

New Zealand Transport Agency (Traffic Controls on State Highways) Bylaw 2017/14: Bylaw and Schedule 1

Pursuant to section 61(3) of the Government Roading Powers Act 1989, the NZ Transport Agency makes the following bylaw.

Part 1: Preliminary Provisions

1. Title

This bylaw is the New Zealand Transport Agency (Traffic Controls on State Highways) Bylaw 2017.

2. Commencement

This bylaw comes into force 28 days after publication in the *New Zealand Gazette*.

3. Application

This bylaw applies to the roads or parts of roads, and for the time periods, if any, specified in the Regional Schedules.

4. Revocation

The bylaws in Schedule 1 are revoked.

5. Existing authorities remain in force

Any resolution, approval, permit or other act of authority provided for and made under the authority of any of the bylaws referred to in Schedule 1 remains in force in the area to which it applied on the date of commencement of this bylaw until specifically and separately revoked by the Agency.

6. Purpose

The purpose of this bylaw is to regulate parking, the use of vehicles, and traffic, on land which is under the control of the Agency.

7. Interpretation

7.1 In this bylaw, unless the context otherwise requires:

- (a) **Agency, driver, gross weight, heavy vehicle, moped, motor vehicle, passenger service vehicle and vehicle** have the same meanings as in section 2(1) of the Land Transport Act 1998
- (b) **bus, bus lane, cycle, cycle lane, cycle path, emergency vehicle, lane, motorcycle, motorway, special vehicle lane and transit lane** have the same meanings as in clause 1.6 of the Land Transport (Road User) Rule 2004
- (c) **electric vehicle (EV)** means a motor vehicle with motive power wholly or partly derived from an external source of electricity
- (d) an **emergency stopping lane** is an emergency stopping lane within the meaning of clause 2.12(3) of the Land Transport (Road User) Rule 2004
- (e) **engine brakes** means a supplementary braking system in a motor vehicle using engine compression as a retarding medium
- (f) **heavy goods vehicle (HGV)** means a motor vehicle designed exclusively or principally for the carriage of goods and that exceeds 3500kg gross vehicle mass
- (g) **Regional Schedule** means one or more of Schedules 2 to 12 of this bylaw that specifies the prohibitions and restrictions on the use of vehicles and roads in a specified region or regions of New Zealand
- (h) **reserved parking** has the same meaning as in Part 2 of the Land Transport Rule: Traffic Control Devices 2004
- (i) **road** includes any one or more of the following which is under the control of the Agency:
 - (i) a street:
 - (ii) a motorway:
 - (iii) a beach:
 - (iv) a place to which the public have access, whether as of right or not:
 - (v) a bridge, culvert, ferry, or ford forming part of a road, a street, a motorway, a beach, or a place referred to in paragraph (iv)
- (j) **T2** (or **T3**) indicates the minimum number of occupants including the driver in a vehicle to which this restriction applies is 2 persons (or 3 persons)
- (k) **Truck** in relation to a special vehicle lane means a heavy goods vehicle

7.2 The Interpretation Act 1999 applies to this bylaw.

Part 2: Vehicular Use Of Roads

8. Prohibitions and restrictions on the use of vehicles and roads

8.1 A person must not:

- (a) stop, stand, or park a vehicle on a road contrary to a prohibition or restriction on the class of vehicle, class of road user, or designated activity specified in Part G, N or O of a Regional Schedule or in any other bylaw;
- (b) drive a vehicle in any direction other than the direction of travel specified for that road in either Part E(a) (in relation to single lane one-way roads) or Part E(b) (in relation to multi-lane one-way roads) of a Regional Schedule or in any other bylaw;
- (c) turn a vehicle from facing or travelling in one direction to facing or travelling in the opposite direction on a road or part of a road specified in Part H(a) of a Regional Schedule or in any other bylaw;
- (d) at any intersection, the location of which is specified in Part H(b) of a Regional Schedule, or in any other bylaw, turn to the right from the road listed in the fourth column of that Part into the road listed in the fifth column of that Part;
- (e) at any intersection, the location of which is specified in Part H(c) of a Regional Schedule, or in any other bylaw, turn to the left from the road listed in the fourth column of that Part into the road listed in the fifth column of that Part;
- (f) cause or permit a vehicle to be driven on, or parked on, any bridge if:
 - (i) the mass on any axle or axle set of the vehicle exceeds the maximum mass on any axle or axle set for that bridge specified in Part J of a Regional Schedule or in any other bylaw;
 - (ii) the gross mass of the vehicle or combination vehicle exceeds the maximum gross mass for that bridge specified in Part J of a Regional Schedule or in any other bylaw; or
 - (iii) the vehicle is a heavy vehicle and to do so would breach a restriction on the number of heavy vehicles that may be on the bridge at a time specified in Part J of a Regional Schedule or in any other bylaw;
- (g) cause or permit a vehicle to be driven or parked on any road or part of a road if:
 - (i) the mass on any axle or axle set of the vehicle exceeds the maximum mass on any axle or axle set for that road or part of a road specified in Part K of a Regional Schedule or in any other bylaw;
 - (ii) the gross mass of the vehicle or combination vehicle exceeds the maximum gross mass for that road or part of a road specified in Part K of a Regional Schedule or in any other bylaw;
 - (iii) the length of the vehicle (including any trailer or load) exceeds the maximum length for that road or part of a road specified in Part L of a Regional Schedule or in any other bylaw; or
 - (iv) the height of the vehicle (including load) exceeds the maximum height for that road or part of a road specified in Part M of a Regional Schedule or in any other bylaw;
- (h) cause or permit a vehicle to be driven on any road or part of a road contrary to a restriction on the class of vehicle, class of load being carried by a vehicle, minimum number of occupants of a vehicle, or period of time during which the restriction applies, for that road or part of a road specified in the following parts of a Regional Schedule or in any other bylaw:
 - (i) Part A (in relation to bus lanes);
 - (ii) Part B (in relation to cycle lanes);
 - (iii) Part C (in relation to cycle paths);
 - (iv) Part D(a) (in relation to special vehicle lanes); or
 - (v) Part D(b) (in relation to emergency stopping lanes).

8.2 Any vehicle left unattended or stopped contrary to clause 8.1(a) may be removed by towing and the reasonable costs of the removal recovered from the owner of the vehicle.

9. Stock

9.1 A person must not cause or permit stock to be driven along a road specified in Part F(b) of a Regional Schedule or in any other bylaw.

9.2 A person must not cause or permit stock to be driven along a road specified in Part F(a) of a Regional Schedule or in any other bylaw unless:

- (a) the stock is being ridden or being led by a rope, rein or other similar means of guidance;
- (b) the stock is driven within the time period specified for that road; or
- (c) the person:
 - (i) has first obtained written permission from the Agency to drive the stock along the road; and
 - (ii) complies with any conditions imposed by the Agency.

9.3 In clauses 9.1 and 9.2 drive means to urge or force an animal to move in a particular direction and includes leading, herding and riding but does not include the transportation of an animal in a motor vehicle, and driving and driven have a corresponding meaning.

10. Engine brakes

10.1 A person must not use engine brakes:

(a) at any time on a road specified in Part I(a) of a Regional Schedule or in any other bylaw;

(b) other than during the times specified, on a road specified, in Part I(b) of a Regional Schedule or in any other bylaw.

Part 3: Enforcement And Exceptions

11. Offences and penalties

11.1 Without limiting any provision of any other enactment, a person who breaches this bylaw commits an offence and is liable to a fine not exceeding \$500.

12. Exceptions

12.1 A person is not in breach of this bylaw if the person proves that the act or omission that would otherwise constitute a breach—

(a) was done at the direction of an enforcement officer;

(b) in the case of an act or omission done by an enforcement officer, was necessary in the execution of the person's duty;

(c) was done during the course of a public work engagement and was done with due consideration for other road users; or

(d) was done with an emergency vehicle being used in an emergency.

12.2 A person is not in breach of this bylaw if the person proves that:

(a) the act or omission that would otherwise constitute a breach took place in response to a situation on a road;

(b) the situation was not of the person's own making; and

(c) the act or omission was taken:

(i) to avoid the death or injury of a person; or

(ii) if the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.

Dated at Wellington this 7th day of June 2017.

TOMMY PARKER, Group Manager, Highways and Network Operations, NZ Transport Agency.

Schedule 1: Revoked Bylaws

Transit New Zealand (One-Way Roads) Bylaw 2001/3.

Transit New Zealand Bylaws (Stopping and Parking of Vehicles on State Highways) 2002/5, 2002/9, 2003/2, 2003/3, 2003/4, 2003/5, 2003/6.

New Zealand Transport Agency (Bus Lanes) Bylaw 2009/13.

New Zealand Transport Agency (Heavy Motor Vehicles on State Highways) Bylaw 2010.

New Zealand Transport Agency (Right Turn Ban State Highway 3 To and From Mangatai Road) Bylaw 2010/NP1.

New Zealand Transport Agency (Traffic Controls on State Highways in Region 11) Bylaw 2012/R11/1.

Schedule 2: Auckland

Schedule 3: Canterbury / West Coast

Schedule 4: Central Otago

Schedule 5: Coastal Otago

Schedule 6: Gisborne / Hawke's Bay

Schedule 7: Nelson / Marlborough

Schedule 8: Northland

Schedule 9: Manawatu / Taranaki

Schedule 10: Southland

Schedule 11: Waikato / Bay of Plenty

[Schedule 12: Wellington / Wairarapa](#)

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