

Bylaw 2008/01 Prescribing Use of the Northern Busway in Auckland

Pursuant to section 61(3) of the Government Roading Powers Act 1989, and section 72(1)(j) of the Transport Act 1962, the New Zealand Transport Agency hereby makes the following bylaw.

Bylaw

1. This bylaw may be cited as the New Zealand Transport Agency Bylaw 2008/01.
2. This bylaw shall come into force 28 days after its publication in the New Zealand Gazette.
3. In this bylaw, unless a contrary intention appears:
 - 3.1 “accident” means an unintentional or unexpected act causing a vehicle to become immobile or practically immobile for the purpose of travelling safely on the motorway.
 - 3.2 “Agency” means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2008.
 - 3.3 “Airport shuttle” means a shuttle that:
 - (a) is operated by the holder of a valid passenger service licence to operate a shuttle service under the Land Transport Rules: Operator Licensing 2007; and
 - (b) used for hire or reward for the carriage of passengers who must begin or end their journey at the Auckland Airport.
 - 3.4 “Auckland Airport” means the airport located at Mangere Auckland as defined in the Auckland Airport Act 1987.
 - 3.5 “Auckland Region” means that region as defined in the Local Government (Auckland Region) Reorganisation Order 1989.
 - 3.6 “Authorised vehicle” means any vehicle that requires access to, or use of, the Northern Busway, for a purpose relating to the maintenance, inspection, operation, or regulation of the use of the Northern Busway and is authorised by the Agency to gain access for that specified purpose or purposes.
 - 3.7 “Authorised officer” means an authorised officer of the Agency.
 - 3.8 “Breakdown” means an unexpected defect in the machinery of a vehicle causing that vehicle to become immobile or practically immobile for the purposes of travelling safely on the motorway.
 - 3.9 “Breakdown vehicle” has the same meaning as in the Traffic Regulations 1976.
 - 3.10 “Charter bus” means a heavy omnibus that is engaged to transport a specified group to and from a specified point in accordance with clause 4.5(5) of the Land Transport Rule: Work time and Logbooks 2007.
 - 3.11 “Emergency vehicle” has the same meaning as in the Land Transport (Road User) Rule 2004.
 - 3.12 “Heavy omnibus” has the same meaning as in the Land Transport Rule: Heavy Vehicles 2007.
 - 3.13 “Inter-regional bus” means a heavy omnibus working a defined and regular schedule of routes and times that start and/or finish outside the Auckland Region.
 - 3.14 “Motorway” has the same meaning as in the Government Roading Powers Act 1989.

- 3.15 “Northern Busway” means that part of the Auckland Northern Motorway section of State Highway 1 identified in Schedule 1 which may only be used by those vehicles specified in clause 15 of this bylaw.

Schedule 1

For avoidance of doubt, the busway includes:

- the dedicated dual lane between Constellation and Akoranga Bus Stations;
 - the single southbound busway commencing at Akoranga Station that extends a distance of 2400 metres from the Esmonde Road Underpass to a point south of the Onewa Road Interchange where it merges with the motorway carriageway;
 - the single southbound busway commencing on the Onewa Road Interchange that extends a distance of 500 metres before merging with the single southbound busway; and
 - the links to and from State Highway 1 at the Albany and Constellation Stations.
- 3.16 “Operator” means a person who has control of the operation of a passenger service. For the avoidance of doubt, a driver is not an operator unless they also have control of the operation of the passenger service.
- 3.17 “Passenger service” has the same meaning as in the Land Transport Rule: Operator Licensing 2007.
- 3.18 “Public transport service” has the same meaning as in section 5 Land Transport Management Act 2003.
- 3.19 “Shoulder” means that sealed area on the extreme outside or verge of the left hand side of the motorway carriageway, such sealed area being physically defined by a continuous white line.
- 3.20 “Tour bus” means a heavy omnibus that is operated in accordance with clause 2.1(5) of Land Transport Rule: Work Time and Logbooks 2007.
- 3.21 “Use” has the same meaning as in the Traffic Regulations 1976.
- 3.22 “Vehicle” has the same meaning as in the Traffic Regulations 1976.

Applications for authorisation to use Northern Busway

4. An operator wishing to operate vehicles of a type listed below on the Northern Busway must make an application for authorisation to the Agency in accordance with clause 5:
- 4.1 Heavy omnibuses engaged in a scheduled service, special event service, charter bus service, tour bus service or inter-regional bus service; or
- 4.2 Airport shuttles.

Content of application for authorisation

5. An application for authorisation to operate vehicles of the types listed in clause 4 above must:
- 5.1 be on the form provided by the Agency for authorisation to operate vehicles on the Northern Busway.

- 5.2 detail the number and type of vehicles that will use the Northern Busway and the schedule of services (where appropriate), time or times when those vehicles will use the Northern Busway.
- 5.3 provide details of the emergency procedures that are to be followed in the event such that a vehicle breaks down on the Northern Busway. Those procedures must be approved by the Agency. The emergency procedures must appoint a breakdown vehicle company and an appropriate haulage company that will attend the breakdown and/or tow the disabled vehicle and provide for the attendance of those vehicles at the site of the breakdown within 30 minutes of a vehicle breaking down. In the event that the hours of operation of any appointed breakdown vehicle company or haulage company are limited, the operator must not operate a vehicle on the Northern Busway outside of those hours of operation.
- 5.4 detail the method of communication between the drivers of the vehicle and the Busway Operations Centre.

Authorisation conditions

6. An operator wishing to operate heavy omnibuses on the Northern Busway must comply with any conditions attached to the authorisation given under clause 9.
7. The Agency may impose conditions relating to the following matters:
 - 7.1 The emergency procedures that are approved by the Agency.
 - 7.2 The method of communication between the driver of the authorised vehicle and the Busway Operations Centre.
 - 7.3 The maximum number of vehicles that may use the Northern Busway at any given time or times (including during peak and off-peak times) or on different days of the week.
 - 7.4 Prioritisation of the different types of vehicles that may be authorised to use the Northern Busway in accordance with the hierarchy in clause 8.
 - 7.5 Any other conditions necessary to ensure safe and efficient operation of the Northern Busway and in particular to manage the finite capacity of vehicles on the Northern Busway including managing merging with traffic on the approaches to the Auckland Harbour Bridge.

Prioritisation of use

8.
 - 8.1 The use of the Northern Busway will be prioritised in accordance with the hierarchy in clause 8.2 below, taking into account the capacity constraints of the Northern Busway, including that caused by the merging of vehicles using the Northern Busway into the traffic lanes approaching the Auckland Harbour Bridge.
 - 8.2 The priority accorded to vehicles to be given authorisation to use the Northern Busway will be as follows:
 - (a) First priority: Scheduled heavy omnibus services.
 - (b) Second priority: Other services being:

- (i) special event heavy omnibus services;
- (ii) airport shuttles;
- (iii) charter buses (other than special event heavy omnibus services);
- (iv) tour buses; and
- (v) inter-region buses.

8.3 For the avoidance of doubt, other services in clause 8.2(b) have equal priority as between themselves.

Deciding applications

9. After considering any application for authorisation made under clause 4 the Agency may:
- 9.1 decline the application; or
 - 9.2 grant the application; and
 - (a) determine the term of the authorisation;
 - (b) impose any reasonable conditions concerning the matters listed in clause 7; and
 - (c) set a review period.

Emergencies

10. Notwithstanding the approval by the Agency of an operator's emergency procedures:
- 10.1 in the event of any breakdown on the Northern Busway the driver of the broken down vehicle must comply with any instructions given by an authorised officer; and
 - 10.2 in the event that a heavy omnibus breaks down on the Northern Busway, the driver of any heavy omnibus operated by them that is following the vehicle that breaks down, shall stop and pick up the passengers from that vehicle and transport them to the next busway transport station; and
 - 10.3 in the event a shuttle breaks down on the Northern Busway, the operator must make all necessary arrangements to immediately transport any passengers from the Busway to the next busway transport station.

Suspension, variation or cancellation of authorisations

11. Notwithstanding any conditions imposed on any authorisation, the Agency may review, suspend, amend or revoke any authorisation issued under this bylaw if it reasonably believes that:
- (a) action is required to protect public safety.
 - (b) there has been an alleged breach of any condition or conditions of the authorisation.
 - (c) there has been an alleged breach of this bylaw.
 - (d) the merging capacity of the Northern Busway with harbour bridge traffic is potentially compromised as a consequence of the existing authorisation.
 - (e) action is required to preserve the priority accorded to different types of vehicles that may be authorised to use the busway transport stations in accordance with the hierarchy under clause 8.
 - (f) action is required to ensure safe and efficient operation of the Northern Busway and in particular to manage the finite capacity of vehicles on the Northern Busway

including managing merging of those vehicles with traffic on the approaches to the Auckland Harbour Bridge.

Procedure for reviewing, amending and suspending authorisations

12. If the reason for reviewing, suspending or revoking any authorisation arises under clause 11(a) above, the Agency may act urgently to suspend the authorisation by serving written notice of suspension on the holder of the authorisation.
13. If the reason for reviewing, suspending or revoking any authorisation arises under clause 11(a) – 11(f), the Agency may require the holder of the authorisation, on one months notice, to attend a hearing to explain why the authorisation should not be suspended, reviewed, amended or revoked.
14. If the holder of the authorisation does not attend that hearing or after the hearing, the Agency is satisfied that the operator has been in breach of the bylaw or that the authorisation needs to be suspended, reviewed, amended or revoked the Agency may suspend, review, amend or revoke the authorisation at their discretion.

Use of the Northern Busway

15. No person, being the driver of a vehicle shall use or drive that vehicle on or along any part of the Northern Busway unless:
 - (a) that person is driving a vehicle which is operated by an operator that has satisfied the requirements and been granted an authorisation under clause 9 above and the vehicle is not open-topped; or
 - (b) that person is driving an emergency vehicle in an emergency or driving a vehicle that has approval from either the New Zealand Police or an authorised officer to use the Northern Busway in an emergency; or
 - (c) that person is driving an authorised vehicle; or
 - (d) that person is driving or is in charge of a vehicle which has suffered an accident or breakdown on the motorway adjacent to that part of the busway extending from the Esmonde Road Underpass to a point south of the Onewa Road Interchange where the busway merges with the motorway carriageway (described in Schedule 1) and is in the process of moving the vehicle across the busway to the shoulder; or
 - (e) that person is driving a breakdown vehicle which is required by an authorised officer to attend to an accident or breakdown.
16. No person, being the driver of a vehicle or person in charge of a vehicle shall stop, stand, or park any vehicle on the Northern Busway whether that vehicle is attended or unattended unless:
 - (a) that person is driving or is in charge of a vehicle which is operated by an operator that has been granted an authorisation under clause 9 above and is stopping on an area of the Northern Busway designated as a stopping place available for that vehicle. For the avoidance of doubt, any area of the Northern Busway set aside as a stopping place and the designated use of stopping places will be indicated by signs; stopping

is only for the purpose of loading and unloading passengers; and no person, being the driver of a vehicle, shall stand or park that vehicle at any busway stopping place; or

- (b) that person is driving or is in charge of a vehicle which is operated by an operator that has been granted authorisation under clause 9 above and has suffered an accident or breakdown; or
- (c) that person is driving or in charge of a breakdown vehicle which is required by an authorised officer to attend to an accident or breakdown; or
- (d) that person is driving or is in charge of an authorised vehicle.

17. No person, being the driver of a vehicle or person in charge of a vehicle, shall perform any of the turning movements on that part of the busway except where the turning movement is permitted. For the avoidance of doubt, permitted turning movements shall be identified by prescribed signs.

Transitional provisions

18. Every authorisation to operate heavy omnibuses on the Northern Busway that is in existence on the day this bylaw comes into force shall:
- (a) continue but be subject to this bylaw; and
 - (b) notwithstanding (a) be subject to a right of annual review by the Agency in accordance with clauses 11, 12, 13 and 14 of this Bylaw from the 12-month anniversary of grant.

Any reference in this bylaw to any Statute or Regulation is deemed to include all amendments and revisions made from time to time to that Statute or Regulation.

Revocation

New Zealand Transport Agency Bylaw 2007/1 which was published in the New Zealand Gazette, 8 November 2007, No. 120, page 3164, is hereby revoked.

This bylaw was made by resolution passed at a meeting of the New Zealand Transport Agency held in Wellington on 31 October 2008.

Signed on behalf of the New Zealand Transport Agency under delegated authority by:
G. DANGERFIELD, Chief Executive, New Zealand Transport Agency.