



LAND TRANSPORT RULE: SETTING OF SPEED LIMITS 2021

Overview for Consultation

23 APRIL 2021

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More information

If you have further queries, call our contact centre on 0800 699 000 or email us at rules@nzta.govt.nz

This document is available on the Waka Kotahi website at <http://www.nzta.govt.nz>

Contents

Process for making Rule changes	4
Consultation on proposed rule changes	6
What are we seeking your feedback on?	6
How the Proposed Rule change will fit with other legislation	6
Making a submission	7
Introduction	8
Why are rule changes being proposed?	9
Proposed changes	10
Proposal 1 – Speed management plans.....	10
Proposal 2 – Alternative process for setting speed limits	15
Proposal 3 – Formal certification of speed management plans.....	16
Proposal 4 – Speed limits must be entered into the register	17
Proposal 5 – Establishment of an independent speed management committee	19
Proposal 6 – Speed limits around schools.....	20
Proposal 7 – Temporary and emergency speed limits	22
Proposal 8 – Approval for certain speed limits	23
Proposal 9 – Use of variable speed limits.....	23
Proposal 10 – Speed limit areas	24
Proposal 11 – Other proposals	24

PROCESS FOR MAKING RULE CHANGES

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

What are Land Transport Rules?

Land Transport Rules (Rules) are secondary legislation made by the Minister of Transport or their delegate (the Minister) under 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. Outcomes that Rules aim to achieve include, but are not limited to, the following:

- Safeguarding and improving land transport safety and security
- Improving access and mobility
- Assisting economic development
- Protecting and promoting public health
- Ensuring environmental sustainability

Compliance with Rules is required because they form part of New Zealand transport law. The specific offences and penalties applicable to each Rule are set out in the Act or in Regulations.

Most Rules are drafted by Waka Kotahi, by an arrangement with the chief executive of the Ministry of Transport (MOT), working closely with MOT policy and legal advisors.

Rules are drafted in plain language to be easily understood. Waka Kotahi undertakes consultation on proposed changes to Rules on behalf of the Minister. The issues raised in submissions on the proposed Rule changes are analysed and considered in preparing Rules for the Minister to sign.

Matters the Minister must have regard to when making Rules

The Act sets out the matters the Minister must have regard to when making a Rule (in section 164(2)). In summary, these are:

- Nature of the proposed activity or service for which the Rule is being established
- Risks to land transport safety:
 - 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
 - The need to maintain and improve land transport safety and security
- Appropriate management of infrastructure
- Assisting achievement of strategic objectives for transport - whether a proposed Rule:
 - Assists economic development
 - Improves access and mobility
 - Protects and promotes public health
 - Ensures environmental sustainability
- Costs of implementing the proposed changes
- International considerations: New Zealand's international obligations concerning land transport safety, and the international circumstances in respect of land transport safety.

Having regard to those matters for the proposed Land Transport Rule: Setting of Speed Limits 2021 (the proposed Rule)

Proposed activity or service: The proposed Rule will set out criteria, requirements and procedures to be followed by Road Controlling Authorities (RCAs) when reviewing and setting speed limits for roads within their respective jurisdictions.

Risks to land transport safety: The speed of vehicles on our roads is one of the most significant risks to personal safety in our land transport system. The proposed Rule is expected to contribute to road safety by supporting the *Road to Zero* road safety strategy for managing speeds. It requires RCAs to participate in a whole-of-network approach to speed management. Under the proposed Rule, Waka Kotahi will continue to provide guidance on speed management, including its estimate of safe and appropriate speed limits for roads.

Appropriate management of infrastructure: As well as supporting a whole-of-network approach to speed management, the Rule requires RCAs to consider the use of safety infrastructure alongside or instead of changes to speed limits. For example, deadlines in the process of establishing a Speed Management Plan (Plans) should encourage alignment with the Government Policy Statement on Land Transport and Regional Land Transport Planning (RLTP) processes.

Assisting achievement of strategic objectives for transport:

- Assists economic development: The proposed Rule facilitates investment in safety infrastructure through Plans, which will improve the safety of economically significant roads carrying a lot of traffic, while maintaining travel times and improving travel time reliability.
- Improves access and mobility: The proposed Rule requires a general lowering of speed limits around schools and supports RCAs to consider lower speed limits in urban centres and other urban areas with high numbers of active mode users. This enhances the environment for access and mobility by non-motor vehicle users in these areas.
- Protects and promotes public health: The proposed Rule is expected to contribute to road safety through the reduction of deaths and serious injuries. This will thereby promote the protection of public health. The enhanced access and mobility achieved from safer speeds has the co-benefits of increased physical activity levels and less-polluted urban environments.
- Ensures environmental sustainability: Where the proposed Rule creates conditions that support mode shift from private vehicles to more active modes, emissions will decrease.

Costs of implementing the proposed changes: The new approach of creating Plans every three years will be a significant change for territorial authorities, Regional Transport Committees (RTCs) and Waka Kotahi. Under the Land Transport Rule: Setting of Speed Limits 2017 (2017 Rule), every speed limit (other than temporary or emergency speed limits) must be set using a bylaw, which can be a time-consuming and costly process. Under the proposed Rule, Plan development will be relatively resource intensive. However, it is anticipated once Plans have been finalised, it will be much simpler for RCAs to make changes to individual speed limits during the life of a Plan.

There will be costs for Waka Kotahi in establishing, migrating existing speed limits onto, and then operating and maintaining the Register of Land Transport Records (Register). The Register will become the single source of truth for all speed limits (other than temporary speed limits). A speed limit will become legal when it is entered into the Register (other than temporary speed limits). Most of those costs arise from the Regulations rather than the proposed Rule but have been considered in this overall policy process.

International considerations: The proposed Rule is consistent with New Zealand's international obligations in respect of land transport.

CONSULTATION ON PROPOSED RULE CHANGES

The purpose of this publication is to consult on changes contained in the proposed Rule.

Consultation on the proposed Rule is being carried out to ensure legislation is sound and robust and the Rule development process takes account of the views of, and the impact on, people affected by the proposed changes.

This consultation has two parts:

- (a) This overview, which sets the proposed amendments
- (b) The consultation draft of the proposed Rule

These documents can be found here: www.nzta.govt.nz/speedrule2021

Please read the overview carefully and consider the effects the proposed Rule changes would have on you or your organisation.

Subject to the approval of the Minister, the proposed Rule changes are expected to come into effect in 2021.

WHAT ARE WE SEEKING YOUR FEEDBACK ON?

Waka Kotahi welcomes your comments on the proposed changes set out in this overview and in the consultation draft of the proposed Rule.

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

- What impact would the proposals have, and on whom? Waka Kotahi is particularly interested in your comments on any costs (to you or to your organisation) of implementing the proposals.
- Would any groups or individuals be disadvantaged by the proposals, and how?
- Would any groups or individuals benefit from the proposals, and how?
- Are there any implementation or compliance issues that would need to be considered?

Wherever possible, please provide examples to illustrate your point.

HOW THE PROPOSED RULE CHANGE WILL FIT WITH OTHER LEGISLATION

The proposed Rule will be made under sections 152; 157(d), (e) and (g); and 159A of the Act. Under those sections, the Minister is empowered to make rules that provide for the setting of speed limits, and set out criteria, requirements, and procedures to be complied with by RCAs when they set speed limits; provide for the design and operation of traffic control devices; and provide for the establishment of committees.

The Rule affects Waka Kotahi in two ways. The Director of Land Transport – a statutory officer that is an employee within Waka Kotahi – is responsible for ensuring RCAs comply with the Rule. Waka Kotahi itself is also an RCA with respect to State highways. These functions are operated separately by different parts of Waka Kotahi.

Where a speed limit imposed by another enactment (for example, the maximum speed for heavy vehicles set out in Land Transport (Road User) Rule 2004), differs from a speed limit set in accordance with the proposed Rule, the lowest applicable speed limit applies. For example, even though a section of modern designed motorway may have a maximum speed limit of 110 km/h, a heavy motor vehicle would continue to be restricted to a maximum speed limit of 90 km/h (applied under clause 5.5 of the Land Transport (Road User) Rule 2004).

Offences and penalties

Rules do not contain offences and penalties for breaches of Rule requirements. These provisions are set out in regulations. The proposed Rule does not affect the obligations to comply with speed limits, nor does it affect maximum speed limits applicable to particular categories of vehicle.

Fees

No changes to fees and charges are required.

Publication and availability of Rules

Access to consultation material

This consultation document is available online at:

<https://nzta.govt.nz/consultations/>

Availability of Rules

The Rules are available online at:

<https://nzta.govt.nz/rules/>

Information about Rules

Further information about Rules and the Rule-making process is available online at:

<https://nzta.govt.nz/resources/rules/about>

If you have not registered your interest in Rules, you can do so by contacting Waka Kotahi at:

<https://nzta.govt.nz/registration-of-interest-in-land-transport-rules/>

MAKING A SUBMISSION

If you wish to make a submission on the proposed changes, please read the information below.

Before making your submission

Please read the information provided in this overview and the consultation draft of the proposed Rule.

Please include the following information in your submission

- The title of the proposed Rule you are commenting on
- Your name, and title if applicable
- Your organisation's name if applicable
- Your email address

Sending your submission

You can send your submission via the online submission form or by email to rules@nzta.govt.nz. The online submission form is available at:

www.nzta.govt.nz/speedrule2021

Please note the deadline for submissions

The deadline for submissions is 5pm on Friday 25 June 2021.

Your submission is public information

Please note your submission may become publicly available. Waka Kotahi may publish any information you submit and may identify you as the submitter should it publish your submission or provide it to a third party.

Please therefore clearly indicate 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. Any request for non-disclosure will be considered in terms of the *Official Information Act 1982*.

INTRODUCTION

This summary explains the purpose and intent of the proposed Rule. The proposed Rule would replace the existing 2017 Rule and implement a new approach to speed management planning on New Zealand roads.

Speed continues to be a major contributing factor to deaths and serious injuries on New Zealand roads.

Evidence shows travelling too fast for the conditions is consistently one of the highest contributing factors in fatal and serious injury crashes. In the event of a crash, regardless of cause, the speed on impact is the most important determinant of the severity of injuries sustained and the probability of death.

On 11 November 2019, Cabinet agreed to the wider *Tackling Unsafe Speeds* programme. The programme includes three components. These are:

1. Introducing a new regulatory framework for speed management to improve how RCAs plan for, consult on and implement speed management changes
2. Transitioning to lower speed limits around schools to improve safety and encourage more children to use active modes of transport
3. Adopting a new approach to road safety cameras (for example, cameras commonly referred to as “speed cameras” and “red light cameras”) to reduce excessive speeds on our highest risk roads.

Under the 2017 Rule, the power to manage and set speed limits is given to RCAs, which can be territorial authorities (councils) or non-territorial authorities (e.g. supermarkets or the Department of Corrections). RCAs that are territorial authorities are then members of a Regional Transport Committee (RTC), who have traditionally managed the RLTP process, with RCA input. RTCs have no involvement in the current speed limit setting process. Waka Kotahi is the RCA for the State highways.

The current process for setting speed limits under the 2017 Rule has been costly and inefficient. It has led to poorly coordinated speed limit changes across the network that often lack infrastructure changes. It has also caused some RCAs to delay or avoid making speed management changes due to uncertainty around when and how to amend, replace or revoke current speed limits, as well as on when to consult on speed limit changes.

The proposed Rule will give effect to a new regulatory framework. This includes the following:

- Bringing together infrastructure investment decisions and speed management decisions by creating a speed management planning process aligned with the RLTP process
- Requiring all RCAs that are territorial authorities to include their proposed speed limit changes and safety infrastructure treatments (which will include proposed placement of road safety cameras) for the coming 10 years into Plans
- RTCs will coordinate input from RCAs to create a regional Plan
- Providing a new consultation process to help align Plans with the RLTP process
- Giving the new Director of Land Transport (within Waka Kotahi) the responsibility for certifying regional Plans
- Establishing an independent Speed Management Committee to:

- certify the Waka Kotahi State highway Plan
- oversee the information and guidance on speed management that Waka Kotahi (as regulator) provides all RCAs
- Introducing a new process for setting speed limits outside of Plans, and for RCAs that are not territorial authorities
- Requiring all speed limits (other than temporary speed limits) to be entered into a national Register. Waka Kotahi (as regulator) will be the Registrar of the Register. The Register will give legal effect to all speed limits (other than temporary speed limits).
- Requiring RCAs to reduce speed limits around:
 - urban schools to 30 km/h (variable or permanent speed limits), with the option of implementing 40 km/h speed limits if appropriate
 - rural schools to a maximum of 60 km/h (variable or permanent speed limits)

This consultation document also seeks feedback on the following proposed changes:

- A new process for setting an emergency speed limit, which involves registering the speed limit
- Consideration of 70 and 90 km/h speed limits and making these speed limits more widely available, either permanently or for an interim (three-year) period
- Removing the requirement for RCAs to seek Waka Kotahi approval before setting variable speed limits
- Changes to minimum length requirements over which a speed limit may be applied
- Changes to the way 'mean operating speed' is considered when setting a speed limit

To support the proposed Rule, a new *Speed Management Guide* will be released, following a period of engagement with stakeholders. This will occur once the proposed Rule is finalised. The Speed Management Guide will provide RCAs and RTCs further detail on the new process and matters to be considered when planning for and implementing speed management changes.

WHY ARE RULE CHANGES BEING PROPOSED?

To support the *Road to Zero* vision of a New Zealand where no one is killed or seriously injured in road crashes, the Government has endorsed a new, more coordinated and transparent approach to speed management. This framework will also mandate lower speed limits outside schools, creating a safer travel environment.

The proposed changes support a new, more co-ordinated approach to speed management

The current process for setting speed limits (requiring all RCAs to make bylaws) is resource-intensive, time-consuming and complex. Many RCAs have raised concerns about this process and are supportive of a better process for setting safer speed limits. The proposed changes aim to address this feedback, through providing a mechanism for RCAs to take a more co-ordinated approach to reviewing speed limit changes, rather than the road-by-road approach the bylaw process encourages.

The changes will also provide role clarity within Waka Kotahi, where Waka Kotahi was previously acting as both a regulator and an RCA, through the establishment of an independent speed management committee to certify the State highway Plan. In relation to speed management, the Director of Land Transport will carry out any approval functions such as the certification of regional Plans, with functions such as publishing plans, guidance and setting of timelines remaining with Waka Kotahi.

A new Setting of Speed Limits Rule is required to give effect to the new regulatory framework

The proposed changes to the framework are significant and, as such, a new Rule is required rather than an amendment to the 2017 Rule.

PROPOSED CHANGES

Proposal 1 – Speed management plans

The current bylaw making process will be replaced by a new speed management plan (Plan) process. This will be used by all RCAs that are territorial authorities.

RCAs will prepare Plans on proposed changes to speed limits, road safety cameras and speed management-related infrastructure for the 10 financial years from the start of the plan.

The current bylaw process for setting speed limits, made under section 22AB of the Act and the 2017 Rule, is administratively burdensome and does not effectively support regional collaboration. The proposed Rule would substitute a new regulatory framework for speed management to improve how RCAs plan for, consult on and implement speed management changes.

RTCs would be responsible for collating input from RCAs that are territorial authorities within their region and developing regional Plans. This will support better engagement with communities, as well as collaboration between RCAs within regions. RCAs will be expected to take a 'whole-of-network' approach to considering speed management changes. Waka Kotahi will support RCAs in this process.

Waka Kotahi (as an RCA) will be responsible for producing a State highway Plan, which will be certified by an independent speed management committee. More information on the speed management committee can be found on page 18.

Plans would set out the objectives, principles and measures for speed management on relevant roads for at least 10 financial years from the start of the plan and include the following treatments:

- Changes to speed limits (other than temporary and emergency speed limits)
- Road safety cameras¹
- Safety infrastructure

Plans will be updated and consulted on every three years.

Principles could include the following:

- Moving towards specific speed limits around schools and in urban areas
- Ensuring new and existing roads are built or upgraded to reflect the purpose of the road and to create a safe environment
- Consistency in speed management approaches in residential areas
- Focus on where the biggest accessibility and safety improvements will be gained

It is expected Plans will outline a detailed summary of the specific speed management treatments on the roads covered by the first three years of the Plan. For the following seven years, RCAs may choose to provide a high-level indication of the roads where RCAs will carry out speed management reviews if specific treatments are not yet known.

The intent is to align the speed management planning and RLTP processes to bring together speed management and infrastructure investment decisions. Waka Kotahi, in its role as regulator, will be responsible for determining specific deadlines for each planning cycle. The expectation is Waka Kotahi would work with RTCs in setting the deadlines to align consultation with the RLTP process.

As noted above, it is anticipated Waka Kotahi's *Speed Management Guide* (2nd edition) will help RCAs step through the process to develop a Plan described in the proposed Rule. Waka Kotahi will engage with RCAs on the next edition of the *Speed Management Guide* once the proposed Rule is

¹ While Waka Kotahi will be responsible for the safety camera network, it will work collaboratively with RCAs on the placement of cameras.

finalised, focusing in particular on the content required for the Plans and the most appropriate form for presenting it. The proposed Rule will require each RTC and Waka Kotahi (as RCA) to have regard to the guidance and information developed and maintained by Waka Kotahi (as regulator) when preparing a Plan.

It is proposed Plans must:

- Identify the changes (if any) being proposed to speed limits (other than temporary and emergency speed limits), safety cameras, and safety infrastructure on the relevant roads over the next three years; and
- Set out the objectives, policies and measures for managing speed on relevant roads for at least 10 financial years from the start of the plan.

The proposed Rule sets out content requirements for Plans, which must include:

- An explanation of how the Plan is consistent with the road safety aspects of the Government Policy Statement on land transport (GPS)² and any Government road safety strategy (e.g. *Road to Zero* for 2020-30)
- A general explanation of how a whole-of-network approach was taken when proposing speed limit changes and safety infrastructure changes
- An implementation programme for at least three financial years from the start of the Plan, setting out the changes (if any) being proposed to speed limits, safety cameras and safety infrastructure on the relevant roads and the timeframe within which each change is proposed to occur
- Information on speed management treatments around schools, including a rationale for why any speed limits outside schools during school travel periods would be above 30 km/h in urban areas
- Designation of rural schools, and the speed limits for any rural schools (which must be 60 km/h or less)
- A summary of any changes to speed limits, safety cameras and safety infrastructure included in the implementation programme in the previous Plan (if any) that have not yet come into force
- A summary of the extent to which, in the RCA's view, the changes to speed limits, safety cameras and safety infrastructure included in the implementation programme in the previous Plan (if any) that have come into force have been effective in managing speed
- For any changes being proposed to a speed limit that do not align with the Waka Kotahi estimate of what is the safe and appropriate speed limit for the road, an explanation for why the proposed speed limit differs from the Waka Kotahi estimate. The RCA must consider the road safety aspects of the GPS and any Government road safety strategy, the desirability of taking a whole-of-network approach to speed management, and the guidance developed by Waka Kotahi.
- A description of the conditions under which a variable or seasonal speed limit will operate.

Plans are also intended to describe the interactions where speed management proposals affect roads interacting across RCA responsibilities. This could include the interactions between local roads and State highways, and boundaries where speed limits on the same road do not align.

Proposed Rule reference: Section 3, and clause 2.5

² The GPS sets out the Government's strategic direction for the land transport system over the next 10 years and is updated every three years. It provides guidance on how Waka Kotahi invests the National Land Transport Fund, and how Waka Kotahi assesses and prioritises activities for Regional Land Transport Plans and the National Land Transport Programme.

Transitioning to the new framework

RCA's will be encouraged to incorporate the new speed management framework into the 2021 National Land Transport Programme³ and RLTP processes.

Waka Kotahi will work with RCA's and RTC's to develop interim Plans during 2021 and 2022. RCA's and RTC's can consider using interim Plans to progress speed management changes during this period. Interim Plans could form the basis of the first formal plan, which RTC's would be encouraged to align with the GPS and RLTP processes. While it is intended that interim Plans have similar content and process requirements, there are some key differences:

- Content requirements are a 'may', which will mean that, as an example, safety camera placement and setting out the following 10 years objectives, policies and measures will not be required;
- All interim Plans will be certified by the Director, including any proposed changes to the State highway network, if the independent speed management committee is set up;
- Interim Plans need to be in a form approved by Waka Kotahi; however, consideration will be given if an alternative form is proposed by an RCA or RTC, and
- An RCA will be able to prepare an interim Plan separate from the relevant RTC. However, an RCA must participate in the interim regional Plan if notified in writing of the intent of the RTC to publish a consultation draft interim regional Plan within the next 28 days.
- If there is an interim regional Plan prepared without input from an RCA in that particular region, and an interim Plan is prepared by the RCA at a later date, Waka Kotahi will publish these together to provide clarity for viewers of the Plans.

RCA's could still individually consult on and set speed limits using this process. This process is described further on page 15.

RCA's will continue to use the current bylaw process until their existing speed limits have been migrated onto the Register of Land Transport Records (the Register). The migration programme is expected to be completed for all RCA's by the end of 2021, after which speed limits will only be set through the Register (and the proposed planning process). From 2023, RCA's and RTC's will be required to follow the full planning process alongside the 2024 GPS and RLTP process.

Proposed Rule reference: Clause 11.3 and Schedule 3

Roles in the development of regional speed management plans

RTC's would be responsible for collating input from RCA's within their region and developing regional speed management plans.

RTC's are made up of two representatives of the relevant regional council, one representative of each territorial authority (local council) and one representative of Waka Kotahi⁴. It is proposed RTC's will provide a forum to:

- Encourage consistency across the network through consideration of speed management treatments across an entire region, rather than just on a road-by-road basis
- Manage interactions and timing across RCA's, including interactions between local roads and the State highway network, and through boundary issues with bordering regions
- Encourage alignment with the GPS and RLTP processes

³ The National Land Transport Programme is a three-yearly investment package that ensures transport can be delivered nationally, regionally and on a local authority level.

⁴ For a Regional Council that is a unitary authority (i.e. Auckland Transport or the Chatham Islands), the committee consists of four representatives of the unitary authority and one representative of Waka Kotahi.

- Allow RCAs that are not territorial authorities (e.g. supermarkets or Department of Corrections) to participate in the planning process

In developing Plans, the RTC and RCA each have specific roles under the proposed Rule:

RTC roles	RCA roles
<ul style="list-style-type: none"> • Collate input from RCAs within a region and develop, consult on and finalise regional Plans • Provide a forum to encourage consistency across the network, managing interactions and implementation timing across RCAs, and working through any boundary issues with bordering regions • Carry out consultation on the regional Plan with input from RCAs • Provide the final draft Plans for certification to Waka Kotahi 	<ul style="list-style-type: none"> • Continue to make decisions about speed management treatments on their roads • Provide input into the regional Plan to the RTC • Receive, consider and respond to consultation responses forwarded by the RTC

When RTCs are preparing the regional Plan, Waka Kotahi will provide guidance, information and geospatial tools to assist RTCs with preparing, consulting on and finalising regional Plans.

Proposed Rule reference: Clause 3.5 and 3.13 to 3.15

Consultation requirements

The proposed Rule will require RTCs to follow the consultation requirements as set out in section 82 of the *Local Government Act 2002* (LGA). This is the current consultation process used for the RLTP process.

The LGA sets out six guiding consultative principles:

- Councils must provide anyone who will or may be affected by the decision, or anyone who has an interest in the decision, with reasonable access to relevant information
- These people should also be encouraged to express their views to council
- People invited to present their views to council should be given clear information about the purpose of the consultation and the scope of the decisions being made
- People who wish to present their views must be given reasonable opportunity to present them
- Councils should receive these views with an open mind and give them due consideration when making a decision
- The council should provide people presenting their views with information relevant to decisions and the reasons for them

RTCs would also be required to separately consult with Māori affected by any proposed change, if the change is likely to impact on:

- Māori land; or
- Land subject to any Māori claims settlement Act; or
- Māori historical, cultural, or spiritual interests.

Proposed Rule reference: Clauses 3.8 and 3.9

Acknowledging the intent to enable a more co-ordinated approach to speed management, RTCs and Waka Kotahi (as RCA) will be encouraged to align consultation processes. The proposed Rule will enable Waka Kotahi (as RCA) to consult separately on the State highway network if the relevant RTC does not have a regional Plan prepared in time. This will ensure the wider State highway Plan process will not be impeded by any regional RTC Plan delays.

In practice, it is expected that during the two-year transition phase, RTCs and Waka Kotahi will engage to determine what level of support and input is required to run a combined consultation process.

When consulting separately, the proposed Rule sets out high level obligations for Waka Kotahi (as RCA) to follow when consulting on the State highway Plan. In setting these obligations, it is acknowledged the overall coverage of this plan is extensive and Waka Kotahi (as RCA) needs to have the flexibility to carry this process out in a way that will be effective for all communities and stakeholders involved.

The requirements, when running consultation on the State highway Plan, will be as follows:

- Interested parties given a minimum four-week time period to make submissions
- Consideration of any submissions
- Publication on an internet site

Similar to RTCs, Waka Kotahi (as RCA) will be required to carry out separate consultation with Māori.

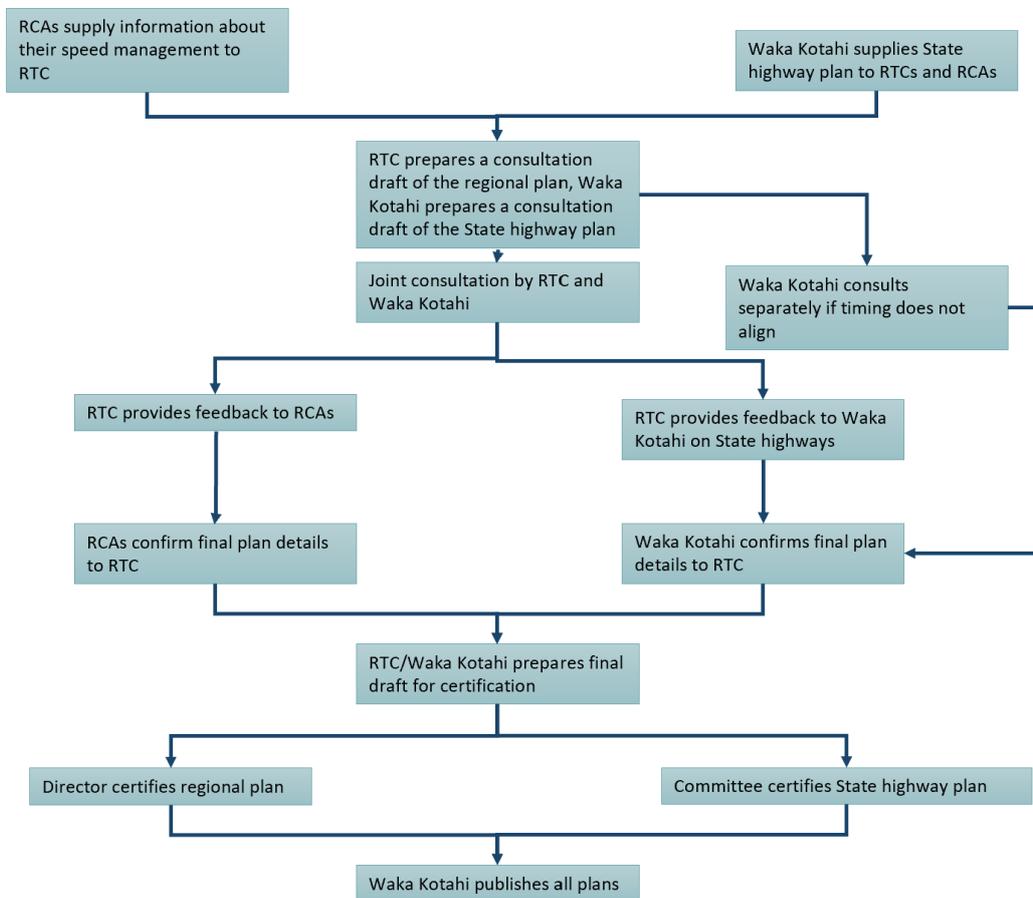
Proposed Rule reference: Clauses 3.8 and 3.9

Interactions with the State highway speed management plan

The proposed Rule will encourage a combined consultation process. This will enable RTCs to receive submissions on behalf of Waka Kotahi (as RCA) in relation to the State highway Plan.

RTCs and Waka Kotahi (as RCA) should endeavour to provide a single consultation process for submitters where possible. How this will work in practice will be an operational decision between the RTC and Waka Kotahi (as RCA), as the support required to run a combined consultation process could vary from region to region.

Figure 1: Proposed regional and State highway speed management plan process interactions



Proposal 2 – Alternative process for setting speed limits

A process for setting speed limits outside of the speed management planning cycle will be introduced. The proposed Rule will also clarify how RCAs that are not territorial authorities will be able to set speed limits.

The proposed Rule will also introduce an alternative process to serve three purposes, allowing:

- Speed limit changes to occur in circumstances where an RCA cannot wait for the next relevant Plan, such as a sudden change in road use
- To provide a mechanism for non-territorial authorities (e.g. supermarkets) to set speed limits
- To provide a mechanism for any urgent speed limit changes before an interim Plan is available, or if the speed limit change has not been included in the interim Plan.

Out of cycle speed limit changes

If an RCA needs to change a speed limit, and it's not stipulated in their Plan, they would still have the ability to do so. The Director must give approval that the alternative process could be used if it is satisfied a good reason exists for making the change before the next relevant Plan.

If the Director gives its approval, an RCA may consult on the proposed speed limit change. The RCA will not need to consult if the change is consistent with the relevant plan and the RCA considers it only a minor deviation from the speed limit. The RCA will determine what it considers to be a minor deviation.

When finalising the proposal, the RCA must take account of submissions received during consultation.

To implement the change, the speed limit must be entered on the Register, and the RCA will need to install appropriate speed limit signs.

Non-territorial authorities

The proposed Rule will provide the ability for non-territorial authorities that allow vehicle access in areas under their control, to set speed limits (e.g. supermarkets or the Department of Corrections). This can be done in two ways.

They can make a submission to the relevant RTC for proposed speed limits to be included in the relevant regional Plan. Consultation on the proposed speed limit will be done as part of the consultation on the regional Plan. They can set speed limits in accordance with the Plan.

They can also use the process in Section 6 of the proposed Rule, which recognises that they may not have engaged in the Plan making process. The Section 6 process involves consulting with the Police, Waka Kotahi and groups the RCA considers to be directly affected by the proposed speed limit.

To implement the change, the speed limit must be entered on the Register, and the non-territorial authority will need to install appropriate speed limit signs.

Proposed Rule reference: Clauses 2.6 and 2.7, and Section 6

Proposal 3 – Formal certification of speed management plans

The Director will formally certify regional speed management plans against criteria in the proposed Rule. An independent speed management committee will formally certify the Waka Kotahi State highway speed management plan against the same criteria.

The formal certification process for Plans will provide an independent check that the planning process and content requirements set out in the proposed Rule have been followed.

For certification, the Director or the speed management committee would need to be satisfied the content requirements for Plans have been met.

In submitting a Plan, the RTC or Waka Kotahi (as an RCA) will need to provide a declaration the required consultation process has been followed.

If the Director or the speed management committee is not satisfied the criteria in the proposed Rule has been followed, Plans will be referred back to the RTC or Waka Kotahi (as an RCA) with recommendations on how the Plan should be varied.

During the certification process, the Director or the speed management committee will have the opportunity to comment on the extent to which a Plan:

- takes a whole-of-network approach by including a consideration of a range of speed management interventions
- shows consistency with road safety aspects of the GPS and any Government road safety strategy (currently *Road to Zero*)
- sets out the objectives, policies and measures for managing speed on relevant roads for at least 10 financial years from the start of the plan
- considers the desirability of a road under the control of one RCA and an adjoining road under the control of another RCA having the same speed limit, unless there is good reason for different speed limits
- is likely to lead to compliance with targets in relation to setting speed limits around schools.

Proposed Rule reference: Clauses 3.4(5), 3.5(6) and 3.10

Proposal 4 – Speed limits must be entered into the register

A speed limit will be set by entering the speed limit into the Register of Land Transport Records (the Register). The register will give legal effect to all permanent, variable, emergency and seasonal speed limits. Existing speed limits will be migrated into the Register.

The new speed management framework would remove the current bylaw-making requirements. All speed limits (other than temporary speed limits) would formally come into force through inclusion on a national register.

The *Land Transport (NZTA) Legislation Amendment Act 2020* inserted the provisions establishing the Register and associated regulation-making powers into the Act. The Register is intended to be the single source of truth for, and give legal effect to, certain land transport decisions. Speed limits are expected to be the first category of decisions included in the Register.

The proposed Land Transport (Register of Land Transport Records) Regulations 2021 (the proposed Regulations) will be made under sections 167(1)(mf) and 168AAA of the Act. This empowers regulations that provide for the information requirements and operational use of the Register of Land Transport Records. The regulations will give effect to the below and will be available when the final Rule is signed by the Minister.

The regulations will require the creation of a land transport record for existing speed limits. Any conflicts and overlaps between bylaws and land transport records can be managed during the transitional phase.

The intention is for bylaws to no longer form part of the speed limit-setting process. Waka Kotahi is working with all RCAs to transfer all existing permanent, variable and seasonal speed limits into the Register. As part of this process, Waka Kotahi will create land transport records in the Register. The effect of creating a land transport record will not automatically revoke the previous bylaw. RCAs will be required to pass a resolution to revoke the bylaw, or part of the bylaw.

RCAs will be required by land transport rules to continue to hold records for relevant bylaws for 7 years following the date the original bylaw was created. They may have other record-keeping obligations that apply as well.

All future permanent, variable, seasonal and emergency speed limits would be given legal effect through inclusion on the Register. Once live, the Register will be publicly searchable via the Waka Kotahi website.

Waka Kotahi (as regulator) will be the Registrar of the Register. When an RCA wants to implement a permanent, variable, emergency or seasonal speed limit change, it will be required to provide the following information to the Registrar:

- Geospatial information about the location of the start and end of the speed limit
- The speed limit in km / h
- The date on which the speed limit enters into force (which must not be earlier than the date the speed limit is entered in the register)
- The category of speed limit (i.e. permanent, seasonal, variable, emergency or temporary speed limit)
- For seasonal speed limits, the relevant dates and corresponding speed limits
- For variable speed limits, the relevant conditions and corresponding speed limits
- The speed limit's ending date, if known at the point of registration.
- A declaration that any legal requirements in relation to setting the speed limit have been satisfied
- Any other information required by the Registrar

RCAs can still set speed limits for whole areas, by identifying on a map an area where the speed limit on all roads is the same, such as 50 km/h or 30 km/h (see Proposal 10 discussed on page 24).

The form in which information is to be received will be set by the Registrar and communicated to RCAs.

Speed limits will have legal effect from the in-force date on the Register and the RCA will be required to ensure signs are installed in line with this date. General signage requirements are intended to remain consistent with the 2017 Rule and the *Land Transport Rule: Traffic Control Devices 2004*. However, the type of variable speed limit signs will be specified by the Director. The Registrar will be required to create a land transport record for each speed limit and include the record on the Register.

Unlike emergency speed limits, temporary speed limits will *not* be required to be entered on the Register. It is expected that, in the longer term, the Register will be able to accommodate temporary speed limits and this requirement will change. Any future requirement to lodge temporary speed limits in the Register will be subject to further consultation and future amendment Rules.

Where the Registrar does not have any speed limit information about a road from an RCA, the road will have the default 100 km/h speed limit. This ensures it will be an offence to travel faster than 100 km/h on these roads (unless a lower speed limit applies to the type of vehicle anyway).

Proposed Rule reference: Section 2 and clause 4.8(3)

Correction of anomalies between bylaws and signs

The Registrar will be working with RCAs to migrate existing speed limit data into the Register. As part of this process, the Regulations will allow for any inconsistency in bylaws to be corrected. This will mean that either the bylaw can take precedence (meaning speed limit signs will need to be updated) or the speed limit as reflected on the sign can take precedence (meaning the bylaw/land transport record will change).

Any inconsistency between a bylaw and the speed limit signs in place, no matter the size, can be corrected through the migration process.

It is proposed that the requirement to provide signs at, or near, the point where speed limit changes is extended to 50 metres (this is currently 20 metres). This is in recognition that in the future there may continue to be minor discrepancies between the location of a speed limit sign and the coordinates recorded in the Register. 50 metres may be necessary to allow signs to be situated appropriately in most roadside environments.

Proposed Rule reference: Clause 9.1, and Schedule 3, clauses 6 and 10

Proposal 5 – Establishment of an independent speed management committee

An independent speed management committee will be established to formally certify the State highway speed management plans against set criteria and provide oversight of the information and guidance on speed management.

Waka Kotahi (as an RCA) will be responsible for preparing Plans for the State highway network. To ensure independent oversight, a speed management committee will be established.

It is proposed the speed management committee role will be to certify State highway Plan compliance with the Rule and to have oversight of the information and guidance on speed management provided by Waka Kotahi, including the *Speed Management Guide*.

In carrying out its role, the speed management committee may request Waka Kotahi (as regulator) to:

- Provide comment about any information or guidance the regulator has provided
- Procure an independent review of any information or guidance the regulator has provided

Speed management committee members are expected to have knowledge, skills and experience in relation to road safety and speed management, and/or an understanding of the impact of speed management on the wider community, such as motorists, rural communities, vulnerable road users, freight carriers or enforcement.

Speed management committee appointments will be made by the Minister, on advice from MOT. Administrative support and advice to the speed management committee will be provided by Waka Kotahi.

The intent is the first speed management committee will be in place as soon as practicable after the signing of the Rule.

Proposed Rule reference: Clauses 3.16-3.18, and Schedule 1

Proposal 6 – Speed limits around schools

RCAs will be required to introduce safer speed limits around schools, with an initial 40% of changes to be completed by 30 June 2024 and use reasonable efforts to complete the remaining by **31 December 2029**.

Speed limits will be reduced to 30 km/h (or 40 km/h in some circumstances) around urban schools and a maximum of 60 km/h around rural schools. These speed limits can either be permanent or variable.

One of the key action items in the current road safety strategy, *Road to Zero*, is the intent to transition to safer speed limits around all schools by 31 December 2029. In particular, current speed limits outside most urban schools do not make walking, cycling and scooting appealing modes of transport, both for children and their parents.

In line with *Road to Zero*, RCAs will be required to have 40% of school speed limit changes completed by 30 June 2024.

The 2017 Rule does not set any requirements for speed limits around schools, and guidance only encourages RCAs to consider lower speed limits. The current *Speed Management Guide* and *Safer Journeys for Schools Guide* encourage:

- 40 km/h permanent or variable outside urban schools
- 60 km/h variable speed limits outside rural schools where there is an identified turning traffic risk

This would also apply to schools on State highways.

If an RCA has previously set a speed limit of 40 km/h around any of its schools, on or prior to 23 April 2021, the proposed Rule sets out the circumstances under which these may remain in place and do not require further attention.

The requirement for speed limit changes at, or close to, a point of obvious change in the roadside development or the road environment remains unchanged. The proposed Rule determines that the presence of a school nearby will meet this requirement. Waka Kotahi will provide guidance to encourage RCAs to implement safe and appropriate speed management solutions outside schools.

Speed limits around urban and rural schools will have different requirements

Urban schools

RCAs must set the speed limit outside an urban school as:

- A variable speed limit of 30 km/h during school travel periods; or
- A permanent speed limit of 30 km/h.

Or, RCAs may, if there is an explanation of why this decision has been made in the relevant Plan, set the speed limit outside an urban school as:

- A variable speed limit of 40 km/h during school travel periods; or
- A permanent speed limit of 40 km/h.

Rural schools

If an RCA considers a school to be located in a rural area, it must designate this through the relevant Plan. The process of designating a school as 'rural' will provide the local community an opportunity to provide feedback on the appropriateness of the designation through public consultation. This will mean if an RCA wants to set a speed limit greater than 40 km/h, it will need to take the active step of designating a school as rural.

Waka Kotahi (as regulator) will provide guidance, in line with information from Statistics New Zealand, on what is considered rural in the first instance.

RCAs must set the speed limit outside a rural school as:

- A variable speed limit of 60 km/h or less during school travel periods; or
- A maximum permanent speed limit of 60 km/h.

Consideration of school speed limits

The proposed Rule will allow an RCA to define what it considers 'a road outside a school' to identify roads where lower speed limits will apply. Consideration will need to be given to several factors, all of which will be outlined in guidance material provided by Waka Kotahi (as regulator) to support the decision-making process. These factors will include elements such as the typical or expected routes for pedestrians to access the school, mean travel speeds, the number of vehicles on a road, pedestrian counts and the road classification. As part of the consideration, the access for disabled pedestrians, both children and adults, should be considered.

Consideration of appropriate speed management interventions in the wider vicinity of a school requires more planning than simply reducing the speed limit on the road outside a school entrance.

RCAs will be encouraged to consider speed management treatments in the broader area around a school (e.g. road narrowing and raised platforms). The intent is this will help improve safety and access for children who may use active modes of transport to get to and from school.

RCAs will have until the end of 2029 to make necessary changes.

Below is an example of a possible infrastructure treatment to help encourage motorists to comply with lower speed limits around schools on roads.



Image 1: Speed management treatment using a raised platform with kea crossing, and road narrowing.

If an RCA wishes to use a variable speed limit, it will have the ability to determine the school travel time periods this will apply to but must have regard to guidance from Waka Kotahi (as regulator). In doing this, RCAs will need to have regard to a number of factors, including typical or expected

times and days at which pedestrians access the school, when the school is open, and how to best encourage families to use active modes. Waka Kotahi (as regulator) will provide guidance on the applicability of variable speed limits.

Proposed Rule reference: Section 5, and clause 4.7(2)

Proposal 7 – Temporary and emergency speed limits

The process for setting emergency speed limits would change to require emergency speed limits to be lodged in the Register.

The criteria and process for setting temporary speed limits would remain the same.

Under the proposed Rule, RCAs will be required to lodge emergency speed limits in the Register to give effect to these speed limits. Temporary speed limits will continue to be set using temporary speed management plans and appropriate signage.

While the Register is able to accommodate emergency speed limits, it is expected that, in the longer term, the Register will be able to accommodate temporary speed limits. Further amendments to legislation will be made to enable this.

Temporary and emergency speed limits are not intended to be included in Plans. When in place, temporary and emergency speed limits would take precedence over permanent, variable or seasonal speed limits in the Register.

Emergency speed limits

Emergency speed limits⁵ continue to be defined as a situation that:

- Is the result of any happening, whether natural or otherwise (including, without limitation, any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure of or disruption to an emergency service or a lifeline utility, or actual or imminent attack or warlike act); and
- Causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public in any part of New Zealand.

It is proposed RCAs will be required to enter the information into the Register. Information would include the date when the emergency speed limit takes effect. Once the RCA installs emergency speed limit signage and has notified the Registrar, the Register will show the emergency speed limit as the enforceable speed limit.

RCAs would need to make another lodgement with the Register to remove the emergency speed limit when the emergency speed limit signage is taken down. The Register will have the capability to notify an RCA when the emergency speed limit is due to expire.

Temporary speed limits

Temporary speed limits continue to be used in circumstances that:

- In the opinion of the road controlling authority, present a risk of danger to a worker or the public, or a risk of damage to a road, due to:
 - physical work occurring on or adjacent to a road that impacts the function of the road (including an ongoing work site outside of the hours of work); or
 - the presence of an unsafe road surface or structure; or
 - a special event.

The process for temporary speed limits will remain the same as under the 2017 Rule.

⁵ As an example, an emergency speed limit was used along State Highway 1 in Kaikoura for a period of one year to minimise the risk of death and serious injury once portions of the road had been reopened.

This means to set a temporary speed limit, installation of signs in accordance with a traffic management plan approved by the relevant RCA must occur. In a practical sense, this often means an RCA will have delegated this ability to a contractor, who would be carrying out the relevant works.

Proposed Rule reference: Sections 7 and 8

Proposal 8 – Approval for certain speed limits

RCA's will have the ability to set 70 and 90 km/h speed limits without Waka Kotahi's approval. 110 km/h speed limits will require the Director of Land Transport's approval.

Under the proposed Rule, RCA's will have the ability to set 70 and 90 km/h speed limits without Waka Kotahi approval. In doing so, RCA's should have regard to the guidance provided by Waka Kotahi (as regulator) on appropriate situations where these speed limits could apply.

Waka Kotahi is seeking feedback on whether you support this proposal. Alternatively, 70 and 90 km/h speed limits could be used by RCA's as interim speed limits only. For example, RCA's could be required to review these speed limits every three years and indicate in their relevant Plan whether they will retain them.

If these speed limits were used as an interim measure, this would allow RCA's time to either carry out the required speed management treatment (for example, making infrastructure changes to support the current speed limit, or reducing the speed limit).

110 km/h speed limits would still require approval, with guidance on when this approval should be sought provided in the *Speed Management Guide*.

Proposed Rule reference: Clauses 4.3 and 4.4

Proposal 9 – Use of variable speed limits

RCA's will have the ability to set variable speed limits without the Director of Land Transport's approval, except in circumstances outside those listed in the proposed Rule.

It is proposed RCA's will be able to set variable speed limits through the relevant Plan without approval from the Director in the following circumstances:

- Different numbers and types of road users or different traffic movements; or
- The effects of changing traffic volumes, including to ease congestion (e.g. the Wellington Urban Motorway which uses technology to inform the speed limit according to the volume of traffic); or
- For emergency or temporary traffic management; or
- A crash risk posed by turning or crossing traffic (i.e. Intersection Speed Zones); or
- Changing climatic conditions (i.e. as currently carried out on the Kaimai Ranges); or
- The presence of a school.

The proposed new framework will provide greater flexibility and transparency when RCA's are setting variable speed limits. Waka Kotahi (as regulator) will continue to provide guidance on best practice use for variable speed limits in the listed circumstances to encourage national consistency and aid RCA's in their decision making.

If a situation falls outside of the circumstances listed above, the Director's approval will be required prior to lodging the variable speed limit in the Register. This applies to both Waka Kotahi (as an RCA) and all other RCA's.

Proposal 10 – Speed limit areas

Speed limit areas will be introduced to replace urban traffic areas.

The 2017 Rule gives RCAs the ability to designate an ‘urban traffic area’, allowing RCAs to only set an urban speed limit of 50 km/h on roads within that area. In the proposed Rule, urban traffic areas will be replaced by ‘speed limit areas’, allowing an RCA to set speed limits through any designated area (i.e. not just urban) and for any particular speed limit.

This change will make it easier to designate an area as a single speed limit and provide more speed limit options for that designated area, other than just the current 50 km/h. For example, this change could enable an RCA to set a 60 km/h speed limit on a number of roads surrounding an arterial road with an 80 km/h speed limit. Similarly, it could enable an RCA to set a 30 km/h on a number of roads within a central business district, within a broader 40 km/h speed limit area.

By introducing a more flexible concept of speed limit areas, it is intended RCAs will be able to more easily address concern in urban areas with high numbers of active mode users.

The process to designate a speed limit area will be the same as that for permanent, seasonal and variable speed limits, as the designation is expected to be included in Plans and then lodged with Waka Kotahi (as Registrar of the Register).

Proposed Rule reference: Clause 2.3

Proposal 11 – Other proposals

RCAs will not be able to change a speed limit for a period of five years, if directed to change the original speed limit by Waka Kotahi (as regulator).

It is proposed Waka Kotahi (as regulator) will continue to have the ability to investigate and direct an RCA to change or modify a speed limit if it considers the RCA has not complied with the Rule.

Under the proposed Rule, if an RCA does not comply with Waka Kotahi (as regulator) directions, Waka Kotahi may exercise the appropriate responsibilities of the RCA and change or modify the application of a speed limit in the area concerned, by changing it in the Register.

Where this occurs, the proposed Rule prevents an RCA from changing the speed limit directed by Waka Kotahi (as regulator) in the five years following the direction, unless it has Waka Kotahi approval.

Proposed Rule reference: Section 10

Minimum road length requirements will be amended for 50, 60, 70 and 80 km/h speed limits. Exceptions will apply for permanent speed limits outside schools, all variable limits and approaching intersections.

The proposed Rule will amend the minimum road length requirements to provide for an average 36-second travel time but recognises RCAs will need flexibility in certain circumstances. The proposed Rule will apply an exception to minimum road length requirements to the following circumstances:

- A permanent speed limit outside a school (rural or urban)
- All variable speed limits
- Approaching an intersection

- It is impracticable for the road
- Short lengths of adjoining roads

Outside of the exceptions, RCAs will continue to be required to gain Waka Kotahi approval to amend any road length requirement in contradiction to Schedule 1.

The guidance for minimum repeater sign requirements will remain consistent with the 2017 Rule.

Proposed Rule reference: Clause 4.6

RCAs will need to have regard to guidance on the use of mean operating speed in preparing speed management plans.

Waka Kotahi (as regulator) will continue to provide guidance on how RCAs should consider mean operating speeds when setting speed limits.

The proposed Rule will require RCAs to have regard to this guidance when preparing their Plan.

Proposed Rule reference: Clause 3.2(3)(c)