

DISALLOWABLE INSTRUMENT



WELLINGTON, NEW ZEALAND

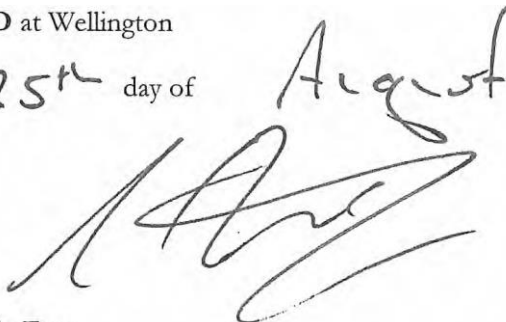
PURSUANT to sections 152 and 156 of the Land Transport Act 1998, and after having had regard to the criteria specified in section 164(2) of that Act

I, Craig Foss, Associate Minister of Transport, make the following ordinary Rule:

Land Transport Rule: Dangerous Goods Amendment 2016

SIGNED at Wellington

This 25th day of August 2016



Hon Craig Foss

Associate Minister of Transport

Land Transport Rule
Dangerous Goods Amendment

Rule 45001/4

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Land Transport Rule
Dangerous Goods Amendment 2016
Rule 45001/4

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Objective of the Rule

Land Transport Rule: Dangerous Goods Amendment 2016 (the amendment Rule) amends Land Transport Rule: Dangerous Goods 2005 (the Dangerous Goods Rule). The Dangerous Goods Rule sets requirements for the safe transport of dangerous goods on land in New Zealand.

The objective of the amendment Rule is to—

- require a driver or operator of a vehicle carrying dangerous goods that is required to display placards to comply with signs which indicate a prohibition or restriction on the transport of dangerous goods imposed by a road controlling authority on a specified road by bylaw;
- require road controlling authorities to install signs indicating the existence of such a restriction.

Extent of consultation

Formal consultation on the draft amendment Rule began with the release of the public consultation (yellow draft) on 24 May 2016. The NZ Transport Agency sent details of the Rule proposals by letter or email to approximately 1220 groups and individuals who had registered an interest in the Dangerous Goods Rule.

The yellow draft was made available through the NZ Transport Agency's Contact Centre and, together with Questions and Answers, was also available on the NZ Transport Agency's website. The availability of the yellow draft for comment was publicised in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch and Dunedin and in the *New Zealand Gazette*.

The NZ Transport Agency received 11 submissions on the draft amendment Rule. The submissions received were taken into account in finalising the

draft Rule following which it was submitted to the Associate Minister of Transport for signing.

Section 1 Application

1.1

Title

This Rule is *Land Transport Rule: Dangerous Goods Amendment 2016*.

1.2

Principal Rule amended

This Rule amends *Land Transport Rule: Dangerous Goods 2005*.

1.3

Commencement

This Rule comes into force on 1 October 2016.

Section 2 Amendments to rule requirements

2.1 Transport procedures

After *clause 8.5*, insert:

- 8.6 Prohibited and restricted transport routes**
- 8.6(1) Subject to 8.6(2), the driver or operator of a vehicle that is transporting dangerous goods on a specified road must comply with a traffic sign indicating that the transport of dangerous goods is prohibited or restricted if—
- (a) the vehicle is required to display placards in accordance with *section 7*; and
 - (b) the prohibition or restriction has been imposed by a road controlling authority by making a bylaw; and
 - (c) the traffic sign has been installed and maintained by the road controlling authority in accordance with *Land Transport Rule: Traffic Control Devices 2004*.
- 8.6(2) If the bylaw makes exception for particular vehicles or circumstances, the sign does not apply to those vehicles or circumstances.

Note: A bylaw for the purposes of this clause is a bylaw made by a road controlling authority that specifies—

1. the terms of a prohibition or restriction, and conditions that apply, on the transport of dangerous goods; and
2. the road to which the prohibition or restriction applies.

2.2 Responsibilities of the driver or operator of a road vehicle

After *clause 10.4(b)(iv)*, insert:

- (v) traffic signs indicating prohibitions or restrictions on the transport of dangerous goods are complied with; and

2.3 Responsibilities of road controlling authorities

After *clause 10.7*, insert:

10.8	Responsibilities of road controlling authorities when prohibiting or restricting transport routes
10.8(1)	This clause applies to a road controlling authority on or after 1 October 2016.
10.8(2)	A prohibition or restriction, on the transport of dangerous goods on a specified road, referred to in <i>8.6(1)</i> , must be imposed by a road controlling authority by making a bylaw that specifies— <ul style="list-style-type: none"> (a) the terms of a prohibition or restriction, and any conditions that apply, on the transport of dangerous goods; and (b) the road to which the prohibition or restriction applies.
10.8(3)	A road controlling authority must, before making a bylaw that imposes a prohibition or restriction on the transport of dangerous goods on a specified road, assess the risks of transporting dangerous goods on that route and, if available, on alternative routes.
10.8(4)	A road controlling authority that has made a bylaw imposing a prohibition or restriction on the transport of dangerous goods on a specified road must ensure that signs are installed, in accordance with <i>Land Transport Rule:</i>

Traffic Control Devices 2004, to draw attention to the prohibition or restriction.