

Land Transport (Road User) Amendment Rule [2011]

Rule 61001/6

Overview

Land Transport Rules are produced by the NZ Transport Agency for the Minister of Transport. Draft Rules go through an extensive consultation process and are refined in response to consultation.

*This overview accompanies, and sets in context, the yellow (public consultation) draft of the **Land Transport (Road User) Amendment Rule [2011]** (Rule 61001/6). The draft Rule proposes to change the rules for giving way at intersections on New Zealand's roads and would make a number of other changes affecting road users. The give-way change proposal is part of completing the first actions of "Safer Journeys – New Zealand's Road Safety Strategy 2010-2020".*

*If you wish to comment on this draft Rule, please see the page headed 'Making a submission'. The deadline for submissions is **24 June 2011**.*

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What are Land Transport Rules?

Land Transport Rules aim to:

- **clarify**
- **consolidate** and
- **create**

land transport law.

Rules are made in relation to a wide range of matters. These include safeguarding and improving land transport safety and security, improving access and mobility, assisting economic development, protecting and promoting public health and helping to ensure environmental sustainability.

The NZ Transport Agency (NZTA) is contracted to produce Land Transport Rules (Rules) for the Minister of Transport (the Minister) under an agreement for Rule development services with the Secretary for Transport. Rules are signed into law by the Minister under the *Land Transport Act 1998* (the Act).

Rules are developed by means of extensive consultation and are drafted in plain language to be understood by a wide audience and to help ensure compliance with requirements.

Consultation process

The Government is committed to ensuring that legislation is sound and robust and that the Rules development process takes account of the views of, and the impact on, people affected by changes proposed in Rules.

This publication, for your comment, has two parts:

- (a) an overview, which sets proposed Rule changes in context; and
- (b) the yellow draft of the *Land Transport (Road User) Amendment Rule [2011]* (Rule 61001/6) ('the proposed amendment Rule') for public comment.

This amendment Rule proposes changes to the *Land Transport (Road User) Rule 2004* ('the Road User Rule' or 'the Rule'). Please read the overview carefully and consider the effects that the amendment proposals would have on you or your organisation.

You will notice that the amendment Rule sets out only the changes that are proposed. If you do not have a copy of the Road User Rule, please read the information in *Publication and availability of Rule* (page 28) about obtaining Land Transport Rules. To assist in setting the proposed changes in context, the web versions of the Road User Rule and the proposed amendment Rule documents are linked.

The issues that are raised in submissions on the yellow draft of the Rule will be analysed and taken into account in redrafting the proposed amendment Rule.

Following completion of the public consultation phase, a paper about the proposed amendment Rule will be submitted to Cabinet, which will be asked to note the Minister's intention to sign the Rule. Following consideration by Cabinet, the Minister will sign the Rule into law.

Proposed timetable for implementation

Subject to the approval of the Minister of Transport, it is planned that the changes to the give-way rules will take effect in April 2012. The other changes will take effect in late 2011.

Making a submission

If you wish to make a submission on the proposed amendment Rule, please read the material headed *Making a submission* at the front of this document.

The deadline for submissions is Friday, **24 June 2011**.

Why is this amendment Rule being proposed?

The major proposal in the amendment Rule is to change the current give-way rules to improve safety at intersections.

A change to the give-way rules was identified as a road safety priority in the Government's road safety strategy, *Safer Journeys – New Zealand's Road Safety Strategy 2010-2020*. Public and stakeholder submissions during the development of the strategy strongly supported a change to the give-way rules and the Cabinet has agreed to the proposals for amending the Rule.

Other proposals in the amendment Rule are a consequence of changing the give-way rules, or are required to align road user requirements with changes to *Land Transport Rule: Traffic Control Devices 2004* ('the Traffic Control Devices Rule') or to strengthen or clarify existing road user requirements. Details of the reasons and justification for the amendments are set out in *What changes are proposed* (page 9)?

What are we seeking your feedback on?

The NZTA welcomes your comments on the proposed amendments, including potential compliance costs.

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? The NZTA is particularly interested in your comments on any costs (to you or to your organisation) of implementing the proposals.
- Would any groups or individuals, in particular, be disadvantaged by the proposals, and how?
- Would any groups or individuals, in particular, benefit from the proposals, and how?
- Are there any implementation issues that would need to be considered if the proposals were to go ahead?

Wherever possible, when making your comments please provide examples to illustrate your point. Please also include the proposal number when you are commenting on a proposal.

What changes are proposed?

This section discusses the changes to the Road User Rule, as proposed in the amendment Rule.

Give-way rules

Left turn v. right turn priority

Proposal 1. It is proposed to amend the Rule to require a driver when turning right at an intersection to give way to all oncoming traffic travelling straight ahead or turning left, unless a traffic sign or traffic signal requires the driver to stop or give way.

Uncontrolled T-intersections

Proposal 2. It is proposed to amend the Rule to require all traffic from a terminating road at an uncontrolled intersection to give way to all traffic travelling on a continuing road.

Reason for proposed changes

Background

Under the current give-way rules, traffic that is turning left at an uncontrolled intersection has to give way to right-turning traffic. These rules (see *Figures 1 and 2* over the page) have been in force since 1977. Before that, the rules, as described in *The Official New Zealand Road Code*, were:

- give way to traffic on your right, including cyclists;
- if you are turning right, give way to other traffic;
- where two vehicles are turning right, the law does not give either vehicle priority.

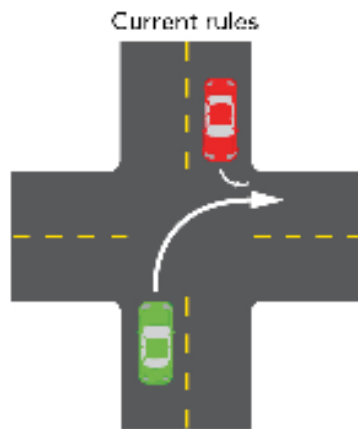


Figure 1 Vehicle turning right has priority at uncontrolled intersection.

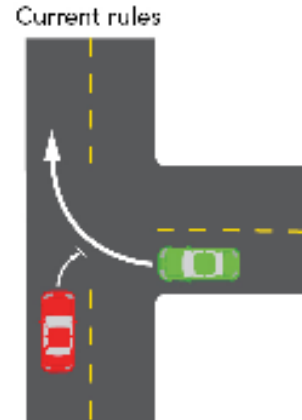


Figure 2 Vehicle turning right from terminating road has priority at uncontrolled T-intersection.

The current give-way rules are the result of a major revision of the give-way rules in 1977. At the time, there was a significant number of uncontrolled intersections, traffic volumes were increasing and the occasions when two vehicles were turning were becoming more frequent. In situations where two vehicles were turning right as neither had priority, driver courtesy would have to prevail.

The aim of the 1977 changes was to produce give-way rules that were consistent and simple for road users to apply, and to formalise the priority for vehicles that were both turning right.

The introduction of the current rules, however, coincided with a 2.5 percent increase in casualty crashes at intersections in the three years following the change. The merits of left turn v. right turn priority have been an ongoing issues for debate, and revision of the rules has been considered, but not progressed, on several occasions.

Proposed changes

It is proposed to change the give-way rules, as shown in *Figures 3* and *4* (next page), to reverse the current situation. A vehicle turning left would now have priority at an uncontrolled intersection. A driver turning right would have to give way to all oncoming traffic travelling straight ahead or turning left.

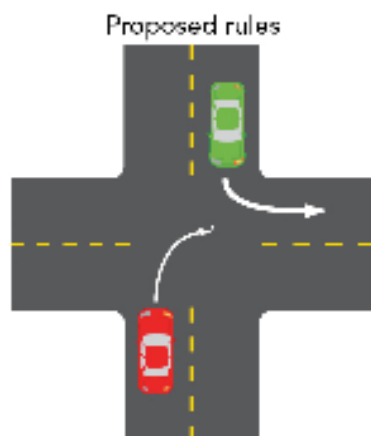


Figure 3 Vehicle turning left has priority at uncontrolled intersection.

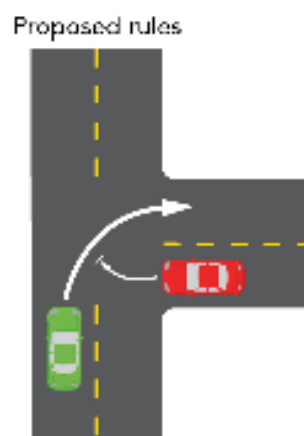


Figure 4 Vehicle turning right from continuing road has priority at uncontrolled T-intersection.

It is not proposed to change the way in which the give-way rules apply when traffic is controlled by a traffic sign or traffic signals, however, the new give-way rules would apply where the opposing signs or signals were the same (ie, both drivers have a green light, or a stop or give-way sign). This means that where the opposing signs or signals are the same, a driver when turning right must give way to all oncoming traffic and traffic turning left.

The current rules applying at uncontrolled T-intersections would be reversed so that a vehicle that is turning right from a 'continuing' road would have priority over one turning right from a 'terminating' road. The proposed amendment Rule defines the terms 'T-intersection', 'continuing' and 'terminating' roads.

The proposed changes would be achieved by amending *clause 4.2* of the Rule. In addition, the proposal to change the give-way rules would require a corresponding change to *paragraph 3.2(1)(c)*, to require a driver facing a green traffic signal and turning right to give way to vehicles approaching from the opposite direction and lawfully turning or about to turn left.

Driveways. Currently, if a driveway is a public entrance or exit, for example, at a supermarket, hospital or airport, it must be treated as an uncontrolled intersection. Given the differing designs and locations of driveways, the NZTA believes it would unnecessarily complicate the proposed changes to the give-way rules if driveways were to be included within the definition of an intersection. Instead, it is proposed to add a new requirement in *clause 4.4* of the Rule to require that a vehicle exiting a driveway give way to vehicles on the road.

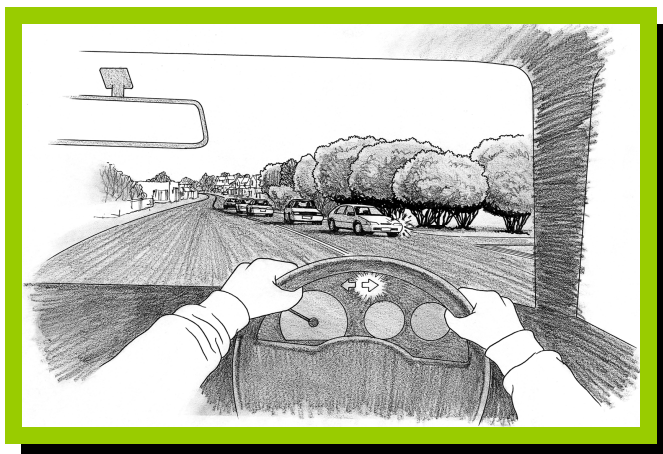
Why should the give-way rules be changed?

Improvement in safety at intersections. The current give-way rules are regarded by many people as being confusing, and they produce hazardous situations for motorists.

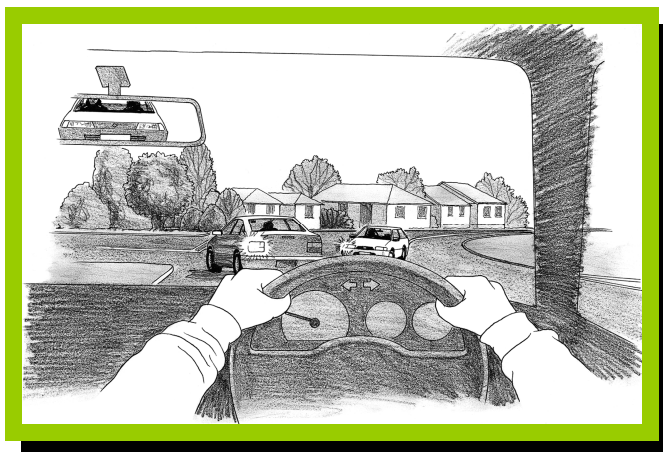
Turning right across oncoming traffic is an especially hazardous manoeuvre. The current give-way rule requires right-turning traffic to judge whether oncoming traffic is turning or not (see *Picture 1*). In checking the intentions of an approaching vehicle that is indicating a left turn, the right-turning driver may overlook traffic travelling straight through, especially cyclists or motorcyclists travelling behind the left-turning vehicle. The proposed change to the give-way rules would mean that only the gap to oncoming traffic would need to be assessed.

When traffic volumes are high, applying the current give-way rule requires drivers to assess a complex and dynamic situation. A vehicle turning left may have traffic following it straight through the intersection, negating the need for it to give way to traffic turning right (see *Picture 2*, next page). In deciding whether to proceed, a left-turning vehicle must, therefore, check oncoming traffic for a right-turning vehicle, and the rear for straight-ahead traffic, as well as checking for pedestrians.

When a left-turning vehicle is part way through a turn and has stopped to give way to pedestrians, the vehicle's alignment will prevent an adequate view to the rear and increase the uncertainty as to whether to wait for an oncoming right-turning vehicle. With the current priority, traffic continuing straight ahead may pull right to pass a waiting left-turning vehicle, increasing the risk of a head-on crash with oncoming traffic.



Picture 1: This driver's response to the conflict with the left-turning vehicle will depend on what he or she judges to be the intentions of the traffic following the left turner.



Picture 2: Left Turn vs Right Turn. The driver of the vehicle turning left needs to be aware, using the rear view mirror, of the intentions of following traffic to evaluate what the vehicle turning right might do.

The existing priority, therefore, requires traffic turning left to base a response to a conflict ahead on what is happening immediately behind. This produces hesitation and uncertainty, and in exceptional circumstances can result in an intersection approach becoming jammed. In contrast, traffic turning right has a clear view of all oncoming traffic and pedestrians and, therefore, is better placed to assess the situation.

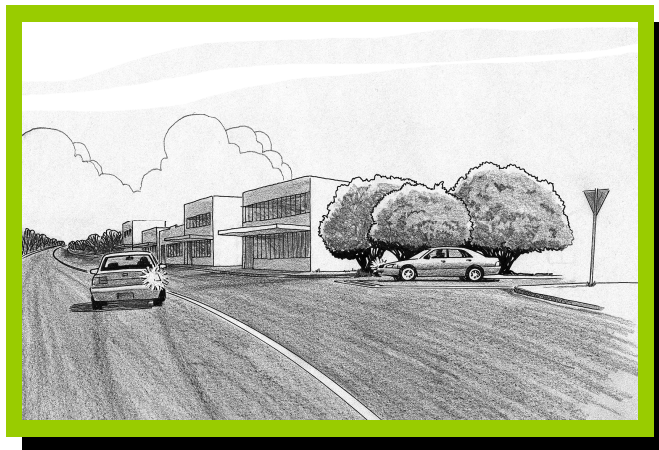
It could be argued that the current give-way rules should not be changed because they are effective at keeping traffic flowing (provided they are applied properly by all drivers). The proposal does increase the potential to delay traffic turning right. This has safety implications because waiting traffic towards the middle of a road is at a higher risk of collision from behind than waiting traffic towards the left of the road. This was a motivation for the change in rules in 1977.

The increasing provision of right-turn bays on higher volume roads, however, means this risk would be substantially reduced in today's traffic environment if the proposal is accepted. The proposal would increase the efficiency of left turns and encourage through traffic to stay towards the left of the road away from oncoming traffic. This would reduce the risk.

Conflicting right turns at uncontrolled T-intersection. Since 1977, at uncontrolled T-intersections, right-turning vehicles from the terminating road have priority over right-turning vehicles from the continuing road. Uncontrolled T-intersections are now the main place where this rule has to be applied (see *Picture 3* next page). If a stop or give-way control is installed on the terminating road, this priority is reversed (see *Picture 4*).



Picture 3: Turning right at an uncontrolled T-intersection. The vehicle on the left that is turning right from the continuing road currently has to give way to the vehicle turning right from the terminating road. This requirement would be reversed under the amendment Rule.



Picture 4: Turning right at a controlled intersection. The vehicle on the terminating road currently has to give way to the vehicle turning right from the continuing road. This requirement would not change.

The T-intersection is the most common intersection type. The number of T-intersections has been increasing over time because it is recognised that they are inherently safer than crossroads. At the vast majority of T-intersections the continuing road (the cross of the ‘T’) has the major traffic flows. The best result for road safety and efficiency is for traffic travelling along a major (continuing) road to have priority over traffic entering from a minor (terminating) road (the stem of the ‘T’).

Currently, road users have to learn and apply two rules for T-intersections: a major/minor rule if the intersection is controlled, and the give-way-to-the-right rule if it is not. Road users can misapply the rules or hesitate unduly when two vehicles are turning right at an uncontrolled T-intersection.

A common approach overseas is to have a give-way rule especially for T-intersections so that whether it is controlled or not makes no fundamental difference. Typically, such a rule requires all traffic on a road that terminates at a T-intersection to give way to any traffic on the continuing road. The proposed changes to the give-way rules would apply this approach to New Zealand roads.

In summary, adopting the proposal for changing the give-way rules will:

- mean that the absence of signals or misleading signals by drivers should not lead to a collision (unlike in the current situation which relies heavily on the drivers of the two ‘conflicting’ vehicles accurately signalling their intentions);
- remove the need for a driver turning right to judge the intentions of approaching traffic, and especially the intentions of vehicles following behind a vehicle indicating a left turn, to turn safely;
- remove the problem of a driver turning left having to be aware of the intentions of traffic approaching from the rear so as to judge what an approaching vehicle turning right might do;
- remove the need for a driver turning left at night to look directly towards the headlights of approaching traffic to check for a right-turn indication;
- help ensure that traffic turning left is aware that there may be pedestrians crossing the road into which it is turning, and cyclists on the inside of the turning vehicle;
- for T-intersections, remove the distinction between controlled and uncontrolled intersections;
- reflect drivers’ expectations, particularly for T-intersections, as to which are major roads and which are minor roads, and which vehicles should have the priority when giving way;
- standardise the give-way rules for driveways and intersections; and

- be consistent with Australia and other countries and reduce confusion among overseas drivers visiting New Zealand.

Improved traffic management. **Proposal 1** will produce benefits for traffic management by:

- improving left-turn efficiency;
- encouraging the use of left-hand lanes by straight-through traffic at multi-lane intersections; and
- reducing the possibility of an intersection approach becoming jammed by opposing left-and right-turning vehicles waiting for straight-through traffic.

The proposal potentially increases the delay for right-turning vehicles, as some opportunities for turning will be lost, and there may be costs associated with addressing this. At intersections controlled by traffic signals, longer right-turn phases may be necessary to prevent excessive queue length. At other intersections, there may be a need to provide exclusive right-turn lanes where there is no need at present. At busier intersections controlled with signs, which have high turning flows and significant delays, the proposal may bring forward the need for traffic signals.

For **Proposal 2**, Give Way signs and markings at many minor T-intersections would not be required if the proposed T-intersection rule is adopted. Their intended use is for exceptional circumstances such as high traffic flows or a need to reduce approach speeds because of poor sight lines. Under New Zealand's present give-way rules there is an incentive to control minor T-intersections, especially along arterial and collector roads, to allocate priority to the through road for efficiency purposes. A change to the T-intersection give-way rule would free up resources in the future for safety and efficiency projects.

Overall, the give-way change proposals should produce more cautious decision-making and reduce the level of judgement needed in complex and dynamic traffic environments and promote smoother traffic flow.

Reduction in intersection crashes. Intersection crashes currently account for 17 percent of fatal crashes. While more than half of fatal intersection crashes occur in rural areas, the majority, (over 80 percent) of intersection crashes causing injury are in urban areas. Over the decade to 2009, the number of crashes involving pedestrians and turning vehicles at intersections doubled.

It is expected that the proposed changes to the give-way rules will reduce intersection crashes and improve safety, especially for pedestrians and cyclists. The proposed changes will result in less complex decision-making at intersections. Drivers of left-turning vehicles will only need to check whether there are pedestrians crossing the road into which they are turning, and whether there are any cyclists on the inside of the turning vehicle. The driver of a right-turning vehicle would need to assess only whether there is a sufficient gap in the oncoming traffic.

The proposed changes are also expected to marginally reduce the risk of a right-turning vehicle at an uncontrolled T-intersection being hit in the rear by straight-through traffic.

The pattern of casualty crashes following the alteration to give-way rules in a similar change made in the State of Victoria in 1993 resulted in a 7.1 percent reduction in crashes between vehicles turning right and oncoming vehicles, and crashes involving left-turning vehicles hitting pedestrians and cyclists. It is estimated that changing New Zealand's give-way rules will result in a reduction of about seven percent of relevant intersection crashes. It is estimated that the change will save an average of one life and prevent 97 injuries (13 serious and 84 minor injuries) each year.

The current give-way rule delays vehicles turning right off a continuing road when right-turning vehicles out of a terminating road oppose it. The hesitation that occurs when two opposing right-turning vehicles meet at an uncontrolled intersection increases the delay on the continuing road. This increases the risk of being hit from the rear by straight-through traffic. There was an annual average of 240 casualty crashes in the four-year period 2006 to 2009 where a vehicle towards the centre of the road waiting to turn right was struck from behind. The proposed change will reduce this risk.

Bringing New Zealand into step with other jurisdictions. Our current give-way rules were adopted in the 1970s following a similar change made by Victoria, which was aimed at assisting the movement of trams in Melbourne. In 1993, Victoria joined the rest of Australia by adopting the rule of right-turning traffic giving way to all oncoming traffic, leaving New Zealand as the only known jurisdiction in which our current rules apply. Greater uniformity with other jurisdictions would produce safety gains as drivers from overseas would not have to adopt different give-way rules from those in their own countries.

[Amendment Rule refs: *Clauses 7, 10 and 11*]

Traffic signals in form of ‘T’ or ‘B’

Apply bus signal provisions to riders of motorcycles, mopeds and cycles using a special vehicle lane

Proposal 3. It is proposed to allow riders of motorcycles, mopeds and cycles using a bus lane that is controlled by a ‘B’ (bus) signal to proceed on a white ‘B’ signal. Riders of those vehicles would be required to comply with a yellow or red ‘B’ signal.

Reason for proposed change

Clause 3.6 of the Rule currently allows only buses using a special vehicle (bus) lane controlled by a ‘B’ (bus) signal to proceed on a white ‘B’ signal. Unless excluded by signage, riders of motorcycles, mopeds and cycles are allowed to use the lane. Allowing riders of these vehicles to proceed on a white ‘B’ signal would prevent those vehicles from blocking the movement of a bus if they are in front of the bus when a white ‘B’ signal is displayed, and are waiting for a green signal.

The Rule would also be amended to require riders of motorcycles, mopeds and cycles to comply with a yellow or red ‘B’ signal controlling the bus lane.

[Amendment Rule ref. *Clause 8*]

Speed limits relating to buses

Add a new situation in which the 20 km/h speed restriction applies when passing a stationary school bus

Proposal 4. It is proposed to require drivers to limit their speed to 20 km/h when passing a stationary school bus on which a school bus sign with flashing lights is activated.

Reason for proposed change

Background

Travelling by school bus is one of the safest ways for students to travel to and from school. Research¹ has shown that in the period 2003 to 2005 children travelling by car to school were 2.3 times more likely to be injured per trip than children travelling by bus.

¹ Schofield, G, Gianotti, S, Badland, H, and Hickson, E. (2008). The incidence of injuries travelling to and from school by travel mode. *Preventive Medicine*, 46, 74-76.

Despite the safety of bus travel, in the 22-year period from 1987 to 2009, 23 children were killed, 47 seriously injured and 92 received minor injuries when crossing the road to or from a school bus. Each year, on average, one fatal, 2.1 serious and 4.3 minor injuries are reported to the Police. Most of the fatalities have occurred on the open road, with a speed limit of 70 km/h or higher.

The Road User Rule requires a driver, when meeting or overtaking a stationary school bus that has stopped to pick up or set down school children, to drive with due care for the safety of the children, and to restrict the speed of their vehicle to 20 km/h while passing any part of the bus. The Traffic Control Devices Rule requires a school bus operator to ensure that a sign of an approved type is displayed on the front and rear of a school bus to alert drivers to the presence of the school bus.

The proposal would amend *subclause 5.6(1)* of the Rule to provide for the current 20 km/h speed limit to be extended to situations in which a flashing school bus sign that is fitted to a bus is being operated. The flashing sign would be allowed to be operated only from 20 seconds before the bus stopped until 20 seconds after the bus had moved away from stopping to pick up or set down children.

This proposal would extend the situations in which the 20 km/h speed restriction applies, to provide school children with greater safety by creating a ‘safety cocoon’ that warns other motorists they are approaching an area where children are likely to cross the road, and to slow down.



Figure. Example of a school bus sign incorporating two alternatively flashing lights.

[Amendment Rule ref: *Clause 12*]

Parking contrary to notice, traffic sign or marking

Parking restriction signs

Proposal 5. It is proposed to add a new pay-parking symbol ('P\$') into the Rule. This symbol means that parking is permitted subject to payment of a fee.

Reason for proposed change

Changes to the components of parking signs were made in the 2010 amendment of the Traffic Control Devices Rule. These included the use of a 'P\$' symbol for signs indicating that parking is permitted subject to payment of a fee. The proposed change, to *subclause 6.4(2)* of the Road User Rule, would add this new symbol into the Rule and bring the Rule into line with the Traffic Control Devices Rule.

[Amendment Rule ref. *Clause 13*]

Exceptions to stopping and parking requirements

Substituting the term 'passenger service vehicle' for 'taxi'

Proposal 6. It is proposed to replace the term 'taxi' with 'small passenger service vehicle' in *subclauses 6.20(3)* and *8.6(c)* of the Rule.

Reason for proposed change

Subclause 6.20(3), which refers to the "driver of any taxi", provides an exception for taxi drivers from the prohibition on double parking in *clause 6.11*. Similarly, *8.6(c)* relating to the use of hazard indicators as a hazard warning also uses the term 'taxi'.

Since the Road User Rule came into force, the term 'small passenger service vehicle', which includes 'taxi', has been introduced into transport legislation.

This proposal will update the terminology in the Road User Rule and keep it in line with other legislation.

[Amendment Rule refs. *Clauses 15* and *18*]

Exceptions to requirements relating to the use of child restraints and seatbelts

Validity of medical certificates

Proposal 7. It is proposed to place a time limit on a medical certificate that allows a vehicle's occupants to be excluded from being restrained by a seatbelt or child restraint while travelling in the vehicle.

Reason for proposed change

The Rule allows a driver or passenger of a vehicle to be excluded from having to use a seatbelt, or be restrained in a child restraint, when travelling in the vehicle. This requires the production, to an enforcement (Police) officer, of a certificate from a registered medical practitioner certifying that use of a seatbelt or child restraint is impracticable or undesirable for medical reasons.

Currently, there is no time limit on the validity of the medical certificate. This means that it could be produced when the medical reason for issuing the certificate no longer existed. It is proposed to amend *clause 7.11* of the Rule to clarify that the medical certificate must include its date of issue and duration, which cannot be for more than two years.

[Amendment Rule ref. *Subclause 16(1)*]

Excluding bus driver from requirement to ensure passengers under five years are properly restrained by a child restraint

Proposal 8. It is proposed to amend the Rule so that a bus driver is not obliged to ensure that his or her passengers are restrained by a suitable child restraint when the vehicle is being operated on the road.

Reason for proposed change

The intention of an amendment to *subclause 7.11(4)* of the Rule in 2009 was to exclude a bus driver from having to ensure that all his or her passengers were properly restrained by a child restraint or seatbelt while the vehicle was travelling on a road.

The amendment, however, omitted to exclude bus drivers from the requirement in *clause 7.6* of the Rule to ensure that, while the vehicle is travelling on a road, every passenger under the age of five years is properly restrained by an approved and appropriate child restraint, if one is available in the bus.

It is proposed to amend the Rule to ensure that the intention of the 2009 amendment is achieved.

[Amendment Rule ref. *Subclause 16(2)*]

Use of optional lights

Restriction on school bus driver's use of school bus sign with flashing lights

Proposal 9. It is proposed to align the Rule with the requirements in the Traffic Control Devices Rule that specify the length of time for which a school bus driver is allowed to operate a school bus sign that incorporates flashing lights.

Reason for proposed change

Subclause 4.4(15A) of the Traffic Control Devices Rule restricts the time for which a 'School Bus' sign that incorporates flashing lights may be operated. The flashing lights must not be operated for more than 20 seconds before the bus stops to set down or pick up school children, and more than 20 seconds after it has moved away from the place at which it stopped.

The proposed amendment to *section 8* will align the Road User Rule with the corresponding requirements in the Traffic Control Devices Rule by setting out the responsibilities of school bus drivers when using flashing signs.

[Amendment Rule ref. *Clause 17*]

Pedestrian crossings

Obligations of drivers approaching a pedestrian crossing at which school children are waiting to cross

Proposal 10. It is proposed to amend the Rule so that drivers approaching a pedestrian crossing controlled by a school patrol do not have to stop if children are obviously waiting to cross but where a school patrol sign is not extended.

Reason for proposed change

The Rule (*clause 10.1*) was previously amended to require that a driver approaching a pedestrian crossing must give way to pedestrians if those pedestrians are obviously waiting to use the crossing.

There is uncertainty about whether this requirement applies equally to crossings that are controlled by a school patrol.

Given that school children are permitted to cross only when the school patrol sign is extended, the requirement for a driver to stop if there are children waiting to cross is unnecessary and confusing.

It is proposed to amend *clause 10.1* so that the requirement to give way to pedestrians who are obviously waiting to use a pedestrian crossing does not apply when the crossing is controlled by a school patrol.

[Amendment Rule ref. *Clause 19*]

Definitions

Definition of 'parking'

Proposal 11. It is proposed to update the definition of 'parking' in the Rule to align with the Traffic Control Devices Rule.

Reason for proposed change

The current definition of 'parking' refers to 'parking meters or vending machines'. The Rule needs to be updated for consistency with the Traffic Control Devices Rule by replacing these words with the term 'parking machines'.

It is intended that this term encompass all types of parking meter or device that is used to collect payment in exchange for parking a vehicle in a particular place for a limited time.

[Amendment Rule ref. *Subclause 6(1)*]

Definition of 'school bus'

Proposal 12. It is proposed to amend the definition of 'school bus' so that a bus transporting school children on a school trip, and in which a seat is available for all passengers, is not required to be a 'school bus' and be subject to the 80 km/h speed restriction and school bus sign requirements that apply to school buses.

Reason for proposed change

The definition of 'school bus' in the Traffic Control Devices Rule was amended from 1 April 2011 to exclude buses that are being used principally to transport school children to or from a school function and in which the the number of passengers being carried does not exceed the stated seating capacity in the Certificate of Loading for that bus.

It is proposed to amend the definition of 'school bus' in the Road User Rule so that it will have the same effect as the amended definition in the Traffic Control Devices Rule.

Currently, a driver is not allowed to exceed the prescribed 80 km/h speed limit when driving a school bus. Adopting the definition in the Traffic Control Devices Rule would mean that a bus that was being used on a school trip or function would not come within the definition of a school bus (and consequently the speed limit would be the same as that applying to any other bus), provided that the number of passengers being carried did not exceed the number allowed by the Certificate of Loading. The proposed change would also mean that a school bus sign would not have to be displayed on the bus.

[Amendment Rule ref. *Subclause 6(2)*]

Matters to be taken into account

The *Land Transport Act 1998* (the Act) provides the legal framework for making Land Transport Rules.

Section 161 of the Act states the procedures by which the Minister of Transport makes ordinary rules. These include the obligation to consult, which has been developed into a series of formal and informal discussion procedures.

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’ that is covered by the proposed amendment Rule is the obligations of drivers, cyclists, pedestrians and others when using New Zealand’s roads.

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.

The proposals in the amendment Rule will address safety risks and improve the safety of road users. In particular, this will be achieved by implementing the proposals in the amendment Rule to:

- change the current give-way rules applying at uncontrolled intersections with the aim of reducing collisions;
- increase the safety of children travelling by school bus.

Possible risks from changing give-way rules

A possible risk from implementing a change of this nature is an initial increase in crashes at intersections because some road users may be unaware of the change and continue to apply the old rules. Some may mistakenly apply the new rules before the changes take effect.

When Victoria made a similar change to its give-way rules in 1993, a predicted increase in crashes did not eventuate. The experience in Victoria was that by utilising a good publicity campaign there were few problems with drivers misunderstanding the changes and a reduction in crashes.

It is proposed that there would be an extensive publicity and education campaign to accompany the changes to the New Zealand give-way rules.

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 proposal in the amendment Rule will contribute to the objective of protecting and promoting public health by creating a safer travelling environment, which will help reduce fatalities and injuries among road users.

Benefits and costs of 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.

A regulatory impact statement and an assessment of the costs and benefits of the proposed changes in the amendment Rule are set out in the Appendix to this overview.

The NZTA welcomes information from the industry and the public on the likely impact of the proposed changes, in terms of benefits and/or safety risks (not already identified in this document). It also welcomes information on costs of complying with the proposed amendment Rule, including an indication of whether those costs and implications are likely to be one-off or on-going costs.

International considerations

Section 164(1) and *164(2)(f)* of the Act requires that Rules may not be inconsistent with New Zealand's international obligations concerning land transport safety, and that international circumstances in respect of land transport safety be taken into account in making a Rule. In developing this proposed Rule, consideration has been given to best practice in overseas jurisdictions, particularly with regard to the proposal to change the give-way rules.

How the proposed amendment Rule fits with other legislation

Offences and penalties

Changes to the wording of the offences in the *Land Transport (Offences and Penalties) Regulations 1999* would be required to reflect the changes to the Rule. However, it is not proposed to impose any additional penalties or change the existing penalties. For example, failure to comply with the give-way rules would still attract the current penalties.

Transitional provisions

The final amendment Rule will include any necessary transitional provisions to cover compliance with requirements that begin under the current Rule, but which are completed after the Rule is amended (for example, the production of medical certificates (Proposal 9)).

Publication and availability of Rule

Amendments to Road User Rule

This proposed amendment to the Road User Rule was drafted by the Parliamentary Counsel Office (PCO) and, when signed, will be published in the Statutory Regulations (SR) series. It follows the PCO's drafting conventions and style.

Copies of this consultation document may be obtained by calling the NZTA Contact Centre on 0800 699 000. It is also available on the NZTA's website at: www.nzta.govt.nz/consultation/road-user-amendment-2011.

Availability of Rule

The Road User Rule and its amendments can be purchased from selected bookshops throughout New Zealand that sell legislation. They can also be inspected at regional offices of the NZTA. Final versions of these Rules are also available on the NZTA's website at: www.nzta.govt.nz/resources/rules/about/.

Information about Rules

Information about the Rules programme and process is available online at: 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 NZTA at our addresses shown in the *Making a submission* section at the front of this publication, or at: www.nzta.govt.nz/resources/rules/about/registration.html. This includes a form for registering an interest in Rules.

Appendix

Regulatory impact statement

Agency disclosure statement

This regulatory impact statement has been prepared by the Ministry of Transport.

It provides an analysis of the proposed *Land Transport (Road User) Amendment Rule [2011]* ('the amendment Rule'). The amendment Rule proposes changes to the *Land Transport (Road User) Rule 2004* ('the Road User Rule' or 'the Rule').

There are 12 proposed changes to the Rule. The major proposed change is to reverse the current give-way rules applying to vehicles at uncontrolled intersections.

Existing arrangements

The Road User Rule sets out the requirements that apply to all road traffic. It applies to all road users, whether they are drivers, riders, passengers, pedestrians, or persons leading or driving animals.

Give-way rules

The current give-way rules require that a turning vehicle give way to all traffic not turning and, in all other situations, give way to traffic crossing or approaching from the right.

Giving way to vehicles approaching from the right rule creates an anomaly at uncontrolled T-intersections in that a vehicle turning right from the continuing road must give way to a vehicle turning right from the terminating road.

Problem definition

Give-way rules

The current rules cause confusion and hesitation for drivers at intersections. This results in a risk to the safety of drivers and to other road users, including cyclists and pedestrians, and can lead to crashes.

Intersection crashes currently make up 21 percent of fatal crashes. The number of intersection crashes involving pedestrians has increased by 88 percent since 2000, and many of these pedestrians were hit by a turning vehicle. The current left turn-right turn rules create crash risks between:

- left-turning vehicles and pedestrians crossing the road that the vehicle is turning into, or cyclists on the inside, because the driver of the vehicle has been watching for right-turning traffic;
- right-turning vehicles and left-turning vehicles; and
- right-turning vehicles and vehicles overtaking the left-turning vehicles.

The current uncontrolled T-intersection rule often gives rise to confusion as it is the reverse of the rule for intersections controlled by give way or stop signs. The T-intersection rule also requires the driver of the vehicle turning from the major (continuing) road to establish whether the minor (terminating) road is controlled or not.

The confusion and hesitation that can occur at uncontrolled T-intersections gives rise to risks between the two vehicles, and to pedestrians crossing the minor road.

School bus safety

There is a risk from passing vehicles to the safety of children who are getting on or off a school bus. The amendment Rule proposes to extend the application of the 20 km/h speed limit (which currently only applies when passing a stationary school bus) to include when a flashing school bus sign on the bus is activated. This is aimed at improving the safety of bus passengers and achieving better compliance with speed limits among drivers when passing a school bus.

Use of seatbelts

The proposed amendment Rule includes a proposal to place a time limit on the validity of a medical certificate excluding a vehicle's occupant from being restrained by a seatbelt or child restraint. It is also proposed that the amendment Rule remove the requirement for a bus driver to ensure that his or her passengers are restrained by a seatbelt or child restraint while travelling in the bus.

Other minor issues

Some provisions in the Rule require amendment in order to clarify the duties of road users. It is also necessary to align the Rule with changes that have been made to *Land Transport Rule: Traffic Control Devices 2004* (‘the Traffic Control Devices Rule’). In addition, terminology used in the Rule needs updating so that it is in line with other legislation.

Objectives

The objectives of the proposed changes to the Rule are:

- to make decisions at intersections easier for drivers and reduce crashes at intersections;
- to improve the safety of drivers, passengers, and other road users;
- to provide greater clarity for drivers and other road users of their obligations;
- to improve compliance with the Rule;
- to resolve inconsistencies with other Rules or to make consequential changes (including changes to terminology) to align with other Rules; and
- to remove unnecessary requirements.

Proposed changes

Details of the 12 proposed changes are set out in *Table 1*.

Regulatory impact analysis

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

Changes to give-way rules

Benefits

It is expected that the proposed changes to the give-way rules will reduce intersection crashes and improve safety, especially for pedestrians and cyclists. The proposed changes will result in less complex decision making at intersections. Left-turning vehicles would only need to check whether there are pedestrians crossing the road they are turning into, and whether there are any cyclists on the inside of the turning vehicle. The driver of a right-turning vehicle would only need to assess whether there is a sufficient gap in the oncoming traffic.

It is estimated that changing the give-way rules as proposed will result in a reduction of about 7 percent of relevant intersection crashes, with a resulting saving of one life, 13 serious injuries and 84 minor injuries a year. This translates into a social cost saving of about \$17 million per annum. Victoria, Australia, made a similar change in 1993, which resulted in a 7.1 percent reduction in relevant intersection crashes.

New Zealand is the only known country with this variant of give-way rules, and changing the rules will align New Zealand with other countries. This will make it easier for international tourists driving in New Zealand.

Costs

Changing the give-way rules will require an extensive publicity and education campaign, which would cost the NZ Transport Agency up to \$2 million. This campaign would include education, publicity and reprinting publications (*The Official New Zealand Road Code* (the Road Code), licence tests, factsheets and pamphlets targeting overseas visitors and new migrants). The cost of the campaign will be met from within existing funding.

Some road markings may be changed to improve the efficiency of roads, such as right-hand turn bays. These costs would be borne by road controlling authorities, and might reach \$1 million. These costs will be met from within existing funding. Any ongoing costs for changing road markings would be part of road network improvement costs.

The application of the new give-way rules at T-intersections would reduce the need for the imposition of controls by give-way signs, which will provide on-going savings in new subdivisions or when existing signs and markings need replacing.

There may be additional costs to the Police, if infringement offences for failing to give way increase following the implementation of the new rules. However, it is likely that the transitional period would be managed by issuing warnings and educating drivers, as was the case when the ban on using a mobile phone while driving was introduced in 2009.

Financial implications of proposed change to give-way rules

	One-off costs	Ongoing costs
NZ Transport Agency	\$2 million (up to)	Will be met from within existing funding
NZ Police	N/A	Negligible
Local authorities	\$1 million	Will be met from existing funding
TOTAL	\$3 million	Met by existing funding

The proposal to change the give-way rules has a benefit/cost ratio of 41:1, with a net present value of \$111 million.²

Risks

A possible risk of changing the give-way rules might be an increase in crashes at intersections following the implementation of the new rules. This is a transitional risk that can be adequately mitigated by a good publicity campaign, as is proposed. The quality of the publicity campaign was identified as a key reason behind the successful transition in Victoria.

A possible safety risk could arise involving vehicles waiting to turn from the middle of the road, which are at a higher risk of a collision from behind than vehicles waiting towards the left of the road. This concern was one of the reasons for introducing the current give-way rules in 1977. However, today's traffic environment is considerably different and there are now many right-turn bays on higher volume roads. It is considered that this risk is substantially lower than in 1977.

² This is based on a 10-year evaluation period and an annual discount rate of 8 percent, and assumes that there is no increase in offences for failing to give way and no additional delays in traffic as a result of the change in rules.

The proposed changes may have an effect in the short term on driving efficiency, as drivers adjust to the new give-way rules. However, any adverse impact will reduce over time as the expected improvements take effect. The effectiveness of the proposed changes will be evaluated and reviewed by the National Road Safety Committee³ as part of the review process for *Safer Journeys – New Zealand’s Road Safety Strategy 2010-2020*.

For further information on the give-way rule proposals, a full regulatory impact statement is available on the Ministry of Transport’s website www.transport.govt.nz (*Completing Safer Journeys First Actions*).

A full summary of the costs and benefits of all proposals is listed in the appended *Table 1*.

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³ The National Road Safety Committee (NRSC) is comprised of the Secretary for Transport, the Commissioner of Police, and the Chief Executives of the NZTA, the ACC, and Local Government New Zealand. The Chief Executives of the Ministries of Justice, Health, Education and of the Department of Labour are associate members.

Table 1: Problem definition and cost and benefit comments by proposal

No. Proposal	Status quo and problem definition	Costs	Benefits
1	Require a driver when turning right at an intersection to give way to all oncoming traffic travelling straight ahead or turning left, unless a traffic sign or traffic signal requires the driver to stop or give way.	<p>Cost of up to \$2 million for the NZTA to undertake an extensive publicity and education campaign.</p> <p>Cost of up to \$1 million for road controlling authorities to change some road markings. Ongoing costs of changing road markings would be part of the cost of maintaining the road network. Possible additional, but unknown, costs to Police if there is an increase in infringement offences for failing to give way.</p>	<p>Make the give-way rules at intersections clearer and easier for drivers approaching an intersection to make a decision about giving way.</p> <p>Reduce crashes at intersections.</p> <p>Improve driver, cyclist and pedestrian safety.</p> <p>Bring New Zealand requirements into line with other jurisdictions.</p>
2	Require all traffic from a terminating road at an uncontrolled intersection to give way to all traffic travelling on a continuing road.	Included in above costs.	<p>As above.</p> <p>In addition, will provide for greater consistency of requirements at T-intersections.</p>
3	Allow riders of motorcycles, mopeds and cycles using a bus lane that is controlled by a 'B' (bus) signal to proceed on a white 'B' signal. Riders of those vehicles would be required to comply with a yellow or red 'B' signal.	<p>Minor costs to advise road controlling authorities.</p> <p>Costs associated with a minor change to the Road Code.</p>	<p>Clarification of the duties of other legitimate users of a bus lane.</p> <p>Buses are able to take advantage of the 'B' display and improve the public transport service.</p>

No.	Proposal	Status quo and problem definition	Costs	Benefits
4	Require drivers to limit their speed to 20km/h when passing a stationary school bus on which a school bus sign with flashing lights is activated.	A driver is legally required to slow only when passing a stationary school bus that is loading or unloading passengers. The use of flashing lights clarifies when a school bus is stopping, has stopped, or has just pulled away from a stop where passengers have been picked up or dropped off. This provides a clearer indication to drivers of the likely presence of children crossing the roadway at a bus stop.	Installation of these signs would not be mandatory. The signs, with switching mechanisms, could cost in the vicinity of \$1000 per unit.	When used, it is anticipated that there will be better compliance with the speed limit and improved safety for children.
5	Add a new pay-parking symbol ('P\$') into the Rule. This symbol means that parking is permitted subject to payment of a fee.	It is necessary for the Rule to reflect the changes to parking signs in the 2010 amendment to the Traffic Control Devices Rule.	No costs, as provision already established in the Traffic Control Devices Rule.	Improved clarity of rules. Avoid conflicting provisions between the Rule and the Traffic Control Devices Rule.
6	Replace the term 'taxi' with 'small passenger service vehicle' in <i>subclauses 6.20(3) and 8.6(c)</i> of the Rule.	The Rule is not aligned with other Rules where the term 'small passenger service vehicle' is used and includes the term 'taxi'.	Minor costs associated with changes to the Road Code and some guidance material.	Improved clarity of rules.
7	Place a time limit on a medical certificate that allows a vehicle's occupants to be excluded from being restrained by a seatbelt or child restraint while travelling in the vehicle.	Currently, there is no limit on the validity of such a medical certificate. This can result in a medical certificate being produced when the medical reason for the certificate no longer exists or applies.	Some increase in compliance costs. However, if vehicle occupants do not need a medical certificate, but continue not to wear a seatbelt or are not secured in a child restraint, there are potentially high social costs if they are involved in a crash.	Reduce the risk to safety by ensuring that drivers and passengers who do not have a valid reason for not wearing a seatbelt or a child restraint are required to be appropriately restrained. Make enforcement of seatbelt/child restraint requirements easier.

No.	Proposal	Status quo and problem definition	Costs	Benefits
8	Amend the Rule so that a bus driver is not obliged to ensure that his or her passengers are restrained by a suitable child restraint or seatbelt when the vehicle is being operated on the road.	The Rule currently places an obligation on bus drivers that is neither appropriate nor practical.	Minor costs associated with changes to some guidance material.	Would remove unnecessary requirement.
9	Align the Rule with the requirements in the Traffic Control Devices Rule that specify the length of time for which a school bus driver is allowed to operate a school bus sign that incorporates flashing lights.	Currently, the Rule does not set out the responsibilities of school bus drivers when using flashing school bus signs.	No costs, as provision already established in the Traffic Control Devices Rule.	Improved clarity of rules. Avoid conflicting provisions between the Rule and the Traffic Control Devices Rule.
10	Amend the Rule so that drivers approaching a pedestrian crossing controlled by a school patrol do not have to stop if children are obviously waiting to cross but where a school patrol sign is not extended.	The Rule requires that a driver approaching a pedestrian crossing must give way to pedestrians who are obviously waiting to use the crossing. There is some confusion on the part of drivers as to their duties when children are waiting at a crossing but are controlled by a school patrol.	Costs associated with a minor change to the Road Code.	Greater clarity of driver's duties when approaching a pedestrian crossing.
11	Update the definition of 'parking' in the Rule to align with the Traffic Control Devices Rule.	The definition of 'parking' in the Rule is different from that in the Traffic Control Devices Rule. The wording needs to be aligned to avoid any problems with understanding and enforcing the Rules.	No costs, as provision already established in the Traffic Control Devices Rule.	Improved clarity of rules. Avoid conflicting provisions between the Rule and the Traffic Control Devices Rule.
12	Amend the definition of 'school bus' so that a bus transporting school children on a school trip, and in which a seat is available for all passengers, is not required to be a 'school bus' and be subject to the 80 km/h speed restriction and school bus sign requirements that apply to school buses.	Currently, the definition of a school bus in the Rule is different from that in the Traffic Control Devices Rule, and does not allow a school bus to travel at more than 80 km/h. This speed is restrictive when the bus is being used on a school trip.	No costs, as provision already established in the Traffic Control Devices Rule.	Improved clarity of rules. Will allow school buses to travel at the same speed as other traffic resulting in more efficient use of buses on school trips, and potential improved traffic flows.