

Land Transport Rule: Vehicle Dimensions and Mass Amendment [2015]

Rule 41001/11

Overview

*This overview accompanies, and sets in context, the public consultation (yellow) draft of **Land Transport Rule: Vehicle Dimensions and Mass Amendment 2015** (Rule 41001/11). The proposed amendment Rule would provide for the issuing of permits to allow higher axle loadings for some urban buses.*

*If you wish to comment on this draft Rule, please see the page headed 'Making a submission'. The deadline for submissions is **5pm on 2 April 2015**.*

CONSULTATION ON PROPOSED RULE CHANGES

The NZ Transport Agency is consulting, on behalf of the Minister of Transport (the Minister), on proposed changes to *Land Transport Rule: Vehicle Dimensions and Mass 2002* (“the Rule”).

Consultation on the proposed changes is being carried out to ensure 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 proposed Rule changes.

The issues that are raised during consultation will be analysed and taken into account in preparing the proposed changes for the Minister of Transport’s consideration.

The consultation material, for your comment, includes:

1. An overview, which:
 - (a) sets proposed Rule changes in context;
 - (b) provides a summary of the proposed Rule changes and their projected benefits and costs; and
 - (c) discusses the further requirements for the approval of a land transport rule.
2. The consultation (yellow) draft of *Land Transport Rule: Vehicle Dimensions and Mass Amendment 2015* (Rule 41001/11) (“the draft amendment Rule”).

Making a submission

If you wish to make a submission on the proposed changes, you can either:

- use the online submission form in the consultation section on:
<http://www.nzta.govt.nz/consultation/> or
- provide a submission by email to rules@nzta.govt.nz or
- provide a signed copy by mail.

If emailing your comments, please let us know your postal address.

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 proposal number or Rule references used in the consultation document.

If posting your submission, address it to:

Vehicle Dimensions and Mass Amendment 2015

Rules Team

NZ Transport Agency

Private Bag 6995

WELLINGTON 6141

Please note the deadline for submissions

The deadline for submissions is **5pm on 2 April 2015**

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, therefore, 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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EXECUTIVE SUMMARY

The proposed amendment to the Rule will:

- insert a new definition (“urban bus”);
- allow road controlling authorities (such as city or district councils, and Auckland Transport) to issue permits to larger urban buses to exceed the current axle weight limits. This will address bus volume constraints on main transport corridors, but only where road surfaces are sufficiently robust.

The proposed amendments only apply to buses on scheduled routes approved by the relevant regional council or equivalent authority. Any permits issued under the proposed changes would not allow such vehicles to exceed their gross vehicle mass (GVM). The majority of the buses coming within the definition of ‘urban bus’ and likely to be the subject of applications for permits will be double-decker buses.

Timing

Consultation on the proposed amendment Rule closes on 2 April 2015.

Following consultation, officials will summarise all submissions, and provide a report to the Minister of Transport on matters raised.

If the Minister approves the Rule, with any post consultation changes, it is anticipated that it will be signed by 1 June 2015 and that its provisions would come into effect on 1 July 2015.

CONTEXT FOR THE PROPOSED RULE CHANGES

Changes in demand

Public transport usage

The Government Policy Statement on Land Transport (GPS) sets out the investment priorities for transport across New Zealand. These are issued for a three-year term.

The current GPS supports the need for public transport to help unlock the potential of our urban areas by providing additional capacity on key corridors and a choice of ways to move around, particularly during peak commuting periods. This is particularly the case in Auckland, Wellington, and Christchurch.

In Auckland in the near term, there are capacity constraints around key corridors on the rapid and frequent networks such as the Northern Express.

These routes account for around 12 million passengers per annum, with growth in these corridors ranging from 6% to 10%, and peak capacity utilisation ranging between 80% - 95%.

These trends are reflected in other metropolitan centres, but will take longer to reach over-capacity limits. Wellington will also need to address capacity constraints within existing corridors in order to meet public transport demand and its regional targets. In addition, Christchurch is experiencing severe congestion on some routes.

As buses reach capacity, they continue past people waiting at bus stops and this falls below an acceptable level of customer service.

The constraints which limit a solution based on higher frequency services (less distance between buses, more buses on each route) include:

- the capacity of current roads (most routes are shared with all other traffic, and some core intersections are highly congested at peak times);
- space allowances at bus stops (how many buses can be accommodated at a stop at any one time); and
- layover capacity within the Central Business District (how many buses can be “held” in the area at any one time).

The use of higher capacity vehicles, such as double-decker buses, is one option. Other initiatives include bus priority treatment along key corridors and within the city centre, and the further introduction of bus lanes and dedicated busways. These can be progressed alongside the introduction of higher capacity buses.

Higher capacity buses

Double-decker buses

This form of vehicle provides an approximately 50% increase in the number of passengers but imposes axle loadings beyond those currently allowed by the Vehicle Dimensions and Mass Rule 2002 (VDAM Rule). These are in regular use in a number of overseas metropolitan areas (e.g. London, Hong Kong) where road space is at a premium and passenger numbers are high.

A key advantage for this form of vehicle is that its “footprint” is equivalent to existing conventional buses.

The potential disadvantages for operating double-decker buses are:

- higher road wear
- slightly less efficiency for loading/unloading
- constraints where the route has restricted height limits (e.g. a few urban tunnels, overhanging verandahs, protected trees etc.) and

- the requirement for a higher driver licence class than a conventional bus because of the higher GVM (class 4, not class 2).

Note that the proposed higher axle limits assume a three-axle vehicle.

Double-decker buses would have to meet current requirements for vehicle length limits.

Articulated buses (“bendy” buses)

This form of vehicle also provides higher capacity, close to that of the double-decker buses discussed above.

Some of these vehicles do not meet the current axle weight limits stated in the VDAM Rule but, if appropriately designed, they can track through corners with a similar swept path to conventional buses.

Prior trials and evaluations (primarily in Auckland) of articulated buses, however, concluded that these vehicles create some disadvantages:

- the longer footprint of these vehicles may require major reconfiguration of parts of the road space (e.g. to allow stacking at intersections);
- existing bus stops do not have sufficient space to accommodate more than one of these vehicles at any time; and
- there are constraints on the ability to accommodate these vehicles within the city centre when not in service.

Comparison: large conventional buses

This form of vehicle is in wide use for urban bus services. A typical vehicle has three axles, with a total length of 13.5 m. These vehicles are already allowed a slightly longer overhang (the distance between the last axle and the back of the vehicle) than other heavy vehicles. Effectively, these vehicles are at the limit of length versus their ability to fit on the available road network, especially in suburban areas.

This amendment Rule does not propose the issue of permits to these vehicles.

Context: VDAM Reform

This amendment Rule deals with a specific issue (the introduction of high-capacity buses) and does not consider the wider question of allowable axle weights for existing buses or other vehicle classes.

Last year, the Ministry of Transport initiated a full review of the VDAM regime, and a public discussion document is scheduled for release later this year. The review is the appropriate mechanism for determining permitted axle weights for heavy vehicles.

BENEFITS AND COSTS OF CHANGES

The proposed changes will impose limited costs upon bus operators who apply for permits. Road Controlling Authorities (RCAs) will also have to create and consider a new class of overweight permit. However, these costs are expected to be offset by greater efficiency for the service provided and to ease congestion on the authorities' roads.

Higher capacity buses provide greater passenger throughput on high demand routes and central city spaces. As noted above, this has higher net benefits if the routes travelled do not require extensive engineering work to accommodate larger vehicles.

The availability of permits, even though these are intended to be applied only on high-capacity routes, will provide the option for bus operators to consider the purchase of more productive vehicle types, which would not be allowed under the current VDAM Rule.

There will be marginal inefficiencies for the time required for loading and unloading of passengers at bus stops. These times increase whenever buses have to take on or offload high volumes of passengers at any stop, and will also increase where passengers have to go up to or descend from an upper deck. However, these inefficiencies are outweighed by the ability to operate at regular intervals with a reduced number of buses to meet the demand and frequency requirements on main corridors.

Higher axle loadings will impose greater wear (and therefore maintenance costs) on the routes where these vehicles will operate. This can be offset (indirectly) by increased revenue through Road User Charges (RUC).

There are two standard RUC rates for three axle buses, for vehicles under or over 18 tonnes. However, these rates do not apply to vehicles operating above the usual VDAM limits.

Section 12 of the Road User Charges Act 2012 requires all heavy vehicles operating under over-weight permits to carry RUC licences appropriate to the additional weight involved. At present no such licence rates are prescribed specifically for buses, but section 90A of the Road User Charges Act provides that in such circumstances the NZ Transport Agency can set an appropriate rate by notice in the Gazette.

PROPOSALS FOR CHANGE

The amendment Rule contains three proposals for your comment.

PROPOSAL 1: Create a new definition of “urban bus”.

The definition is designed to include any bus with 60 or more passenger seats used in a scheduled service that is deemed integral to the public transport network and therefore included within a public transport plan by a regional council (or equivalent authority, such as Auckland Transport).

It is not intended to include buses providing inter-city services.

The distinction is made because of the need to protect infrastructure. Permits issued under this proposal could only be issued for urban routes with high-quality road construction which can withstand the higher wear created by the increased axle loads.

Permits would not be available for passenger coaches that will be travelling long distances along highways and secondary routes where the roads are not of uniform construction.

Permits would not be available for the conventional buses which are the most common vehicles currently used for urban services. These have a seating capacity (typically) of up to 48 passengers.

PROPOSAL 2: Insert new section 5.2A to:

- create a new High Productivity Motor Vehicle (HPMV) category
- allow RCAs to issue permits providing for greater axle loading flexibility for urban buses and
- set the conditions for such permits.

The existing HPMV definition refers to divisible loads in excess of the VDAM limit of 44 tonnes in combination. Even the largest buses considered for the proposed permits would have on-road weights around 23 tonnes. Passengers are a divisible load, so urban buses are aligned with the existing HPMV class.

For a bus which meets the definition, Road Controlling Authorities (RCAs) would be able to consider an application from a bus operator. Note that the RCA is under no obligation to issue a permit.

The section also provides some guidance on matters the RCA should consider when assessing any permit application, such as the suitability of the intended routes for such use.

In addition, the section emphasises that no permit can exceed the GVM for the vehicle, or other design limits. This is consistent with the existing 5.1 (indivisible loads) and 5.2 (HPMV) provisions.

PROPOSAL 3: Insert new Part C in Schedule 2 that sets out maximum permitted axle weights for urban buses.

Permits already issued to HPMVs [5.2 in the Rule] cannot exceed axle weights as set in either Part A or Part B. The new table creates an equivalent set of limits for urban buses.

Note that only the weights related to tandem axle sets are increased over current limits in either Part A or Part B.

These higher limits would only be permitted for urban buses, and would not be available to other HPMVs.

Comparison Table: Permitted axle loadings

Proposed Part C		Current Standard limits (Part A)
Single standard tyred axle in any axle set	6,000 kg	6,000 kg
Single large-tyred axle in any axle set	7,200 kg	7,200 kg
Twin-tyred axle in any axle set	8,800 kg	8,200 kg
Two axles in a tandem axle set comprising:		
(a) Twin-tyred axle with a single large-tyred axle and a 60/40 load share	14,600 kg	13,600 kg
(b) Twin-tyred axle with a single large-tyred axle and a 55/45 load share	16,000 kg	14,500 kg

Part A sets out a table of axle weights for vehicles operating without a permit. Part C would only be applicable to permits for urban buses, not other HMPV types.

POSSIBLE CHANGES TO OTHER LEGISLATION AND PROCESSES

Road User Charges (Rates) Regulations 2014

As noted above, the current Regulations include two rates for 3-axle buses:

311 (Bus)	Powered passenger service vehicle with 3 axles	RUC weight of not more than 18,000 kg	\$253.00
		RUC weight of more than 18,000 kg	\$357.00

These rates are only valid for vehicles that do not exceed the standard axle weight limits set out in Part A.

Under this proposal, high capacity buses will be able to operate under the higher axle weights permitted by the Part C limits. A new rate therefore needs to be set for the larger buses when operating on a permit.

Such a rate can be prescribed as part of new Road User Charges (Rates) Regulations that need to be made to implement any planned increase in charges from 1 July 2015. In the meantime an appropriate rate can be set by the NZ Transport Agency using the power provided in the Road User Charges Act 2012 to set rates by Gazette notice in cases where no applicable rate exists in regulations.

A further review would also be needed if operators wished to introduce vehicles with more than three axles (not currently anticipated).

Land Transport (Offences and Penalties) Regulations 1999

An update to these Schedules, arising from the 2014 amendment to the VDAM Rule which revised penalties applying to permit holders, is expected to be approved early in 2015.

Further minor changes may be required to the overloading tables (Schedule 1A and Schedule 1B) to ensure that buses operating on the proposed permits are correctly identified.

Permit forms and systems

If the proposal is accepted, the NZ Transport Agency and other RCAs will need to make minor changes to their permit process, and reflect the purpose of the permit in any form issued. This does not require any further alteration to the VDAM Rule.

ADDITIONAL MATTERS

The *Land Transport Act 1998* (“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 is to permit the operation of urban buses with higher axle weights, at the discretion of an RCA.

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 introduction of higher capacity buses will have a (small) safety benefit, when compared to the additional risk exposure created by adding greater numbers of buses on already congested routes. Higher passenger numbers on buses also have the effect of reducing the number of private vehicles using those routes at peak times. In addition, the Rule will allow for newer buses to be imported replacing older vehicles currently on our roads which, as a general rule, means improved technology and safety features.

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

The amendment Rule is expected to improve economic development by enabling more efficient bus operations. Long-term gains may also result from improved safety and fuel economy, in addition to reduced medical conditions from harmful vehicle emissions.

(ii) Improves access and mobility

The proposed amendment Rule is expected to improve access and mobility through more effective and varied public transport networks.

(iii) Protects and promotes public health

The proposed amendment Rule is expected to have a positive impact on public health through the need for a reduced number of buses in busy transport corridors and city centres. This is likely to result in reduced harmful emissions and, consequently, health benefits to the public.

(iv) Ensure environmental sustainability

The proposed amendment Rule is expected to have a small positive effect on environmental sustainability by encouraging further uptake of PT services and lower fuel consumption per passenger. As noted above, harmful emissions impact upon public health – and they can also damage buildings and infrastructure.

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.

Summary comments on costs and benefits are provided on page 8.

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.

The proposed amendment Rule is consistent with New Zealand's international obligations.

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 (<http://www.nzta.govt.nz/>) in the "consultation" section.

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. Compiled versions of these 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.

SUPPORTING MATERIAL

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).

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. Among the outcomes that Rules aim to achieve are: safeguarding and improving land transport safety and security, improving access and mobility, assisting economic development, protecting and promoting public health and ensuring environmental sustainability.

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.

This proposed amendment Rule is drafted by the NZ Transport Agency, in close consultation with the Ministry of Transport. Rules are drafted 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.