle Investigation Unit project was set up to address these concerns. The project includes two proposed stages with the objective of amending and reforming the VDAM Rule and the associated regulations.

Stage one is to better align incentives and penalties for freight operators – whether a permit holder or not. This stage would be completed when the changes in the Rule proposed here, and the related offences and penalties provisions, were in place.

Stage two would provide a comprehensive longer term view to evaluate the Rule’s effectiveness and consider better ways to manage infrastructure, safety, and the introduction of new vehicle types. Stage two would commence once the Stage one changes were in place.

Solution: Better penalty alignment

The preferred solution is:

- **for permit holders:** reduce penalties, while continuing to impose substantial fines as a deterrent for the more serious offences;
- **for non-permitted vehicles:** increase the existing penalty scales.

Proportional offences and penalties for permit holders

As noted below, and in the *Table 1* examples, there would still be situations in which a permit could be regarded as being invalid. If the permit to exceed mass limits is not valid, the mass limits to be applied are those in the VDAM Rule.

If the permit is valid, then the regulations would differentiate between breach of critical conditions and additional conditions – and the fines would reflect this distinction. The basis of any fine for overloading would be the permit mass limits, not the (generally lower) limits set out in the VDAM Rule. The current permit condition that causes a permit to be “void” if any of the conditions are breached would be removed.

Higher penalties for overloading without a permit

Current fine levels are seen as failing to deter overweight operation.

The level of fines was set in the 1990s, and inflation has acted to reduce the deterrent effect, especially at the lower levels of overloading.

The proposed fines set out in *Tables 2* and *3* increase “entry” level fines, and intermediate steps increase accordingly; the top level fines remain unchanged.

Not transferable?

The proposed form makes it clear that the permit is issued in relation to a specific vehicle (or vehicles in combination) and is not transferable to any other vehicle; it also indicates that a new permit would be required if there was a significant modification to a vehicle (such as adding an extra axle).

The proposal also sets out that an overweight permit is not transferable between persons. The policy intention is that permits would only be issued to the person (or firm) that actually operated the vehicle. This would ensure that a person who has had a permit revoked (for breaching conditions) could not continue to operate by using someone else's permit.

However, we recognise that “related party” operation does occur. This is where a subsidiary firm operates the vehicle on one date, with the parent company operating it at a later time.

We welcome your comments on how to balance the policy intent and practical requirements.

Note that a permit for over-length (generally for a purpose-built trailer) is issued to the vehicle, not to an operator. This would not change.

Transition

One of the issues to be resolved when changing to a new permit format is how to treat existing permits.

The proposed amendment Rule indicates that an existing permit would continue to have effect until it expired, or it was replaced or revoked.

Current permits, however, contain references to being “voided” if any condition is breached. They also do not make a distinction between critical and additional conditions as the new proposed forms do.

Critical conditions would apply from the effective date of the amendment Rule to all permits, old and new, despite the wording on older permits. This is because the ‘critical conditions’ would be specified in the Rule. The new penalties for breach of a critical condition would also refer to the Rule, not the permit form.

The transitional provisions would make it clear that any reference on an old form to the permit being “void” if a breach of any condition were detected would have no effect.

The date on which the Rule comes into effect would be the date after which all new permits have to be in the revised format set out in the proposed amendment Rule. This date needs to be set so that RCAs have

sufficient time to change their template forms. If the proposed date is insufficient for this, then a transitional provision may be added to allow additional time to implement the use of the new permit format.

Implementation

Any issues that are raised in submissions will be analysed and taken into account in preparing the legislative changes for government approval.

Subject to the approval of the Minister, it is proposed that the Rule and regulation changes, which would put the new offences and penalties in place, would take effect on **1 December 2014**.

Permits issued after that date would have to be in the new format.

Transitional provisions would state that permits issued before the effective date of the Rule did not need to be replaced, but could continue in use until they expired or were otherwise cancelled.

3. Summary of proposed Rule changes

The following changes are proposed to the Vehicle Dimensions and Mass Rule:

1. Conditions for both indivisible permits (5.1) and HPMV (5.2) would be split into critical and additional categories.
2. Critical conditions would be defined as:
 - a. exceeding design gross weights (such as GVM); or
 - b. exceeding gross weight limits set by the permit; or
 - c. breaching speed and/or travel restrictions for a weak bridge on a route allowed in the permit.
3. The Rule would state that a permit would be invalid if altered.
4. The Rule, and statements on the permit form, would make it clear that the permit only applied to:
 - a. the operator to whom the permit was granted¹;
 - b. the route specified in the permit (which can include general access); and
 - c. the vehicles specified on the permit, in the configuration identified on the permit.
5. The Schedule governing the permit form would be updated, and would remove any reference to voiding.

Specific proposals in the Rule

PROPOSAL 1. The list of conditions in clause 5.1(3), which apply to overweight permits for indivisible loads, will be split into critical and additional conditions.

Details of proposal

The current list of conditions is indicative (ie, more conditions can be added) and does not identify any conditions as being more important than others.

¹ Except for over-length permits for vehicles approved under 5.2(4) in the Rule – these are vehicle-based.

The proposed amendment Rule would prescribe only three **critical** conditions, and these are related to exceeding gross mass limits or breaching travel requirements for a specified bridge. This provision is linked to Proposal 6 (which removes the reference to a permit being void if any condition is breached) and Proposal 10, which would introduce a new fine of \$2000 for breach of a critical condition. (See page 45.)

Additional conditions would be the remainder of the existing condition list (less the reference to routes), and an RCA could add further “additional” conditions to a permit if these were necessary. Note that compliance with gross mass limits would become critical conditions while individual axle and axle set limits would be placed in the second category (additional conditions).

Vehicles operating off-route would be treated as not holding a permit unless they had been directed to divert from the route by an enforcement officer or the RCA. The Rule links routes and permits at 5.1(3)(f) and 5.2(7)(e). Since the permit sets out available routes, the conclusion would be that operation elsewhere is NOT covered by the permit.

Amendment Rule ref: *clauses 2.3(1), (2), (3)*

PROPOSAL 2. Provide an explicit duty to carry and produce the permit for (indivisible) overweight transport.

Details of proposal

HPMV vehicles already have an explicit requirement (5.2(9)) to carry a permit in the vehicle, and produce it to an enforcement officer on demand. This proposal would insert the same duty for indivisible permit operation.

Inserting this requirement would directly support the statement on the permit form that it must be carried. NZ Police has noted that failure to carry a permit (and any accompanying documents, if appropriate) makes roadside enforcement very difficult.

Amendment Rule ref: *clause 2.3(3)*

PROPOSAL 3. Clarify application of provisions governing permits for high-productivity motor vehicles.

Details of proposal

It is proposed to make a few minor corrections and clarification via this draft amendment Rule. None involves a policy change.

At *clause 4.2(8)*, ‘large single-tyred axle’ would be replaced with ‘single large-tyred axle’. Corresponding changes would be made where this phrase occurs in the definition of ‘Load-sharing axle set’.

Changes proposed to *clauses 4.5(1A)* and *5.2(6)* would clarify the scope of the HPMV permit regime. First, *clauses 4.5(1A)* and *5.2(6)(a)* would be redrafted to remove ambiguity about which mass limits apply to a vehicle holding an HPMV permit. This would clarify that a permit-issuing authority may issue permits for vehicles up to the mass limits in *Part B* of *Schedule 2*. The vehicle for which a permit is issued must comply with the limits written on the permit.

As well, *clause 5.2(6)(b)* would be changed to allow a vehicle with only one motor-driven axle to be issued with a permit if the gross mass did not exceed 39,000 kg (over-length only permit). This would create consistency with *clauses 4.3(3)* and *4.3(4)* of the Rule.

At *clause 6.10(1C)(a)*, the existing reference to ‘mm’ would be replaced with ‘cm’. This would correct an error.

Amendment Rule ref: *clauses 2.1, 2.2, 2.4(1), (2), 2.5*

PROPOSAL 4. The list of conditions in *clause 5.2(7)*, which apply to permits for high-productivity motor vehicles, will be split into critical and additional conditions.

Details of proposal

This follows the same pattern as for overweight permits described above, with the Rule prescribing only three **critical** conditions. These would link to the proposed new fine of \$2000 (Proposal 10). Most HPMV permits do not have direct references to crossing bridge structures that are not adequate for regular road speeds, but some include prohibitions for using designated bridges at full load.

Amendment Rule ref: *clause 2.4(3)*

Vehicles off-route would be considered to be operating without a permit unless directed onto an alternative road (also see Proposal 1).

Additional conditions are adapted from the existing condition list in *clause 5.2(7)* (less the reference to routes), and an RCA could add additional conditions to a permit if these were necessary under *clause 5.2(8)*.

Amendment Rule ref: *clause 2.4(4), (5)*

PROPOSAL 5. Update requirements for the permit form, and specify that a permit is invalid if altered.

Details of proposal

The provisions in the Rule are designed to work with the permit form set out in the Schedule of the proposed amendment Rule (Proposal 6). The permit form is described as one issued under *section 5* of the VDAM Rule (and, therefore, applying to overweight/HPMV permits as provided there).

RCAs must use the permit form described in the Schedule, although they do have flexibility to add matters as provided for in the Schedule.

The proposed amendment Rule would specify that if a permit is altered, without the RCA's authority, then it would be invalid. This provision would also be repeated on the permit form.

The Rule does not provide exceptions from the requirement to observe route restrictions (if any) stated on the permit. If a vehicle is diverted from the designated route under the direction of an enforcement officer (eg, using a side road to go around a highway crash) or an RCA (eg, marked detour, allowing "all vehicles" by default, where the main route is being resealed) then the permit would continue to be valid.

Note that NZ Police has clear guidelines for ensuring that long and/or heavy vehicles are only diverted if the route is suitable.

Amendment Rule ref: *clause 2.4(6), (7)*

PROPOSAL 6. Amend the Schedule describing the permit form to better align with the range of permits currently issued.

Details of proposal

The existing permit form was carried over from previous legislation (the *Heavy Motor Vehicle Regulations 1974*) and was designed for a single purpose (indivisible load permits). It needs to be updated, and made more flexible. It is proposed to replace the current form with a Schedule that would:

1. Set out the form of a permit, which must comply with the Rule, but (as now) RCAs would have flexibility to add relevant items, provided these are consistent with the Rule. The NZ Transport Agency would provide examples on its website.
2. Provide clear statements about the limits of the permit:
 - a. only usable by the person specified as the holder (not transferable unless applying only to over-length);
 - b. only applies to the vehicles specified, in the configuration described on the form;
 - c. only applies on the routes specified, or general access if that is allowed by the permit.
3. States that the permit will be invalid if it is altered without the RCA's authority; and
4. States the critical conditions (as defined in the Rule) and other mandatory notes to be included on every permit form. It would also allow for the insertion of additional (other) conditions and comments by RCAs.

Please note that if the vehicle was operating outside of the permit limits or did not hold a valid permit then it would be subject to substantially higher penalties for overloading. The Schedule would distinguish those matters which the form must include, and matters which may be added as required or appropriate.

It is possible that an RCA might produce different forms for HPMV and indivisible load permits. However, every permit form would be required to meet the mandatory requirements set out in the Schedule. As noted above, the NZ Transport Agency would also provide advice on the use of the form (with examples) via its website. This would not be specified in the Rule.

Amendment Rule ref: *clause 2.4(6), 2.7 and the Schedule*

Transitional provisions have been drafted into the proposed amendment Rule to ensure that operators holding valid permits when the Rule comes into force may continue to operate under those permits until they expired or were replaced or revoked.

However, because the proposed offences and penalties would apply to offences committed after the Rule comes into force, the current mechanism of voiding a permit if its conditions are breached needs to be removed. The proposed amendment Rule would, therefore, set out how the conditions on permits issued prior to this Rule amendment are to be given effect.

Amendment Rule ref: *clause 2.8*

4. Draft amendment Rule

This is the public consultation (yellow) draft of *Land Transport Rule: Vehicle Dimensions and Mass Amendment 2014* (Rule 41001/9).

The Rule would make changes to the requirements governing the operation of the overweight and HPMV permit regimes, made in conjunction with amended offences and penalties to ensure that a consistent regulatory and enforcement approach can be taken towards these vehicles.

You will notice that the draft amendment Rule sets out only the changes that are proposed. If you do not have a copy of *Land Transport Rule: Vehicle Dimensions and Mass 2002* (the VDAM Rule) please read the information in *Publication and availability of Rules* (page 52) about obtaining Rules. To assist in setting the proposed changes in context, the web versions of the amendment Rule documents are linked.

Land Transport Rule

Vehicle Dimensions and Mass Amendment 2014

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Section 1 Application

1.1 Title

This Rule is *Land Transport Rule: Vehicle Dimensions and Mass Amendment 2014*.

1.2 Commencement

This Rule comes into force on [1 December 2014].

1.3 Scope of Rule

This Rule amends *Land Transport Rule: Vehicle Dimensions and Mass 2002*.

Section 2 Amendments to Rule requirements

2.1 Axle requirements for heavy motor vehicles

In *clause 4.2(8)*, replace “large single-tyred axle” with “single large-tyred axle”.

2.2 Road mass limits

In *clause 4.5(1A)* replace “in Part B of *Schedule 2*” with “specified on the permit”.

2.3 Permits for overweight vehicles transporting indivisible loads

2.3(1) Replace *clause 5.1(3)*, with:

“5.1(3) A vehicle operating under a permit issued under *5.1* must comply with the following critical conditions:

“(a) the gross mass of the vehicle must not exceed the maximum gross mass specified in the permit; and

“(b) the gross mass of the vehicle must not exceed the gross vehicle mass, gross combination mass, maximum towed mass or brake code mass if any of these limits apply to the vehicle; and

“(c) the vehicle must comply with all bridge restrictions specified in the permit.”.

2.3(2) Replace *clause 5.1(4)*, with:

“5.1(4) A permit issued under *5.1* may specify the following additional conditions:

“(a) the number of trips the vehicle is allowed to make;

“(b) restrictions on the vehicle’s speed;

“(c) restrictions relating to weather conditions;

“(d) the type and amount of the load transported;

“(e) the times of the day during which the vehicle may be operated;

“(f) any other conditions under which the vehicle may be operated.”.

2.3(3) After *clause 5.1(4)*, insert:

“5.1(5) A vehicle operating under a permit issued under *5.1* must comply with the following conditions:

- “(a) individual axle mass limits and axle set mass limits that are specified in the permit or, if not specified, that are prescribed in the applicable table in *Part A* of *Schedule 2*; and
- “(b) the vehicle must, if required under the *Road User Charges Act 2012*, have a current licence issued under that Act (including any licence required by *section 12* of that Act); and
- “(c) any additional condition in *5.1(4)* that is specified in the permit form.

“5.1(6) A permit issued under this clause must:

- “(a) be carried in the vehicle for the period of travel covered by the permit; and
- “(b) be produced for inspection on demand to an enforcement officer, or an authorised agent of the Agency or a road controlling authority.”.

[**Note:** New penalty is to apply for breach of *5.1(3)* and *5.2(6A)*, \$2000.]

2.4 Permits for high-productivity motor vehicles

2.4(1) Replace *clause 5.2(6)(a)* with:

- “(a) the permit may specify axle, axle set or gross mass limits of not more than the weight limits prescribed in *Part B* of *Schedule 2*; and”.

2.4(2) Replace *clause 5.2(6)(b)* with:

- “(b) if the permit allows the vehicle to exceed a gross mass of 39,000 kg the towing vehicle must have two motor-driven axles in a tandem axle or tri-axle set, or three motor-driven axles in a tri-axle set; and”.

2.4(3) After *clause 5.2(6)*, insert:

“5.2(6A) A vehicle operating under a permit issued under *5.2(2)* or *(3)* must comply with the following critical conditions:

- “(a) the gross mass of the vehicle must not exceed the maximum gross mass specified in the permit; and
- “(b) the gross mass of the vehicle must not exceed the gross vehicle mass, gross combination mass, maximum towed mass, or brake code mass if any of these limits apply to the vehicle; and

“(c) the vehicle must comply with all bridge restrictions specified in the permit.”.

2.4(4) Replace *clause 5.2(7)(a)* with:

“(a) the vehicle must comply with any individual axle mass limit or any axle set mass limit, or the maximum sum of mass on any two or more axles, that is specified in the permit or if not specified in the permit the applicable mass limit in *Part A of Schedule 2*; and

2.4(5) Replace *clause 5.2(7)(b)* with:

“(b) the vehicle must comply with any dimension variation from *Table 4.1* that is specified in the permit, or if not specified in the permit, the dimension requirements in *Table 4.1*; and”.

2.4(6) Replace *clause 5.4* with:

“5.4 Form of a permit

“5.4(1) A permit issued under *5.1* or *5.2* must:

“(a) include the information specified in *Part 1 of Schedule 3*; and

“(b) include any additional conditions imposed by the Agency or the road controlling authority under *5.1(4)*, *5.2(5)* or *5.2(8)*; and

“(c) be signed by an authorised officer of the road controlling authority; and

“(d) if the permit is for a variation in dimension requirements under *5.2(4)* be signed by a person authorised by the Agency.

“5.4(2) A permit may include the information specified in *Part 2 of Schedule 3*.”.

2.4(7) After *clause 5.4*, insert:

“5.4A Validity of a permit

“(1) A permit issued under *5.1* or *5.2* is invalid if it is altered without the authority of the Agency or the road controlling authority.

“(2) A permit only applies to the vehicles identified in the permit.

“(3) A permit may only be used by the person identified as the operator in the permit.

“(4) Despite (3), an approval issued under *5.2(4)* to vary dimension limits can be assigned to a vehicle.”.

2.5 Hazard warning panels

In *clause 6.10(1C)(a)*, replace “mm” with “cm”.

2.6 Part 2, Definitions

In the definition of ‘Load-sharing axle set’, *paragraph (b)*, replace “large single-tyred axle” with “single large-tyred axle” in all three places in which it occurs.

2.7 New Schedule

Replace *Schedule 3* with the Schedule set out in *section 3* of this Rule.

2.8 Transitional provisions for current permits

2.8(1) This clause applies to permits issued under *section 5* of *Land Transport Rule: Vehicle Dimensions and Mass 2002* that are current on the date on which this Rule commences.

2.8(2) A permit in *2.5(1)* is deemed to comply with *Schedule 3* of that Rule, and continues to be valid until it expires unless it is replaced or revoked.

2.8(3) A condition in a permit in *2.5(1)* that causes that permit to be void, or of no effect, if any of its conditions are breached, is ineffective.

2.8(4) Any additional conditions specified in the permit by the issuing road controlling authority are valid additional conditions.

2.8(5) For the avoidance of doubt, offences and penalties set out in the regulations apply as if the permit form complied with *Schedule 3* of the Rule.

2.8(6) For the avoidance of doubt, the conditions in *5.1(3)*, *5.1(5)*, and *5.1(6)* or *5.2(6A)*, *5.2(7)(a)*, *5.2(7)(b)* (as applicable) and *5.4A* are deemed to be included in any permit.

Section 3 Schedule

New Schedule 3

[Ref. clause 2.7]

Part 1: [Mandatory (unless otherwise noted)]

Permit identification

Name of Issuing Agency

Purpose of permit

Permit Number

This permit is issued under *section 5 of Land Transport Rule: Vehicle Dimension and Mass 2002*

Identify holder and vehicle(s)

Identity of operator

TSL number *if held*

Identity of vehicle(s)

Description of Vehicle(s) and load

Vehicle configuration

Load description *if permit issued under clause 5.1*

Permit limits

Axles and tyres: configuration and permitted weights

VAI *if permit issued under clause 5.1*

Maximum permitted gross weight

Axle weights

Length *if permit is issued under clause 5.2(4)*

Routes

Bridge Restrictions *if limits placed on specified structures*

Permit type

Permit commences (date) and expires (date)

Requirement to observe permit conditions

A breach of weight limits specified on this form, or any permit condition, is an offence as provided in the *Land Transport (Offences and Penalties) Regulations 1999*.

Permit is invalid if:

1. the vehicle is off-route, unless directed to do so by NZ Police or the road controlling authority
2. the permit is altered
3. the vehicles or persons operating the vehicles are not those described on the permit.

Critical Conditions

The vehicle must not:

1. exceed the maximum permitted gross weight stated on this permit
2. exceed design limits, such as GVM
3. breach a travel restriction or requirement for a specified bridge or culvert.

Other Conditions

This permit:

1. must be carried in the vehicle and produced on demand to any enforcement officer or an authorised agent of the Agency or road controlling authority
2. must be accompanied by any secondary documents describing available routes (if applicable).

Revocation

This permit can be revoked, under *clause 5.6* of the Rule.

Authorised By

Position Title

Name

Date

Signature

On behalf of (*Name of RCA*)

Part 2: Additional

Additional conditions may be added, as required by the road controlling authority, if made under *clause 5.1(4)* or *5.2(8)*.

Notes other than permit conditions, such as:

1. Must comply with legislation other than the Rule, such as gaining permission for rail crossings if required to do so under the *NZ Railways Corporation General Regulations 2008*.
2. If the vehicle is operating overwidth, it needs to meet the requirements of *section 4* of the VDAM Rule, which may require obtaining an additional permit for that purpose.
3. The vehicle must display the signs and placards required by the Rule.
4. The vehicle may be diverted by NZ Police for weighing purposes, as provided for in *section 125* of the *Land Transport Act 1998*.
5. Description of the purpose for which this permit is granted.

A permit fee statement may be provided [fees are set out in the *Heavy Motor Vehicle Regulations 1974*].

Instructions for permit content

Field	Notes
Name of Issuing Agency	Name OR Logo of Agency or RCA as appropriate.
Purpose of permit	Indivisible overload, OR HPMV (mass, dimension or both).
Permit Number	Issued by RCA.
Identity of operator	The holder of the permit.
TSL number	Must be included if the person holds a TSL.
Identity of vehicle(s)	Must use registration no(s) if held, OR VIN no(s) if not yet held (eg, approval of over-length trailer prior to registration).
Vehicle configuration	Brief description: eg, B-train.
Load description	Only required if the permit is issued under <i>clause 5.1</i> (indivisible overload). This can be either a vehicle description (eg, forage harvester) or load description (eg, large bulldozer).
Axles and tyres: configuration and weights	Use a diagram showing arrangement of axles and dimensions for the vehicle(s) AND/OR a table providing details. Must include tyre arrangements (eg, single or dual) and sizes for each axle. Permitted weights can be described EITHER by reference to Part A of Schedule 2 (if class 1 limits apply) OR individual axle limits if the vehicle EITHER has lower axle limits set by the permit than class 1 OR is permitted to exceed the class 1 limits.
VAI (Vehicle axle index)	Must be stated if the permit is issued under <i>clause 5.1</i> ; optional if HPMV mass permit.
Maximum permitted gross weight	Expressed in kg. Must be stated, even if the permit does not exceed the gross mass limits stated in the Rule (eg, 44 tonnes for over-length HPMV).
Length	Expressed in metres. Only required IF this permit is for HPMV AND overall length exceeds standard VDAM limits.
Routes	EITHER general access OR by specification of routes or operating areas OR by reference to an external source (such as a book of maps) OR by exclusion OR a combination of these descriptions.
Routes (2)	Note that if secondary maps are used, the conditions on the permit require carriage in the permit vehicle (for the area of operations).
Bridge Restrictions	Only required where specified structures require lower load limits or speed/ position directions.
Permit type	Continuous (includes area permits) OR single trip OR multiple trip.
Permit dates	Must include start date (usually date of issue) AND an expiry date.

5. Sample permit forms



Permit No.: **BP/A/13/0000**

Permit to exceed mass limits

Purpose of permit Indivisible load

This permit is issued under *section 5* of *Land Transport Rule: Vehicle Dimension and Mass 2002*

Identify holder and vehicle(s)

Name of Operator: *Heavy Haul South Auckland*

TSL number 777777

Identity of vehicle(s) **B1G, N464R, N465R, N467R, N466R, 8X4SWD**

Description of Vehicle(s) and load

Vehicle configuration *Multi-trailer transporter*

Load description *transformer*

Permit limits

Maximum permitted gross weight *235,600 kg*

Axle and tyre configuration

The total mass on any set of axles must not exceed the sum of the mass limits shown for those axles in the table below:

Axle Number	1	2	3	4	5	6	7	8	9	10
Axle Type*	S	T	T	8	8	8	8	8	8	8
Individual Axle Mass Limit (kg)	6000	9000	9000	11600	11600	11600	11600	11600	11600	11600
Spacing from previous axle (m)	0.00	4.30	1.40	5.65	1.80	1.80	1.80	1.80	1.80	1.80
Tyre Size	Standard									

Overweight and HPMV consultation document

Axle Number	11	12	13	14	15	16	17	18	19	20
Axle Type*	8	8	8	8	8	8	8	8	8	S
Individual Axle Mass Limit (kg)	11600	11600	11600	11600	11600	11600	11600	11600	11600	5500
Spacing from previous axle (m)	1.80	1.80	1.80	1.80	1.80	1.80	1.80	1.80	1.80	7.75
Tyre Size	Standard	385/65 R 22.5								

Axle Number	21	22	23
Axle Type*	S	T	T
Individual Axle Mass Limit (kg)	5500	7500	7500
Spacing from previous axle (m)	.92	1.73	1.45
Tyre Size	385/65 R 22.5	Standard	Standard

S=Single tyred axle, T=Twin tyred axle, 4=Four tyred oscillating axle, 8=Eight tyred oscillating axle.

Length *n/a*

Routes *Only those roads defined below*

Bridge Restrictions *as noted in Bridge Engineering section*

Permit type *Multiple trips* **Permit commences** *20 Oct 2013* and **expires** *27 Oct 2013*

Route Description

Section	Highway	From RP	From Junction	To RP	To Junction
1	SH2	151 / 4.68		164 / 0.0	
Mirrieles Rd to SH2/SH29 junction, Te Maunga junction					
2	SH29	6 / 0.0		8 / 2.35	
Te Maunga to Tauriko					
1	SH5	29 / 0.0		54 / 0.0	304
Mamaku boundary to SH30/SH5 junction, Rotorua					
2	SH30	144 / 0.0	304	158 / 0.0	330
Rotorua to SH33/SH30 junction, Mourea					
1	SH34	11 / 0.0		15 / 2.386	
SH30/SH34 junction EAST to Transpower Kawerau Generation Enhancement Project Site					

Requirement to observe permit conditions

A breach of weight limits specified on this form, or any permit condition, is an offence as provided in the *Land Transport (Offences and Penalties) Regulations 1999*.

Permit will be treated as invalid if:

1. the vehicle is off-route, unless directed to do so by NZ Police or the road controlling authority
2. the permit is altered
3. the vehicles or persons operating the vehicles are not those described on the permit.

Critical Conditions

The vehicle must not:

1. exceed the maximum permitted gross weight stated on this permit
2. exceed design limits, such as GVM
3. breach a travel restriction or requirement for a specified bridge or culvert.

Other Conditions

This permit:

1. must be carried in the vehicle and produced to an enforcement officer or an authorised agent of the Agency or road controlling authority on demand
2. must be accompanied by any secondary document describing available routes (if applicable).

Revocation

This permit can be revoked, under *clause 5.6* of the Rule.

.Authorised By

Position Title *Permit Issuing Officer*
Name *Henry Smith*
Date
Signature
 On behalf of *NZ Transport Agency, BoP Regulator*

Bridge Requirements

Bridges requiring travel or load restrictions are :

Bridge No.	State Highway	Route Position	Bridge Name	BSN	Speed*	Position*	Risk to Other Vehicles*	GPS Co-ords N/E
1	2	151/4.73	HARBOUR BRIDGE (EASTBOUND) (Incr Dir)	1558	10	OWN LANE	Low	6386994/2790236
2	2	151/4.73	HARBOUR BRIDGE (WESTBOUND) (Decr Dir)		10	Central	High	6387289/2790701
3	2	151/5.94	STADIUM BRIDGE (WESTBOUND) (Decr Dir)		10	Central	High	6387646/2790717
4	2	157/1.68	HEWLETTS ROAD FLYOVER	1589	10	Central	High	6387943/2792768
5	29	6/4.52	MAUNGATAPU BRIDGE	1601	50	OWN LANE	Not Significant	6384180/2792612
6	29	13/3.19	WAIMAPU STREAM BRIDGE (Incr Dir)	162	20	OWN LANE	Not Significant	6379985/2787118
7	29	18/1.26	KOPURERERUA STREAM BRIDGE	192	10	Central	High	6380608/2784276
8	5	29/12.48	TUPAPAKURUA STREAM BRIDGE	414	10	OWN LANE	Low	6342473/2789190

Bridge No.	State Highway	Route Position	Bridge Name	BSN	Speed*	Position*	Risk to Other Vehicles*	GPS Co-ords N/E
9	5	29/13.82	NGONGOTAHA STREAM BRIDGE	428	10	OWN LANE	Low	6341396/2789948
10	30	147/0.1	PUARENGA BRIDGE (DECREASING) (Decr Dir)	1472	50	OWN LANE	Not Significant	633983/2796433
11	30	147/4.99	WAINGAEHE BRIDGE	1520	10	OWN LANE	Low	6336821/2800310
12	30	147/10.25	WAIIOHEWA BRIDGE (Incr Dir)	1572	20	OWN LANE	Not Significant	6341598/2801902
			WAIIOHEWA BRIDGE (Decr Dir)	1572	10	OWN LANE	Low	6341598/2801902
13	34	15/0.56	KAWERAU RAIL OVERPASS	156	20	OWN LANE	Not Significant	6342103/2837556

The user to whom this permit is issued shall contact the police at least two working days in advance of the crossing of any bridge in the above list where "police control" is indicated and make arrangements for a police officer to be present to control other traffic during the supervised crossing.

Bridge Engineering Self Supervision is permitted only for the bridge listed and the person named above.

Bridge Engineering Supervision Requirements

A. SPEED

The speed of the overweight vehicle shall not exceed the value shown while on the bridge.

B. POSITION

The vehicle shall travel in the left-hand lane on all bridges except those for which alternative bridge engineering supervision instructions are specifically provided in this permit.

Own Lane - the overweight vehicle shall travel in its own lane as far as is practicable.

Offset - the overweight vehicle shall travel so that its centre is at the indicated distance from the kerb on the left of the vehicle.

Central - the overweight vehicle shall travel on that part of the bridge most favourable to the structure. This shall be:

- (i) central on the beam system for bridges with beams and concrete decks;

- (ii) central between kerbs for slab bridges;
- (iii) approximately central on the beam system but with wheels as near as possible over the beams for bridges with timber decks.

Opposite Bridge - the overweight vehicle shall use the bridge for the opposing traffic direction.

Ford or Bypass - the overweight vehicle **shall not cross the bridge** but use the adjacent ford or bypass.

C. TRAFFIC CONTROL

Other heavy vehicles proceeding in the same direction shall be spaced at least 30 metres from the overweight vehicle while it is on the bridge. Cars may be closer if necessary.

Where “offset”, “central” or “opposite bridge” is indicated for position, traffic travelling in the opposing direction shall be prevented from crossing the bridge while the overweight vehicle is on it.

Traffic control at bridge crossings shall be in accordance with the “Code of Practice for traffic control at bridges being crossed by overweight vehicles”

Traffic control requirements:

Risk to other vehicles	Traffic control requirements
Not significant	None required
Low	Overweight vehicle to have revolving amber light or flashing amber light visible from the rear together with rear facing retro-reflective hazard panels
High	Provide qualified traffic controllers or Class 1 or Class 2 certified pilots using approved industry procedures.

Additional Conditions

1. **TYRES.** Tyres must be operated at the pressures recommended by either the manufacturer or the Tyre and Rim Associations but not exceeding the maximum pressures stated in *Land Transport Rule: Tyres and Wheels 2001*. Tyre sizes shall be as indicated in this permit.
2. **SEPARATE PLANT.** The carriage or towing of separate items of plant, equipment or materials not specifically nominated in the description of load is not permitted.
3. **IDENTIFICATION SIGN.** The vehicle shall display a high-productivity motor vehicle sign in accordance with *clause 5.7 of Land Transport Rule: Vehicle Dimensions and Mass 2002* when operating as a high-productivity motor vehicle.
4. **AUTHORISED AGENT.** The vehicle shall not be operated on a road or bridge under this permit when in the opinion of an authorised agent of the road controlling authority, as communicated to the operator, it would be contrary to public interest to do so.

Additional Notes

1. **MASS ONLY.** This permit allows the user to vary the mass limits set out in *Land Transport Rule: Vehicle Dimensions and Mass 2002*, and does not authorise the user to exceed the permit limits exempt the user from complying with all other acts, regulations and other laws (including those relating to certificate of loading and road user charges)
2. **OVERDIMENSION.** For the transport of vehicles and loads that exceed the limits specified in section 6 of *Land Transport Rule: Vehicle Dimensions and Mass 2002*, a separate permit must be obtained from the Overdimension Permit Issuing Agency (OPIA) Palmerston North. OPIA contact number 0800 OVERSIZE / 0800 683774.
3. **RAILWAY LEVEL CROSSINGS.** Travel over level crossings is not covered by this permit. Operators of overweight and overdimension vehicles may require permission from KiwiRail or their agents for travel over railway level crossings.
4. **WEIGHING-** Police are authorised to divert vehicles up to five kilometres from the approved route for the purpose of weighing, provided under strength bridges are not included on the route.

Fees Payable:

Permit Issuing Fee (As specified in Schedule 4A of the Heavy Motor Vehicle Regulations 1974)	\$ 8.18
Bridge Supervision Fee (0 Trips)	\$0.00
Total Fee	\$18.18
GST	\$2.73
Total	\$20.91



Permit No.: **BP/H/13/0002**

Permit for High Productivity Motor Vehicle

This permit is issued under *Section 5 of Land Transport Rule: Vehicle Dimension and Mass 2002*

Identify holder and vehicle(s)

Name of Operator: *Loghaul Tokoroa Limited*

TSL number: 555555

Identity of vehicle(s) **GUW000, X975X**

Description of Vehicle(s) and load

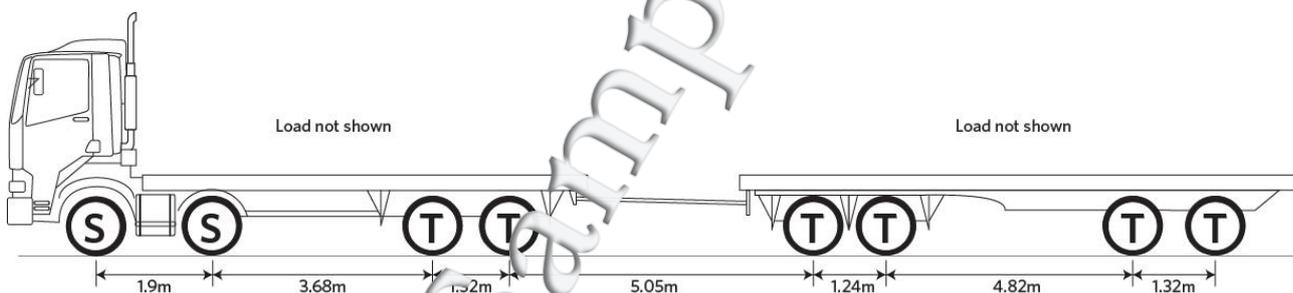
Vehicle configuration *truck and full trailer*

Load description *logs²*

Permit limits

Maximum permitted gross weight *48,000 kg.*

Axles and tyres: configuration and permitted weights



Axle Number	1	2	3	4	5	6	7	8
Axle Type*	S	S	T	T	T	T	T	T
Individual Axle Mass Limit (kg)	5400	5400	8500	8500	8500	8500	8500	8500
Axle Set Mass Limit (kg)	10800		16000		15000		16000	
Axle Combination Mass Limit (1-4) (kg)				26800				
Axle Combination Mass Limit (2-4) (kg)				22400				
Axle Combination Mass Limit (3-6) (kg)						31000		

² Not strictly required for HPMV

Overweight and HPMV consultation document

Axle Combination Mass Limit (3-8) (kg)								45000
Axle Combination Mass Limit (5-8) (kg)								31000
Spacing from previous axle (m)	0.00	1.90	3.68	1.32	5.05	1.24	4.82	1.32
Tyre Size	Standard							

* S=Single tyred axle, T=Twin tyred axle, 4=Four tyred oscillating axle, 8=Eight tyred oscillating axle.

Length *n/a*

Routes *BOP/Waikato Network as defined below*

Bridge Restrictions *see Bridge Engineering section below*

Permit type *Continuous area operation* Permit commences *23 Dec 2013* and expires *23 Dec 2015*

Requirement to observe permit conditions

A breach of weight limits specified on this form, or any permit condition, is an offence as provided in the *Land Transport (Offences and Penalties) Regulations 1999*.

Permit will be treated as invalid if:

1. the vehicle is off route, unless directed to do so by NZ Police or the road controlling authority
2. the permit is altered
3. the vehicles or persons operating the vehicles are not those described on the permit.

Critical Conditions

The vehicle must not:

1. exceed the maximum permitted gross weight stated on this permit
2. exceed design limits, such as GVM
3. breach a travel restriction or requirement for a specified bridge or culvert.

Other Conditions

This permit:

1. must be carried in the vehicle and produced to an enforcement officer or an authorised agent of the Agency or road controlling authority on demand
2. must be accompanied by any secondary document describing available routes (if applicable).

Revocation

This permit can be revoked, under *clause 5.6* of the Rule.

Authorised By

Position Title	Name
Date	Signature
On behalf of: <i>NZ Transport Agency BoP Region</i>	

Route Description

Section	Highway	From RP	From Junction	To RP	To Junction
1	SH2	151 / 0.0		243 / 10.75	
From (but not including) Apata Rail Overbridge to SH2/Foster Rd intersection, Pekatahi (DO NOT CROSS Pekatahi Rail/Road Bridge)					
1	SH30	219 / 8.29		206 / 0.0	344
SH30/Mill Rd intersection, Whakatane to SH30/SH34 junction, Te Teko					
1	SH34	0 / 0.0	349	27 / 0.0	340
All (SH2/SH34 junction to Kawerau, & on to SH30/SH34 junction, end of Kawerau Rd)					
2	SH30	194 / 0.0	340	115 / 0.0	
SH30/SH34 junction (end of Kawerau Rd) to BOP/Waikato regional boundary, Upper Atiamuri					
1	SH33	36 / 0.0	339	0 / 0.0	330
All (SH33/SH2 junction, Paengaroa to SH33/SH30 junction, Mourea)					
1	SH30A	4 / 0.0	106	0 / 0.0	305
All (SH30/Te Ngae Rd intersection - Amohia St - Pukutuata St to SH5)					
1	SH5	29 / 0.0		77 / 21.99	
BOP/Waikato regional boundary, Mamakū to BOP/Waikato regional boundary, Mihi					
1	SH38	0 / 0.0	380	17 / 18.5	
SH5/SH38 junction, Rainbow Mountain to SH38/Kopuriki Rd intersection, Murupara					
1	SH29	0 / 0.0		42 / 0.0	
SH2/SH29 junction, Te Maunga to BOP/Waikato regional boundary (Kaimai Summit)					

Bridge Engineering Requirement

Bridges requiring engineering supervision are:

Bridge No.	State Highway	Route Position	Bridge Name	BSN	Speed*	Position*	Risk to Other Vehicles*	GPS Co-ords N/E
1	34	15/3.31	TARAWERA STREAM BRIDGE	183	0	DO NOT CROSS	High	6340387/2835704

Additional Conditions

1. **TYRES.** Tyres must be operated at the pressures recommended by either the manufacturer or the Tyre and Rim Associations but not exceeding the maximum pressures stated in *Land Transport Rule: Tyres and Wheels 2001*. Tyre sizes shall be as indicated in Clause 1(a) of this permit.
2. **ROLL STABILITY.** Trailer roll stability control is required to be fitted and active on the trailer(s) identified by this permit. Alternatively, a trailer without ABS brakes may instead operate with a minimum SRT of 0.4g. Documentation should be available to demonstrate compliance with this to an enforcement officer.
3. **MOTORWAY.** The vehicle operating under this permit shall not travel on declared motorways unless specifically authorised to do so in the route instructions. Note: Declared motorways are marked by a sign at their beginning and end. All motorway signs have green backgrounds.
4. **IDENTIFICATION SIGN.** The vehicle shall display a high-productivity motor vehicle sign in accordance with *clause 5.7 of Land Transport Rule: Vehicle Dimensions and Mass 2002* when operating as a high-productivity motor vehicle.
5. **AUTHORISED AGENT.** The vehicle shall not be operated on a road or bridge under this permit when in the opinion of an authorised agent of the road controlling authority, as communicated to the operator, it would be contrary to public interest to do so.

Additional Notes

1. **MASS ONLY.** This permit allows higher the mass limits than those set out in *Land Transport Rule: Vehicle Dimensions and Mass 2002*, and does not authorise the user to exceed the permit limits or exempt the user from complying with all other acts, regulations and other laws (including those relating to certificate of loading and road user charges)
2. **OVERDIMENSION.** For the transport of vehicles and loads that exceed the limits specified in *section 6 of Land Transport Rule: Vehicle Dimensions and Mass 2002*, a separate permit must be obtained from the Overdimension Permit Issuing Agency (OPIA) Palmerston North. OPIA contact number 0800 OVERSIZE 0800 683774.
3. **RAILWAY LEVEL CROSSINGS.** Travel over level crossings is not covered by this permit. Operators of overweight and overdimension vehicles may require permission from KiwiRail or their agents for travel over railway level crossings.
4. **WEIGHING-** Police are authorised to divert vehicles up to five kilometres from the approved route for the purpose of weighing, provided under strength bridges are not included on the route.

Fees Payable:

Permit Issuing Fee (As specified in Schedule 4A of the Heavy Motor Vehicle Regulations 1974)	\$54.55
Bridge Supervision Fee (0 Trips)	\$0.00
Total Fee	\$54.55
GST	\$8.18
Total	\$62.73

6. Proposals to amend regulations

Amending the Offences and Penalties regulations

The proposed changes to the Rule are designed to allow better alignment of the offences and penalties for operating an overweight vehicle. The intention is to increase fines for operation of overweight vehicles not operating on a permit, and to provide more appropriate penalties for permit breaches. Change proposals can be summarised as:

Proposal 7. Set a new incremental scale for individual axle overload penalties

Proposal 8. Set a new incremental scale for groups of axles and total vehicle overload penalties

Proposal 9. Retain tolerances for non-permitted vehicles other than removal of 3-tonne tolerance for loads over 60 tonnes

Proposal 10. Set a new fine for breach of a critical permit condition (\$2000)

Proposal 11. Set a 500-kg tolerance for permitted vehicles (which would not apply to penalty scales)

If making a submission, please use these proposals to identify which change you wish to comment on.

Breaches for vehicles without permits

Please note that the Government has not yet formally agreed specific increases in the fine levels for vehicles operating overweight without a permit. Your comment is sought on the proposals outlined below. The principles applied in these proposals can be summarised as:

- a. a higher “entry” level fine (\$350, rather than the existing \$150 fee), with proportional increases for higher weight breaches;
- b. no change to the fines for the highest weight breaches;
- c. no change to the 1.5-tonne gross weight tolerance for vehicles operating without permits above 33 tonnes;
- d. removal of the 3-tonne gross weight tolerance for vehicles operating above 60 tonnes (since this is only valid for permitted vehicles).

Tables 2 and 3 (pages 48 and 49) show current and proposed fine amounts. These fine levels were discussed with industry representatives in 2013.

Breaches where a permit is held

Three levels of breaches are proposed, and each has a different effect where an offence is detected.

Is the permit valid in the circumstances?

When a permit exists, but vehicle operation is clearly outside the permit description, for example:

- a. one of the vehicles had been modified, with an axle removed, since the permit was issued; or
- b. the vehicle was operating off the routes specified on the permit.

then that permit would be ineffective. This is also true if the permit was altered (the Rule would state that this makes it invalid). Any vehicle in this category would be treated as operating without a permit and would be held to the general access mass limits set out in the VDAM Rule.

Has a critical condition been breached?

Critical conditions would be restricted to requirements to:

- a. operate within gross mass limits (design limits such as GVM or the gross mass limit specified in a permit); and
- b. observe travel restrictions for weak bridges on-route.

Bridge restrictions, for this purpose, would apply only if the permit specified them. Weak structures may require either a reduced total load or the permit may state that a heavy load must cross at slow speed. For the most vulnerable bridges the requirement might be to “crawl central”, using pilot vehicles to control other traffic.

These offences may attract up to two fines:

- a. a substantial fine, proposed as \$2000 if the offence was dealt with by an infringement notice; plus
- b. incremental fines for the weight over the limit, if any. Any incremental fine would be based on the permit weights, not VDAM limits.

Has any “additional” condition been breached?

If this occurs, then the current standard breach of permit fine (\$370) would be applied. Overloading penalties (eg, when a single axle exceeds permit limits) are treated separately in the Offences Regulations.

What is the reference point for an overloading fine?

If a vehicle was operating without a valid permit, the benchmark would be the appropriate limit provided in the VDAM Rule (eg, 44 tonnes gross vehicle mass for most combination vehicles).

If the permit was valid, but a condition was breached, then the benchmark would be the appropriate limit stated on the permit. The proposal is that permitted vehicles would **not** have a tolerance applied when calculating any fine due.

To clarify the effect of this proposal:

- a vehicle with a permit is recorded as 300 kg over a permitted axle weight. No offence notice would be issued;
- a vehicle with a permit is recorded as 800 kg over a permitted axle weight. An offence notice would be issued, and the fine would be calculated as over 500 kg and under 1,000 kg.

The examples in *Table 1* show worked examples. See also:

- a. *Table 2* for the incremental axle weight fines;
- b. *Table 3* for fines applied to groups of axles or gross weight.

Table 1: Worked examples (strictly applying current and proposed regulations)

NOTE: These examples are indicative. Individual scenarios will vary the fines due.

Situation	Current	Proposed
Vehicle carrying indivisible load, permit weight 58 tonnes Actual gross weight is 58.05 tonnes Offence is travel off-route	Permit is voided. Fine for breaching permit \$370 Vehicle overload assessed as 58 tonnes less 44 tonnes (VDAM limit) less tolerance of 1.5 tonnes = 12.5 tonnes over = \$8,300 PLUS likely axle fine (range is \$150 twin steer, \$2,250 single) Total \$8,800 to \$10,550 MAY incur offloading	Vehicle is treated as not holding a permit Vehicle overload is assessed as 58 tonnes less 44 tonnes (VDAM limit) less tolerance of 1.5 tonnes = 12.5 tonnes over Fines slightly higher than current (about \$300 extra) MAY incur offloading
Vehicle carrying indivisible load, permit weight 58 tonnes Offence is gross weight measured at 62.10 tonnes	Permit is voided Fine for breaching permit \$370 PLUS Vehicle overload assessed as 62 tonnes less 44 tonnes (VDAM limit) less tolerance of 1.5 tonnes (no permit) = 16.5 tonnes over = \$10,000 PLUS likely axle fine of up to \$5,600 (less if twin steer) Total about \$15,600 MAY incur offloading	Vehicle pays fine for breach of critical condition = \$2000 PLUS overload assessed as 62.1 tonnes less 58 tonnes (permit level) = 4.1 tonnes over = \$1650 Total \$3650
Vehicle on HPMV permit for 58 tonnes Total gross weight is just under 58 tonnes Offence is exceeded (permit) weight limit on one axle	Permit is voided Fine for axle weight exceeded (say) \$150 Plus breach of permit \$370 PLUS Vehicle overload assessed as 58 tonnes less 44 tonnes (VDAM limit) less tolerance of 1.5 tonnes = 12.5 tonnes over = \$8,300 Total about \$8,820	Vehicle pays fine for exceeding axle limit IF over 500 kg, but under 1 tonne = \$600 No other fine payable
Vehicle with no HPMV permit, carrying divisible load Offence is gross mass of 48.6 tonnes Assumption: no axle breach	Fine assessed as 48.6 tonnes less 44 tonnes limit, less tolerance of 1.5 tonnes = 3.1 tonnes over Fine = \$900 Offloading will be required	Fine assessed as 48.6 tonnes less 44 tonnes limit, less tolerance of 1.5 tonnes = 3.1 tonnes over Fine = \$1250 Offloading will be required

Table 2: Current and proposed individual axle penalties

Offence	Current	Proposed
If the axle weight recorded or calculated,(less the appropriate tolerance)*, exceeds the maximum permitted weight on the axle by:	Infringement fee or penalty for that axle (\$)	Infringement fee or penalty for that axle (\$)
not more than 500 kg	150	350
more than 500 kg but not more than 1,000 kg	350	600
more than 1,000 kg but not more than 1,500 kg	600	900
more than 1,500 kg but not more than 2,000 kg	900	1,250
more than 2,000 kg but not more than 2,500 kg	1,250	1,650
more than 2,500 kg but not more than 3,000 kg	1,700	2,100
more than 3,000 kg but not more than 3,500 kg	2,250	2,600
more than 3,500 kg but not more than 4000 kg	2,900	3,250
more than 4,000 kg but not more than 4,500 kg	3,650	4,050
more than 4,500 kg but not more than 5,000 kg	4,550	5,000
more than 5,000 kg but not more than 5,500 kg	5,600	6,000
more than 5,500 kg but not more than 6,000 kg	6,850	7,150
more than 6,000 kg but not more than 6,500 kg	8,300	8,500
more than 6,500 kg	10,000	10,000

*Only for non-permit vehicles; proposal is tolerance for permitted vehicles would be applied to establish whether an offence had been committed, but not for the purposes of calculating the fine due.

Table 3: Current and proposed penalties for groups of 2 or more consecutive axles and all axles of vehicle or combination of vehicle

Offence	Current	Proposed
If the axle weight recorded or calculated, (less the appropriate tolerance) exceeds the maximum permitted weight on the axle by:	Infringement fee or penalty for sum of axle weights	Infringement fee or penalty for sum of axle weights
	(\$)	(\$)
not more than 1,000 kg	150	350
more than 1,000 kg but not more than 2,000 kg	350	600
more than 2,000 kg but not more than 3,000 kg	600	900
more than 3,000 kg but not more than 4,000 kg	900	1,250
more than 4,000 kg but not more than 5,000 kg	1,250	1,650
more than 5,000 kg but not more than 6,000 kg	1,700	2,100
more than 6,000 kg but not more than 7,000 kg	2,250	2,600
more than 7,000 kg but not more than 8,000 kg	2,900	3,250
more than 8,000 kg but not more than 9,000 kg	3,650	4,050
more than 9,000 kg but not more than 10,000 kg	4,550	5,000
more than 10,000 kg but not more than 11,000 kg	5,600	6,000
more than 11,000 kg but not more than 12,000 kg	6,850	7,150
more than 12,000 kg but not more than 13,000 kg	8,300	8,500
more than 13,000 kg	10,000	10,000

7. About the Rule-making process

What are Land Transport Rules?

Land Transport Rules (Rules) are legislation made by the Minister of Transport or his delegate ('the Minister') under the *Land Transport Act 1998* (the Act). Most Rules are drafted by the NZ Transport Agency, by an arrangement with the Secretary for Transport, and working closely with the Ministry of Transport's policy and legal advisors.

While the Act sets out principles and the policy framework, Rules contain detailed requirements, including standards and processes, for putting those principles and policy into operation. Rules cover a range of land transport issues.

Rules are drafted in plain language to be understood by a wide audience and to help ensure compliance with requirements. The NZ Transport Agency is responsible for ensuring that appropriate consultation is undertaken on proposed Rules, and a draft Rule may be refined in response to submissions received. Compliance with Rules is required because they form part of New Zealand transport law. The specific offences and penalties that apply to each Rule are set out in the Act or in regulations.

What are we seeking your feedback on?

We are actively seeking your comments on the proposed Rule amendment and on the proposals relating to regulation changes. We recognise that changes to offences and penalties, as proposed in this package, have a potentially significant impact on freight operators and other users of heavy vehicles.

When you provide feedback on the proposals, it would be helpful if you would consider and comment on the following:

- What impact would the proposals have, and on whom? We are particularly interested in your comments on whether you see the proposals as effective and fair.
- Would any groups or individuals, in particular, be disadvantaged by the proposals, and how?
- Would any other groups or individuals, in particular, benefit from the proposals, and how?
- Are there any compliance issues that would need to be considered if the proposals were to go ahead?

Wherever possible, please provide examples to illustrate your point when making your comments.

Matters to be taken into account

The Act provides the legal framework for making Land Transport Rules. *Section 161* states the procedures by which the Minister makes ordinary Rules.

Application of Rule-making criteria

Proposed activity or service

Section 164(2)(b) of the Act requires that appropriate weight be given to the nature of the proposed activity or service for which the Rule is being established. The proposed activity or service is the application of a regime for allowing vehicles that are overweight or overdimension to use roads in New Zealand while protecting the infrastructure and the safety of other road users.

The amendment Rule proposals are designed to encourage uptake of permits for overweight loads, using vehicles designed for the task. Permits allow management of infrastructure by RCAs. They also require that heavy vehicles operating over the general mass limits pay more, through RUC, for the costs they generate.

By contrast, operation of overweight vehicles without permits may generate excess road wear (through higher axle and gross loads) and these vehicles fail to pay for the pavement damage they create.

Risk to land transport safety

Section 164(2)(a), (c) and *(d)* requires the Minister to take into account the level of risk to land transport safety in each proposed activity or service, the level of risk existing to land transport safety in general in New Zealand, and the need to maintain and improve land transport safety and security.

Vehicles operated above general mass limits, or in excess of normal length restraints, need to use suitable routes and be appropriately managed, to avoid risks to other road users.

Assisting achievement of strategic objectives for transport

Section 164(2)(e) of the Act requires that the Minister have regard, and give such weight as he or she considers appropriate in each case, to whether a proposed Rule (i) assists economic development; (ii) improves

access and mobility; (iii) protects and promotes public health; and (iv) ensures environmental sustainability.

The Rule proposals would assist economic development by encouraging the further uptake of overweight permits, which provide for more efficient freight movement. They would also support moves to discourage overloading that is not managed through the permit system (which imposes costs that are not recovered by RCAs).

Costs of implementing the proposed changes

Section 164(2)(ea) of the Act requires that the Minister have regard to the costs of implementing measures proposed in a Rule.

The Rule proposals require changes to permit forms, minor updates to information about the permit system for freight operators, and the creation of new infringement codes and fine levels that would affect NZ Police. None of these requirements would incur capital development costs.

See the *Appendix* for a summary of the costs and benefits of the proposed changes.

International considerations

Section 164(2)(eb) and *(f)* of the Act requires that in making a Rule, the Minister must have regard to New Zealand's international obligations concerning land transport safety, and the international circumstances in respect of land transport safety.

New Zealand has no international obligations in this area.

How the amendment Rule fits with other legislation

Proposed changes to the *Land Transport (Offences and Penalties) Regulations 1999* are listed on page 44 of this document.

Publication and availability of Rules

Access to consultation material

Copies of this consultation document may be obtained by calling the NZ Transport Agency Contact Centre on 0800 699 000. It is also available on the NZ Transport Agency's website at:

<http://www.nzta.govt.nz/consultation/overweight-and-high-productivity-motor-vehicles/index.html>.

Availability of Rules

Land Transport Rules can be purchased from selected bookshops throughout New Zealand that sell legislation. They can also be inspected at the National Office and regional offices of the NZ Transport Agency. Final versions of Rules are also available on the NZ Transport Agency's website at:

<http://www.nzta.govt.nz/resources/rules/about/>.

Information about Rules

Information about the Rules programme and process is available online at:

<http://www.nzta.govt.nz/resources/rules/about/>.

If you have not registered your interest in this proposed amendment Rule (or other draft Rules in the Rules programme), you can do so by contacting the NZ Transport Agency at our addresses shown in the *Making a submission* section at the front of this publication, or at:

<http://www.nzta.govt.nz/resources/rules/about/registration.html>.

This includes a form for registering an interest in Rules.

APPENDIX: Table 4: Summary of benefits and costs by proposal

No.	Proposal	Benefits	Costs
1	<p>RULE: Split permit conditions into critical and additional</p> <p>REGULATIONS: Set differential penalties for permit breaches (higher fines for critical conditions).</p>	<p>Proposal 2 removes risk of heavy fines for minor breaches.</p> <p>Creates proportional penalty scale, with fines for minor breaches well below those for serious offences.</p> <p>Intended to encourage operators to obtain and manage permits.</p>	<p>NZ Police will need to revise standard operating procedures (SOPs) and create new infringement codes.</p> <p>Permit holders will still be required to meet tighter standards when operating overweight vehicles.</p>
2	<p>RULE: Replace permit form and remove reference to permit being voided for breach of any condition.</p>	<p>Works with Proposal 1 to create proportional penalties.</p> <p>Permit form is designed to create greater clarity around operator requirements, and should assist roadside enforcement.</p>	<p>All road controlling authorities (including the NZ Transport Agency) will have to update their application and permit issuing processes.</p> <p>NZ Police will need updated SOPs that describe the new format.</p>
3	<p>REGULATIONS: set new (lower) tolerance level for vehicles holding a permit</p>	<p>Vehicles carrying heavier loads (and potentially creating more road wear) will be actively encouraged to avoid carrying weights above those described on the permit.</p>	<p>Operators holding a permit will be required to carefully manage loads.</p>
4	<p>REGULATIONS: Set higher fines for overweight breaches by non-permitted vehicles but retain existing top level penalties.</p>	<p>Discourage operators who choose to load above VDAM limits but do not enter the permit system.</p>	<p>Minor changes to infringement offence penalties (NZ Police, Courts).</p>

