



WELLINGTON, NEW ZEALAND

PURSUANT to sections *152*, *157(d)* and *(e)*, and *160(4)* of the Land Transport Act 1998, and after having had regard to the criteria specified in *section 164(2)* of that Act

I, Tim Macindoe, Associate Minister of Transport, make the following ordinary Rule:

Land Transport Rule: Setting of Speed Limits 2017

SIGNED AT Wellington

This 21st day of August 2017

Hon Tim Macindoe

Associate Minister of Transport

Land Transport Rule
Setting of Speed Limits 2017
Rule 54001/2017

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Land Transport Rule
Setting of Speed Limits 2017
Rule 54001/2017

Land Transport Rule

Setting of Speed Limits 2017

Contents

	Objective of the Rule	ix
	Extent of consultation	xii
Part 1	Rule requirements	1
Section 1	Preliminary provisions	1
1.1	Title	1
1.2	Commencement	1
1.3	Purpose	1
1.4	Revocation	1
Section 2	General procedure	2
2.1	General functions and powers of Agency	2
2.2	Role of road controlling authorities in reviewing and setting speed limits	2
2.3	Agency must develop and maintain information about speed management	2
2.4	Supply of information about speed management to road controlling authorities	3
2.5	Consulting on proposed speed limits	3
2.6	Additional information required when consulting on particular proposed speed limits	4
2.7	Decision-making procedures and notification of set speed limits	5
2.8	Registration of all speed limits except temporary speed limits	6
2.9	Road controlling authority to keep records and have quality control processes	8
2.10	Agency's powers to investigate and direct road controlling authority and to change or modify a speed limit	8
2.11	Traffic control devices	9
2.12	Commencement of new or changed speed limit	9
2.13	Speed limits set under previous enactment	10
Section 3	Categories of, range of, and default speed limits	10
3.1	Categories of speed limit	10
3.2	Range of speed limits	10
3.3	Road lengths for speed limits	11
3.4	Default urban and rural speed limits	11
3.5	Designation of area as urban traffic area	12
Section 4	Reviewing, proposing, and setting speed limits	12
4.1	Application of section	12

4.2	Road controlling authority may review or consider new permanent, holiday, or variable speed limit	13
4.3	Road controlling authority may propose permanent, holiday, or variable speed limit	13
4.4	Road controlling authority may set permanent, holiday, or variable speed limit	14
4.5	Additional procedural steps for 70 km/h and 90 km/h speed limits	14
4.6	Additional procedural steps for 110 km/h speed limits	15
Section 5	Variable speed limits	16
5.1	Circumstances when variable speed limits may apply	16
5.2	Agency may approve variable speed limits in certain circumstances and set conditions	16
5.3	Setting variable speed limits	17
Section 6	Temporary speed limits	17
6.1	Criteria for setting temporary speed limits	17
6.2	How temporary speed limit is set, applies, and is removed	18
6.3	Setting a temporary speed limit when there is physical work occurring on or adjacent to a road	19
6.4	Setting a temporary speed limit when there is an unsafe road surface or structure	20
6.5	Setting a temporary speed limit for a special event	20
Section 7	Emergency speed limits	21
7.1	Criteria for setting emergency speed limits	21
7.2	How emergency speed limit is set, applies, and is removed	21
Section 8	Roads in designated locations	23
8.1	Speed limits for roads in designated locations	23
8.2	Designated location defined	25
Section 9	Signs and road markings	26
9.1	Requirement to provide signs at, or near, point where speed limit changes	26
9.2	Requirement to provide repeater signs unless nature of road makes speed limit clear to road users	26
9.3	Specific requirements for permanent and holiday speed limit signs	27
9.4	Specific requirements for signs for variable speed limits	27
9.5	Specifications for signs	27
9.6	Road markings	28
9.7	Agency may direct road controlling authority to install, modify, or remove signage	28
Part 2	Definitions	29

Part 3	Schedules	31
Schedule 1	Road lengths for speed limits	31
Schedule 2	Repeater signs	32

Objective of the Rule

Land Transport Rule: Setting of Speed Limits 2017 (the Rule) sets out the roles and responsibilities of the NZ Transport Agency (the Agency) and road controlling authorities (RCAs) for reviewing and setting speed limits. Under the *Land Transport Act 1998* (the Act), the power to manage speed and set speed limits is given to RCAs. Generally, local authorities are the RCAs for local roads. The Agency is the RCA for state highways. The Rule establishes procedures and requirements whereby RCAs may set enforceable speed limits on roads within their jurisdictions. It revokes *Land Transport Rule: Setting of Speed Limits 2003* (the 2003 Rule).

In 2016 the Agency published the Speed Management Guide (the Guide). The Guide introduces a modern approach to speed management on New Zealand roads. The Guide provides tools and guidance for RCAs to use in reviewing and setting speed limits including an emphasis on engagement with communities in speed management decision-making.

The Rule formalises the approach to speed management in the Guide. In particular, the Rule—

- requires the Agency to provide guidance on and information about speed management to RCAs; and
- requires RCAs to set speed limits that are, in the RCA's view, safe and appropriate; and
- encourages a consistent approach to speed management throughout New Zealand; and
- replaces the methodology of the 2003 Rule with assessment criteria and outcome statements based on the approach in the Guide.

While the Rule replaces the 2003 Rule, a speed limit set, or an urban traffic area designated, prior to the commencement of this Rule continues to apply.

Section 1 sets out the purpose of the Rule, which is to—

- give effect to a nationally-consistent and evidence-based approach to speed management; and
- provide a mechanism for road controlling authorities to set speed limits for roads in their jurisdictions; and
- require road controlling authorities, when reviewing speed limits, to decide which speed limit is safe and appropriate for a road; and
- encourage road controlling authorities to prioritise the review of roads where achieving travel speeds that are safe and appropriate is likely to deliver the highest benefits.

Section 2 sets out the general procedure for setting speed limits, which is largely carried over from the 2003 Rule. In particular, the section—

- sets out the general powers, duties, and functions of the Agency and RCAs respectively;
- sets out consultation requirements:

- sets out decision-making procedures and notification requirements for changes to speed limits and urban traffic areas:
- requires the Agency to develop and maintain information about speed management in relation to individual public roads in New Zealand. A public road is defined in the Rule as a thoroughfare dedicated for the general use of the public and surfaced for vehicles:
- specifies matters that are relevant to speed management on roads that the Agency must have regard to in developing information about speed management:
- requires the Agency to supply the information relating to public roads within each RCA's jurisdiction to that RCA and in doing so to prioritise information about roads where achieving a travel speed that is safe and appropriate is likely to deliver the highest benefits in terms of safety and efficiency:
- provides that speed limits are set, and urban traffic areas are designated, by bylaw:
- requires RCAs to maintain a register of speed limits that is available to members of the public or to provide information about speed limits to the Agency, which must then make that information available to the public:
- requires RCAs to keep records related to the setting of speed limits and have quality control processes:
- provides the Agency with powers to investigate RCAs for compliance with the Rule, issue directions to RCAs, and exercise the appropriate responsibilities of an RCA if the RCA fails to comply with directions:
- requires an RCA to ensure that all traffic control devices installed on a road are safe, effective, and appropriate for the speed limit before that speed limit comes into force:
- establishes when speed limits are set, approved, or changed, and when they come into force:
- clarifies that speed limits and urban traffic areas set prior to the commencement of this Rule remain unaffected until an RCA chooses to amend a speed limit or urban traffic area.

Section 3 of the Rule—

- sets out the categories of speed limits that may be set in accordance with the Rule:
- sets out the range of possible speed limits (all of which are a multiple of 10 km/h):
- provides that a road (or part of a road) for which a speed limit is set must be of a reasonable and safe length:
- provides that the point at which a speed limit changes must be at, or close to, a point of significant change in the roadside development or the road environment:
- provides that the speed limit in an urban traffic area is 50 km/h and in a rural area or on a motorway is 100 km/h unless otherwise set in accordance with the Rule:
- allows an RCA to designate an area as an urban traffic area and, in doing so, propose a speed limit other than 50 km/h for a road within that area.

Section 4 provides for the setting of permanent, holiday, and variable speed limits. Rather than incorporate a methodology for calculating speed limits as in the 2003 Rule, *clause 4.2* instead requires an RCA to have regard to a number of mandatory criteria, including the information about speed management developed by the Agency under *clauses 2.3* and *2.4*, when reviewing a permanent, holiday, or variable speed limit. This consideration enables the RCA to sense-test the information developed by the Agency in the context of local knowledge. *Clause 4.3* requires an RCA to consult on a proposed permanent, holiday, or variable speed limit in accordance with *clauses 2.5* and *2.6*. *Clause 4.4* gives RCAs the power to set speed limits. In doing so, an RCA must—

- take account of submissions received during consultation:
- have regard to any other factor the RCA considers relevant to achieving travel speeds that are safe and appropriate on a road:
- aim to achieve a mean operating speed less than 10% above the speed limit.

As set out in *clauses 4.5* and *4.6*, permanent and holiday speed limits that are 70 km/h, 90 km/h, or 110 km/h require the additional step of Agency approval before they can be set by an RCA.

The requirement for Agency approval for new 70 km/h speed limits is introduced. It reflects the goal of the Safer Journeys road safety strategy to, over time, reduce the number of different speed limits applying at higher speeds to 60 km/h, 80 km/h, 100 km/h, and 110 km/h, in order to make the speed limit more self-explanatory to road users.

Section 5 specifies the circumstances in which a variable speed limit may be set. When one or more of those circumstances apply, the Agency may approve a variable speed limit either for a road or for roads generally in one of three specified classes of road. In approving a variable speed limit the Agency may specify any conditions that it considers appropriate (such as signage requirements). An RCA may only set a variable speed limit if the Agency has approved that speed limit and must set a variable speed limit in accordance with any conditions specified by the Agency.

Section 6 sets out the requirements relating to temporary speed limits, which are largely carried over from the 2003 Rule. There are three grounds for setting a temporary speed limit (after an RCA has satisfied itself that a temporary speed limit is needed), being—

- physical work occurring on or adjacent to a road in a way that impacts the function of the road:
- the presence of an unsafe road surface or structure:
- a special event.

A temporary speed limit is set by installing signs in accordance with a traffic management plan approved in writing by an RCA. A temporary speed limit may be in force for no more than 12 months and must be lower than the prevailing permanent or holiday speed limit. The signs must be removed as soon as there is no longer any need for the temporary speed limit.

Section 7 provides for an emergency speed limit to be set. New in this Rule is the provision for RCAs to set emergency speed limits, which must be lower than any prevailing speed limits, when an emergency that affects the use of any road creates a

risk of danger to the public or a risk of damage to a road. An RCA can set an emergency speed limit by installing speed limit signs in accordance with *section 9* of the Rule, but must, within 10 working days of doing so, place a notice in the *New Zealand Gazette* explaining where the emergency speed limit applies and the RCA's reasons for considering that the emergency speed limit is necessary.

Section 8 provides for setting speed limits on roads in designated locations. The relevant RCA may follow a simplified review and consultation process under the Rule before setting a speed limit on a road in a designated location. Designated locations include, for example, commercial and industrial facilities, airports, cemeteries, car parks, and camping grounds. Roads in designated locations must have speed limits that comply with the Rule; these speed limits tend to be very low.

Section 9 provides for signs and road markings relating to speed limits. These requirements are largely carried over from the 2003 Rule and prescribe where speed limit signs must be installed. This includes repeater signs, which are signs installed at regular intervals that indicate the speed limit when it is above 50 km/h but below 100 km/h. New in this Rule is *clause 9.2(2)*, which provides that an RCA is not obliged to comply with the requirements for repeater signs if the nature of a particular length of road makes the speed limit clear to road users and the measured mean operating speed is less than 10% above the speed limit for that length of road.

Part 2 of the Rule sets out definitions of terms used in the Rule and *Part 3* contains Schedules.

Extent of consultation

The NZ Transport Agency published a draft of the Rule (yellow draft) along with explanatory material on its website for public consultation on 4 May 2017. Notice of the availability of the yellow draft for comment was sent by email or letter to approximately 942 groups and individuals who had registered an interest in the Setting of Speed Limits Rule. Notices were also published in the *New Zealand Gazette* and in 15 major metropolitan and regional newspapers. Consultation was open for submissions until 16 June 2017. The NZ Transport Agency received 407 submissions on the yellow draft, which were taken into account in finalising the draft Rule. The proposed Rule was then submitted to the Associate Minister of Transport for signing.

Part 1

Rule requirements

Section 1 Preliminary provisions

1.1 Title

This Rule is *Land Transport Rule: Setting of Speed Limits 2017*.

1.2 Commencement

This Rule comes into force 28 days after the date of its notification in the *Gazette*.

1.3 Purpose

The purpose of this Rule is to—

- (a) give effect to a nationally-consistent and evidence-based approach to speed management; and
- (b) provide a mechanism for road controlling authorities to set speed limits for roads in their jurisdictions; and
- (c) require road controlling authorities, when reviewing speed limits, to decide which speed limit is safe and appropriate for a road; and
- (d) encourage road controlling authorities to prioritise the review of roads where achieving travel speeds that are safe and appropriate is likely to deliver the highest benefits.

1.4 Revocation

Land Transport Rule: Setting of Speed Limits 2003 is revoked.

Section 2 General procedure

2.1 General functions and powers of Agency

- 2.1(1) The Agency must provide to road controlling authorities—
- (a) guidance on speed management and how this Rule is to apply; and
 - (b) information about speed management for public roads in New Zealand.
- 2.1(2) The Agency may, in accordance with this Rule,—
- (a) change or modify the application of speed limits; and
 - (b) carry out any function necessary to ensure that road controlling authorities comply with this Rule when reviewing and setting speed limits.

2.2 Role of road controlling authorities in reviewing and setting speed limits

- 2.2(1) A road controlling authority, for roads under its jurisdiction,—
- (a) must review speed limits in accordance with this Rule; and
 - (b) must set speed limits in accordance with this Rule; and
 - (c) may set speed limits for designated locations in accordance with *section 8*.
- 2.2(2) In carrying out its functions under *2.2(1)*, a road controlling authority must consider whether a speed limit for a road is safe and appropriate in accordance with this Rule.

2.3 Agency must develop and maintain information about speed management

- 2.3(1) The Agency must develop and maintain information about speed management for public roads in New Zealand.
- 2.3(2) In carrying out its functions under *2.3(1)*, the Agency must have regard to—

- (a) the function and use of the road; and
- (b) crash risk for all road users; and
- (c) the characteristics of the road and roadsides; and
- (d) adjacent land use; and
- (e) the number of intersections and property accessways;
and
- (f) traffic volume.

2.3(3) In carrying out its functions under 2.3(1), the Agency may have regard to any other factor the Agency considers appropriate.

2.4 Supply of information about speed management to road controlling authorities

2.4(1) The Agency must supply, to each road controlling authority, information about speed management for public roads within that road controlling authority's jurisdiction.

2.4(2) The Agency must, in supplying information under 2.4(1), prioritise information about public roads where achieving travel speeds that are safe and appropriate is likely to deliver the highest benefits in terms of safety and efficiency.

2.4(3) A road controlling authority may request from the Agency information about speed management for any road within that road controlling authority's jurisdiction and, if requested by a road controlling authority, the Agency must supply such information if that information is available.

2.5 Consulting on proposed speed limits

2.5(1) A road controlling authority must, in accordance with this clause and 2.6, consult with the persons and groups listed in 2.5(2) that may be affected by an urban traffic area proposed under *section 3* or a speed limit proposed under *section 4* before—

- (a) setting a speed limit; or
- (b) designating an urban traffic area.

2.5(2) The persons and groups that must be consulted are—

- (a) road controlling authorities that are responsible for roads that join, or are near, the road on which the speed limit is to be set or changed; and
- (b) any territorial authorities that are affected by the existing or proposed speed limit; and
- (c) any local communities that the road controlling authority considers to be affected by the proposed speed limit; and
- (d) the Commissioner; and
- (e) the chief executive of the New Zealand Automobile Association Incorporated; and
- (f) the chief executive of the Road Transport Forum New Zealand; and
- (g) the Agency; and
- (h) any other organisation or road user group that the road controlling authority considers to be affected by the proposed speed limit.

2.5(3) A road controlling authority must allow a reasonable time for persons and groups consulted under 2.5(2) to make submissions on the proposed speed limit.

2.6 Additional information required when consulting on particular proposed speed limits

2.6(1) When consulting on a proposed holiday speed limit, the road controlling authority must inform any person or group being consulted of the periods during which the proposed speed limit is to apply.

2.6(2) When consulting on a proposed new urban traffic area or variation of an existing urban traffic area, the road controlling authority must inform any person or group being consulted of the following details:

- (a) a description of the proposed area; and
- (b) details of roads with a speed limit other than 50 km/h within a proposed new or extended urban traffic area; and

- (c) details of roads with a speed limit other than 100 km/h within an area that the road controlling authority proposes to remove from an urban traffic area.

2.6(3) When consulting on a variable speed limit, the road controlling authority must inform any person or group being consulted of the following details:

- (a) the alternative speed limit or limits which may be operating on the road; and
- (b) the conditions under which the variable speed limit will operate.

2.7 **Decision-making procedures and notification of set speed limits**

2.7(1) A road controlling authority must set a speed limit (other than a temporary or an emergency speed limit) or designate an urban traffic area in accordance with this Rule by making a bylaw.

2.7(2) When a road controlling authority proposes to set a speed limit in accordance with 2.7(1) by making a bylaw under any enactment, the consultation required by 2.5 may be carried out at the same time as, or as part of, any consultative procedure in that enactment.

2.7(3) When deciding whether to set a speed limit, a road controlling authority must take account of submissions received during consultation on the proposed speed limit.

2.7(4) Following review and consultation, if a road controlling authority decides that the existing speed limit is not safe and appropriate for a particular road, it must either—

- (a) set a new speed limit that the road controlling authority considers to be safe and appropriate for that road; or
- (b) take other measures to achieve travel speeds that are safe and appropriate on that road.

2.7(5) Following review and consultation, a road controlling authority must retain an existing speed limit if the road controlling authority decides that the existing speed limit is safe and appropriate for the road.

2.7(6) Except for a temporary or an emergency speed limit, a road controlling authority must, at least 10 working days before a

speed limit comes into force, notify the Agency and the Commissioner that a speed limit has been set and provide them, in writing, with the following information:

- (a) the locality in which the speed limit applies, including references to details of maps or other documents as appropriate;
- (b) the names of the roads or a description of the area to which the speed limit applies;
- (c) the existing speed limit and the new speed limit;
- (d) the date on which the new speed limit comes into force.

2.7(7) After complying with 2.7(6), a road controlling authority must, as soon as practicable, supply in writing any other details requested by the Agency or the Commissioner that are relevant to the speed limit.

2.8 Registration of all speed limits except temporary speed limits

2.8(1) A road controlling authority must establish and maintain a register of speed limits that records all speed limits, except temporary speed limits, for the roads under its jurisdiction, including—

- (a) speed limits set in accordance with this Rule; and
- (b) urban traffic areas designated under this Rule; and
- (c) speed limits set, and urban traffic areas designated, prior to the commencement of this Rule.

2.8(2) Information recorded in the register of speed limits must include—

- (a) the speed limit and a full description of the roads or area to which it applies, including references to details of maps or other documents as appropriate; and
- (b) for a variable speed limit, a brief description of the conditions under which the speed limit changes; and
- (c) the date on which the speed limit comes into force; and
- (d) details of the bylaw or other instrument by which the speed limit is set; and

- (e) for a speed limit set, or an urban traffic area designated, prior to the commencement of this Rule, a reference to the enactment under which the speed limit was set.
- 2.8(3) A road controlling authority must make the register of speed limits available for inspection, at reasonable times, by members of the public on request.
- 2.8(4) A road controlling authority may comply with 2.8(1) and 2.8(3) by—
 - (a) providing to the Agency the information listed in 2.8(2) in respect of all speed limits, except temporary speed limits, set on roads in the road controlling authority's jurisdiction, including—
 - (i) speed limits set in accordance with this Rule; and
 - (ii) urban traffic areas designated under this Rule; and
 - (iii) speed limits set, and urban traffic areas designated, prior to the commencement of this Rule; and
 - (b) making publicly available at all reasonable times information about where the Agency's speed limit register may be found.
- 2.8(5) Any information provided by a road controlling authority to the Agency under 2.8(4) must be in a form approved by the Agency.
- 2.8(6) The Agency must—
 - (a) establish and maintain a speed limit register that contains all information provided to it under 2.8(4); and
 - (b) make the speed limit register publicly available at all reasonable times, along with details of which road controlling authorities have provided information to it under 2.8(4).
- 2.8(7) Details of a speed limit that has been superseded by a new speed limit set in accordance with this Rule or any previous enactment must be retained on the register of speed limits for at least seven years from the date on which the new speed limit came into force.

2.9 Road controlling authority to keep records and have quality control processes

- 2.9(1) When a road controlling authority sets a speed limit, other than a temporary speed limit, it must retain, for at least seven years from the date on which the new speed limit comes into force, data, correspondence, reports, and other records relating to the review, consultation, decision-making procedures, and setting of the speed limit.
- 2.9(2) A road controlling authority must have processes to ensure quality control of its procedures for reviewing and setting speed limits.

2.10 Agency's powers to investigate and direct road controlling authority and to change or modify a speed limit

- 2.10(1) The Agency may investigate road controlling authorities for compliance with this Rule.
- 2.10(2) The Agency must notify a road controlling authority in writing if it considers that the road controlling authority has not complied with this Rule, and give the road controlling authority a reasonable opportunity to respond to the notification.
- 2.10(3) If the Agency is not satisfied by a road controlling authority's response under 2.10(2), the Agency may issue directions to the road controlling authority regarding matters to be addressed.
- 2.10(4) A road controlling authority must comply with directions given by the Agency under 2.10(3), 2.10(5), or 9.7, or with the requirements of the Agency or the Commissioner under 6.2(7) or 7.2(8).
- 2.10(5) If the Agency considers that a road controlling authority has not complied with this Rule in reviewing or setting a speed limit, or that a speed limit set by a road controlling authority does not comply with this Rule, the Agency may direct the road controlling authority to—
- (a) review, change, or modify the application of the speed limit:

- (b) review or change, in accordance with this Rule, the procedures used by the road controlling authority to set speed limits:
- (c) carry out the instructions in *paragraph (a)* and *(b)* within a stated period.

2.10(6) If a road controlling authority does not comply with directions given under 2.10(3), 2.10(5), or 9.7, or the requirements of the Agency or the Commissioner under 6.2(7) or 7.2(8), the Agency may exercise the appropriate responsibilities of a road controlling authority under this Rule and change or modify the application of a speed limit, by notice in the *Gazette*.

2.10(7) A road controlling authority is liable for the reasonable expenses incurred by the Agency under 2.10(6).

2.11 Traffic control devices

A road controlling authority must, before a speed limit comes into force on a road, ensure that all traffic control devices installed on the road—

- (a) are safe, effective, and appropriate for the speed limit; and
- (b) comply with *Land Transport Rule: Traffic Control Devices 2004*.

2.12 Commencement of new or changed speed limit

2.12(1) Except for a temporary or an emergency speed limit, a speed limit is set, or an urban traffic area is designated, by a road controlling authority when it makes a bylaw setting a speed limit or designating an urban traffic area.

2.12(2) Except for a temporary or an emergency speed limit, a speed limit that is set, or an urban traffic area that is designated, by a road controlling authority comes into force on the date specified in the bylaw that sets the speed limit or designates the urban traffic area.

2.12(3) A speed limit or urban traffic area that is changed by the Agency by notice in the *Gazette* under 2.10(6) comes into force on the date specified in the *Gazette* notice.

2.13 Speed limits set under previous enactment

A speed limit set for a road by a road controlling authority prior to the commencement of this Rule, including a speed limit for a road in a designated urban traffic area, remains in force until, in accordance with this Rule,—

- (a) the road controlling authority changes the speed limit;
or
- (b) the Agency changes or modifies the speed limit.

Section 3 Categories of, range of, and default speed limits

3.1 Categories of speed limit

This Rule provides for the following categories of speed limit:

- (a) the default urban speed limit and the default rural speed limit:
- (b) a permanent speed limit:
- (c) a holiday speed limit:
- (d) a variable speed limit:
- (e) a temporary speed limit:
- (f) an emergency speed limit.

3.2 Range of speed limits

A speed limit that is set in accordance with this Rule must be one of the following:

- (a) 10 km/h:
- (b) 20 km/h:
- (c) 30 km/h:
- (d) 40 km/h:
- (e) 50 km/h:

- (f) 60 km/h:
- (g) 70 km/h (which may only be set following approval by the Agency under 4.5(4)):
- (h) 80 km/h:
- (i) 90 km/h (which may only be set following approval by the Agency under 4.5(4)):
- (j) 100 km/h:
- (k) 110 km/h (which may only be set following approval by the Agency under 4.6(4)).

3.3 Road lengths for speed limits

- 3.3(1) A road for which a speed limit is set under this Rule must—
- (a) be of a reasonable and safe length; and
 - (b) if the speed limit is 50 km/h or more, be equal to or exceed the minimum length in the table in *Schedule 1*, unless the requirement is impracticable for that road.
- 3.3(2) In addition to applying to the road which is being reviewed, a speed limit may apply to short lengths of road adjoining that road, even though those short lengths of road would not comply with the table in *Schedule 1*.
- 3.3(3) The point at which a speed limit changes must be at, or close to, a point of obvious change in the roadside development or the road environment.

3.4 Default urban and rural speed limits

- 3.4(1) The urban speed limit is 50 km/h and applies to any road that is within an area designated as an urban traffic area, except for—
- (a) any road that is a motorway; or
 - (b) a road described in 3.4(3).
- 3.4(2) The rural speed limit is 100 km/h and applies to any road that is a motorway and any road that is not within an area designated as an urban traffic area, except for a road described in 3.4 (3).

- 3.4(3) The roads to which neither 3.4(1) nor 3.4(2) apply are—
- (a) any road for which a permanent speed limit has otherwise been set; and
 - (b) any road for which a variable, temporary, emergency, or holiday speed limit is in force and is operating; and
 - (c) any road for which a speed limit has been set by or under another enactment.

3.5 Designation of area as urban traffic area

- 3.5(1) A road controlling authority may designate an area as an urban traffic area for the purpose of, and in accordance with, this Rule.
- 3.5(2) A road controlling authority—
- (a) if proposing to designate a new urban traffic area or vary an existing urban traffic area, must define the boundaries of the area to be designated as a new urban traffic area or a variation of an existing urban traffic area; and
 - (b) must, in proposing a new urban traffic area or a variation of an existing urban traffic area, have regard to the relevant factors set out in 4.2(2); and
 - (c) may propose a speed limit that is other than 50 km/h for a road within that area.

Section 4 Reviewing, proposing, and setting speed limits

4.1 Application of section

- 4.1(1) This section specifies the procedures for setting a permanent, holiday, or variable speed limit.
- 4.1(2) This section does not apply to a road in a designated location within the meaning of 8.2.
- 4.1(3) A road controlling authority that wishes to set a permanent or holiday speed limit that is a 70 km/h speed limit, a 90 km/h

speed limit, or a 110 km/h speed limit, must comply with the relevant additional requirements of 4.5 or 4.6.

- 4.1(4) A road controlling authority that wishes to set a variable speed limit must also comply with *section 5*.

4.2 Road controlling authority may review or consider new permanent, holiday, or variable speed limit

- 4.2(1) A road controlling authority may review a permanent, holiday, or variable speed limit or consider a new permanent, holiday, or variable speed limit.

- 4.2(2) In reviewing a permanent, holiday, or variable speed limit or considering a new permanent, holiday, or variable speed limit, a road controlling authority must have regard to—

- (a) the information about speed management developed and maintained by the Agency; and
- (b) any relevant guidance on speed management provided by the Agency; and
- (c) the function and use of the road; and
- (d) crash risk for all road users; and
- (e) the characteristics of the road and roadsides; and
- (f) adjacent land use; and
- (g) the number of intersections and property accessways; and
- (h) traffic volume; and
- (i) any planned modification to the road; and
- (j) the views of interested persons and groups.

4.3 Road controlling authority may propose permanent, holiday, or variable speed limit

- 4.3(1) A road controlling authority may propose a permanent, holiday, or variable speed limit.

- 4.3(2) A road controlling authority must consult on a proposed speed limit in accordance with 2.5 and 2.6 and any consultation required by another enactment.

4.4 Road controlling authority may set permanent, holiday, or variable speed limit

- 4.4(1) A road controlling authority may set a permanent, holiday, or variable speed limit.
- 4.4(2) In setting a permanent, holiday, or variable speed limit, a road controlling authority—
- (a) must take account of any submissions received during consultation under 2.5 and 2.6; and
 - (b) may have regard to any other factor the road controlling authority considers relevant to achieving travel speeds that are safe and appropriate on a road; and
 - (c) must aim to achieve a mean operating speed less than 10% above that speed limit.

4.5 Additional procedural steps for 70 km/h and 90 km/h speed limits

- 4.5(1) A road controlling authority must notify the Agency before proposing a permanent or holiday speed limit that is a 70 km/h or 90 km/h speed limit.
- 4.5(2) The Agency must, in considering a proposed 70 km/h or 90 km/h speed limit, take into account—
- (a) the benefit of increasing the distinction between different speed limits across the network by having fewer different speed limits; and
 - (b) whether the road controlling authority can demonstrate a plan to work towards a speed limit that does not require Agency approval on the road that is the subject of the proposed speed limit.
- 4.5(3) Before setting a 70 km/h or 90 km/h speed limit, a road controlling authority must obtain approval from the Agency to set that speed limit.
- 4.5(4) The Agency may, by notice in the *Gazette* and subject to any specified conditions that the Agency considers appropriate, approve a 70 km/h or 90 km/h speed limit for a road.
- 4.5(5) A road controlling authority—

- (a) may set the 70 km/h or 90 km/h speed limit for which it has approval; and
 - (b) must, when setting a 70 km/h or 90 km/h speed limit, do so in accordance with this Rule and with any conditions specified by the Agency by notice in the *Gazette*.
- 4.5(6) The Agency may, in accordance with 2.10 and by notice in the *Gazette*, remove a 70 km/h or 90 km/h speed limit that has been set by a road controlling authority.
- 4.5(7) Nothing in 4.5(1) to 4.5(5) affects a speed limit set before the commencement of this Rule.
- 4.6 Additional procedural steps for 110 km/h speed limits**
- 4.6(1) A road controlling authority must notify the Agency before proposing a permanent speed limit that is a 110 km/h speed limit.
- 4.6(2) The Agency must, in considering a proposed 110 km/h speed limit, take into account the design and construction, and proposed management and operation, of the road.
- 4.6(3) Before setting a 110 km/h speed limit, a road controlling authority must obtain approval from the Agency to set that speed limit.
- 4.6(4) The Agency may, by notice in the *Gazette* and subject to any specified conditions that the Agency considers appropriate, approve a 110 km/h speed limit for a road.
- 4.6(5) The Agency must not give approval under 4.6(4) unless, in the Agency's opinion, the road has been designed and constructed, and will be managed and operated, to the standard necessary to safely support 110 km/h travel speeds.
- 4.6(6) A road controlling authority—
 - (a) may set the 110 km/h speed limit for which it has approval; and
 - (b) must, when setting a 110 km/h speed limit, do so in accordance with this Rule and with any conditions specified by the Agency by notice in the *Gazette*.

- 4.6(7) The Agency may, in accordance with 2.10 and by notice in the *Gazette*, remove a 110 km/h speed limit that has been set by a road controlling authority.

Section 5 Variable speed limits

5.1 Circumstances when variable speed limits may apply

A variable speed limit may apply when—

- (a) the speed limit needs to vary in order to be safe and appropriate; and
- (b) it is necessary to address or manage one or more of the following situations or environments—
 - (i) different numbers and types of road users or different traffic movements; or
 - (ii) the effects of changing traffic volumes, including to ease congestion; or
 - (iii) for emergency or temporary traffic management; or
 - (iv) a crash risk posed by turning or crossing traffic; or
 - (v) changing environmental conditions.

5.2 Agency may approve variable speed limits in certain circumstances and set conditions

- 5.2(1) If one or more of the circumstances described in 5.1 applies, the Agency may, by notice in the *Gazette* and subject to any specified conditions that the Agency considers appropriate, approve a variable speed limit for a road.

- 5.2(2) If one or more of the circumstances described in 5.1 applies, the Agency may, by notice in the *Gazette* and subject to any specified conditions that the Agency considers appropriate, approve a variable speed limit for roads within one of the following classes:

- (a) roads adjacent to an educational facility:

- (b) roads in rural areas where there is a crash risk due to turning or crossing traffic:
- (c) roads where changing weather or road surface conditions make the permanent speed limit unsafe.

5.3 Setting variable speed limits

- 5.3(1) A road controlling authority must notify the Agency before proposing a variable speed limit, unless the variable speed limit has already been approved under 5.2(2).
- 5.3(2) Before setting a variable speed limit, a road controlling authority must obtain approval from the Agency to set that speed limit, unless the variable speed limit has already been approved under 5.2(2).
- 5.3(3) A road controlling authority—
 - (a) may set a variable speed limit that has been approved by the Agency; and
 - (b) must, when setting a variable speed limit, do so in accordance with this Rule and with any conditions specified by the Agency by notice in the *Gazette*.
- 5.3(4) The Agency may, in accordance with 2.10 and by notice in the *Gazette*, remove a variable speed limit that has been set by a road controlling authority.

Section 6 Temporary speed limits

6.1 Criteria for setting temporary speed limits

- 6.1(1) A road controlling authority may set a temporary speed limit.
- 6.1(2) A road controlling authority—
 - (a) must consider the need to set a temporary speed limit if, in the opinion of the road controlling authority, there is a risk of danger to a worker or the public, or a risk of damage to a road, due to—
 - (i) 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

- (ii) the presence of an unsafe road surface or structure; or
 - (iii) a special event; and
- (b) may set a temporary speed limit if it considers that there is a risk of danger to a worker or the public, or a risk of damage to a road, due to one of the criteria listed in *6.1(2)(a)(i) to (iii)*.

6.2 How temporary speed limit is set, applies, and is removed

- 6.2(1) A temporary speed limit is set by installing signs in accordance with *section 9* and a traffic management plan approved in writing by the road controlling authority.
- 6.2(2) A temporary speed limit that is set in accordance with *6.1(2)(b)* must be—
- (a) one of the speed limits in *3.2(a) to (b)* (but, despite *3.2(g)*, Agency approval is not required); and
 - (b) at least 10 km/h less than the permanent speed limit or the prevailing holiday speed limit.
- 6.2(3) A temporary speed limit—
- (a) applies from the point on the road at which a temporary speed limit sign is installed to the point on the road at which a sign indicates that a different speed limit applies; and
 - (b) applies from the time a temporary speed limit sign is installed; and
 - (c) ceases to apply when the temporary speed limit signs are removed; and
 - (d) may apply for no longer than 12 months.
- 6.2(4) A road controlling authority that has set a temporary speed limit due to physical work occurring on or adjacent to the road that impacts the function of the road, or due to the presence of an unsafe road surface or structure, must take all reasonably practicable steps so that the cause of the temporary speed limit is clear to a road user.

- 6.2(5) A person who is authorised to install a temporary speed limit sign in accordance with the traffic management plan in 6.2(1) may remove a temporary speed limit sign.
- 6.2(6) A person in 6.2(5) must remove the temporary speed limit signs and equipment used to install or support the signs as soon as the person is satisfied that the reason for the temporary speed limit no longer applies.
- 6.2(7) The Agency or the Commissioner may, at any time, require the removal of a temporary speed limit and the removal of accompanying signs and equipment used to install or support the signs, if satisfied that—
- (a) the reason for the temporary speed limit no longer applies; or
 - (b) the temporary speed limit is not safe and appropriate in the circumstances for which the speed limit was set.

6.3 Setting a temporary speed limit when there is physical work occurring on or adjacent to a road

- 6.3(1) A temporary speed limit that is set in accordance with 6.1(2)(b) 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) must be safe and appropriate for—
- (a) the numbers and types of road users, including pedestrians, cyclists, motorcyclists, and moped riders, that use the road; and
 - (b) the nature of the physical work; and
 - (c) the nature and level of risk to persons working on or near the road; and
 - (d) the nature and level of risk to the public.
- 6.3(2) A temporary speed limit that is set in accordance with 6.1(2)(b) due to physical work occurring on or adjacent to a road may apply for—
- (a) the period during which there is physical work occurring on or adjacent to a road that impacts the function of the road; or

- (b) specified times during the period in which there is physical work occurring on or adjacent to a road that impacts the function of the road.

6.4 Setting a temporary speed limit when there is an unsafe road surface or structure

- 6.4(1) A temporary speed limit that is set in accordance with *6.1(2)(b)* due to the presence of an unsafe road surface or structure must be safe and appropriate for—
- (a) the numbers and types of road users, including pedestrians, cyclists, motorcyclists, and moped riders, that use the road; and
 - (b) the nature of the unsafe road surface or structure; and
 - (c) the nature and level of risk to the public.
- 6.4(2) A temporary speed limit that is set in accordance with *6.1(2)(b)* due to the presence of an unsafe road surface or structure may apply for—
- (a) the period during which an unsafe road surface or structure is present; or
 - (b) specified times during the period in which an unsafe road surface or structure is present.

6.5 Setting a temporary speed limit for a special event

- 6.5(1) A temporary speed limit that is set in accordance with *6.1(2)(b)* for a special event must be safe and appropriate for—
- (a) the numbers and types of road users, including pedestrians, cyclists, motorcyclists, and moped riders, that use the road; and
 - (b) the nature of the special event; and
 - (c) the nature and level of risk to the public.
- 6.5(2) A temporary speed limit that is set in accordance with *6.1(2)(b)* for a special event may apply for—
- (a) the period of the special event including any period of time before or after, and associated with, the event; or

- (b) specified times during the period of the special event.

Section 7 Emergency speed limits

7.1 Criteria for setting emergency speed limits

7.1(1) In this section, **emergency** means a situation that—

- (a) 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
- (b) 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.

7.1(2) A road controlling authority—

- (a) must consider the need to set an emergency speed limit if, in the opinion of the road controlling authority, there is a risk of danger to any person or a risk of damage to a road due to an emergency that affects the use of any road; and
- (b) may set an emergency speed limit if the road controlling authority considers that there is a risk of danger to any person or a risk of damage to a road due to an emergency that affects the use of any road.

7.2 How emergency speed limit is set, applies, and is removed

7.2(1) An emergency speed limit is set and comes into force by installing signs in accordance with *section 9* of this Rule.

7.2(2) An emergency speed limit set in accordance with 7.2(1) must be—

- (a) one of the speed limits in 3.2(a) to (f) or (h); and

- (b) at least 10 km/h less than the permanent speed limit or the prevailing holiday speed limit.
- 7.2(3) An emergency speed limit—
 - (a) applies from the point on the road at which a speed limit sign has been installed under 7.2(1) to the point on the road at which a sign indicates that a different speed limit applies; and
 - (b) applies from the time a speed limit sign is installed; and
 - (c) ceases to apply when the speed limit signs installed under 7.2(1) are removed; and
 - (d) may apply for no longer than 12 months.
- 7.2(4) A road controlling authority must, as soon as practicable after setting or varying an emergency speed limit, notify the Agency and the Commissioner in writing of—
 - (a) details of the emergency speed limit and where it applies; and
 - (b) the date the emergency speed limit was set or varied.
- 7.2(5) Within 10 working days of setting an emergency speed limit, a road controlling authority must, by notice in the *Gazette*, publish—
 - (a) details of the emergency speed limit and where it applies; and
 - (b) the date the emergency speed limit was set; and
 - (c) its reasons for considering that an emergency speed limit is necessary.
- 7.2(6) A road controlling authority may vary an emergency speed limit by—
 - (a) installing different speed limit signs in accordance with *section 9* of this Rule; and
 - (b) within 10 working days of varying an emergency speed limit, publishing, by notice in the *Gazette*,—
 - (i) what the varied emergency speed limit is; and
 - (ii) details regarding the variation of the emergency speed limit; and

- (iii) the date the variation of the emergency speed limit was set; and
 - (iv) its reasons for considering that the variation of the emergency speed limit is necessary.
- 7.2(7) If a road controlling authority fails to comply with 7.2(5) or 7.2(6)(b), it must immediately remove any speed limit signs installed under 7.2(1).
- 7.2(8) The Agency or the Commissioner may, at any time, require the removal of an emergency speed limit and the removal of accompanying signs and equipment used to install or support the signs, if satisfied that—
 - (a) the reason for the emergency speed limit no longer applies; or
 - (b) the emergency speed limit is not appropriate in the circumstances for which the speed limit was set.
- 7.2(9) An emergency speed limit that is set in accordance with 7.2(1) must be safe and appropriate in the circumstances of the emergency for—
 - (a) the numbers and types of road users, including pedestrians, cyclists, motorcyclists, and moped riders, that use the road; and
 - (b) the needs of a community affected by the emergency; and
 - (c) the nature and level of risk to the public; and
 - (d) any other measures taken to reduce hazards and risks.

Section 8 Roads in designated locations

8.1 Speed limits for roads in designated locations

- 8.1(1) A road controlling authority must comply with this section when setting one of the following speed limits for a road under its jurisdiction in a designated location:
 - (a) a permanent speed limit (subject to approval from the Agency under 4.5, if required):

- (b) a variable speed limit (subject to approval from the Agency under 5.2):
 - (c) a holiday speed limit.
- 8.1(2) A speed limit set in accordance with this section must be—
 - (a) safe and appropriate for—
 - (i) the numbers and types of road users, including pedestrians, cyclists, motorcyclists, and moped riders; and
 - (ii) the level of roadside development; and
 - (iii) the condition or class of the road; and
 - (iv) the use to which the road is put; and
 - (v) any other matter relevant to public safety; and
 - (b) one of the speed limits in 3.2(a) to (j).
- 8.1(3) Before setting a speed limit for a road in a designated location, a road controlling authority must—
 - (a) consult with—
 - (i) the Agency; and
 - (ii) the Commissioner; and
 - (iii) any other persons or groups who the road controlling authority considers to be affected by the proposed speed limit; and
 - (b) allow those persons or groups a reasonable time to make submissions on the proposal; and
 - (c) comply with the decision-making procedures in 2.7(1), 2.7(2), and 2.7(3).
- 8.1(4) After setting a speed limit for a road in a designated location, a road controlling authority must—
 - (a) notify the speed limit in accordance with 2.7(6); and
 - (b) record the speed limit in a register of speed limits in accordance with 2.8.

8.2 Designated location defined

In this section, a **designated location** is any of the following—

- (a) a car park:
- (b) an educational or scientific institution:
- (c) a commercial or industrial facility:
- (d) a health facility:
- (e) a residential facility:
- (f) marae land:
- (g) a camping ground:
- (h) a sports facility or other recreational area:
- (i) a botanical garden:
- (j) a cultural reserve:
- (k) a port or wharf area:
- (l) an airport:
- (m) a beach:
- (n) a cemetery or urupā:
- (o) a facility operated by the New Zealand Defence Force:
- (p) a facility operated by the Department of Corrections:
- (q) any other location approved by the Agency by notice in the *Gazette*.

Section 9 Signs and road markings

9.1 Requirement to provide signs at, or near, point where speed limit changes

- 9.1(1) A road controlling authority must install a speed limit sign on the left-hand side of a road under its jurisdiction at or near, and not more than 20 m from, the point on the road where a speed limit changes.
- 9.1(2) If the estimated two-way annual-average daily traffic at the point where a speed limit changes exceeds 500 vehicles, the road controlling authority must also install a speed limit sign on the right-hand side of the road, or on the central median where appropriate, at or near, and no more than 20 m from, that point.
- 9.1(3) If a road user might not easily see, or readily understand or react to, a sign that is installed within 20 m of the point on the road where a speed limit changes, a road controlling authority may, despite 9.1(1) and 9.1(2), install speed limit signs more than 20 m, but as close to it as reasonably practicable, from that point.
- 9.1(4) A speed limit sign may be installed otherwise than as required by 9.1(1) if—
- (a) authorised under this Rule or any other enactment; or
 - (b) a road user might not easily see, or readily understand or react to, a sign that is installed on the left-hand side of the road; or
 - (c) the sign would be more effective if installed above a lane.

9.2 Requirement to provide repeater signs unless nature of road makes speed limit clear to road users

- 9.2(1) A road controlling authority must install speed limit signs where they will be easily seen by road users and to which they may readily react, with at least one sign being installed within each maximum length of road applying to the speed limits in—
- (a) *Table 1 of Schedule 2* for permanent and holiday speed limits; or

- (b) *Table 2 of Schedule 2* for temporary and emergency speed limits.

9.2(2)

A road controlling authority is not obliged to comply with *9.2(1)* in regards to any particular length of road if—

- (a) the nature of the particular length of road is such that a road user would reasonably understand that the speed limit displayed on the last speed limit sign remains the speed limit throughout the whole of that length of road; and
- (b) the measured mean operating speed is less than 10% above the speed limit for that length of road.

9.3 Specific requirements for permanent and holiday speed limit signs

9.3(1)

For a new permanent speed limit or a holiday speed limit, the speed limit shown on the associated signs installed by the road controlling authority must not be visible to road users until the speed limit comes into force.

9.3(2)

A road controlling authority must remove a sign for a holiday speed limit at the end of any period for which the holiday speed limit is in force.

9.4 Specific requirements for signs for variable speed limits

9.4(1)

A road controlling authority, when setting a variable speed limit approved by the Agency, must install signs as specified by the Agency.

9.4(2)

For a new variable speed limit, the speed limit shown on the associated signs installed by the road controlling authority must not be visible to road users until the speed limit comes into force.

9.5 Specifications for signs

The design, format, shape, colour, and size of a speed limit sign must comply with requirements for signs in *Land Transport Rule: Traffic Control Devices 2004*.

9.6 Road markings

A road controlling authority may mark on the road surface the applicable speed in numerals, in accordance with *Land Transport Rule: Traffic Control Devices 2004*.

9.7 Agency may direct road controlling authority to install, modify, or remove signage

The Agency may direct a road controlling authority to install, modify, or remove a speed limit sign to comply with this Rule.

Part 2

Definitions

(1) In this Rule,—

Act means the *Land Transport Act 1998*

Agency means the New Zealand Transport Agency

Commissioner means the Commissioner of Police

emergency speed limit means a speed limit set under 7.2

holiday speed limit means a maximum speed limit set in accordance with this Rule that is in force 24 hours a day for a specified period or periods

mean operating speed means the mean speed of traffic, including all classes of vehicle, measured in a way that is representative of all traffic speeds on the road over a 7-day period

permanent speed limit means a maximum speed limit set in accordance with this Rule, that is in force except when a holiday, variable, temporary, or emergency speed limit is in force

public road means a thoroughfare dedicated for the general use of the public and surfaced for use by vehicles, but does not include a private road or a private way within the meaning of *section 315* of the *Local Government Act 1974*

register of speed limits means the register established and maintained under 2.8

road—

(a) includes—

(i) a street; and

(ii) a motorway; and

(iii) a beach; and

(iv) a place to which the public have access, whether as of right or not; and

(v) all bridges, culverts, ferries, and fords forming part of a road, street, or motorway, or a place referred to in *paragraph (iv)*; and

(vi) all sites at which vehicles may be weighed for the purposes of the *Land Transport Act 1998* or any other enactment; and

(b) includes a section of a road

road controlling authority, in relation to a road,—

(a) means the authority, body, or person having control of the road; and

(b) includes a person acting under and within the terms of a delegation or authorisation given by the controlling authority

(to) set a speed limit means to establish or change a speed limit or to designate or change an urban traffic area in accordance with this Rule

special event means an event held over a short and defined period which would involve a significantly different use of a road, or affects the use of a road, to the extent that the permanent speed limit or the prevailing holiday speed limit may not be safe

speed limit—

(a) means—

(i) an urban, rural, permanent, holiday, temporary, emergency, or variable speed limit; and

(ii) the maximum speed at which a vehicle may legally be operated on a particular road; but

(b) does not mean the maximum permitted operating speed for classes or types of vehicle specified in any Act, regulation, or rule

temporary speed limit means a speed limit set under 6.3, 6.4, or 6.5

territorial authority has the same meaning as in *section 5(1)* of the *Local Government Act 2002*

variable speed limit means a set of one or more defined alternative speed limits set under this Rule, one of which may be operating for a particular road at a particular time depending on the presence of specified conditions at that time.

(2) A term that is used in this Rule and defined in the Act but not defined in this Rule has the meaning given in the Act.

Part 3

Schedules

Schedule 1

r 3.3

Road lengths for speed limits

Speed limit (km/h)	Minimum length (m)
50	500
60	500
70	As approved by the Agency under 4.5
80	800
90	As approved by the Agency under 4.5
100	2000
110	As approved by the Agency under 4.6

Schedule 2

r 9.2(1)

Repeater signs

Table 1

Maximum length of road between repeater signs for permanent and holiday speed limits

Speed limit (km/h)	Maximum length of road between signs (km)
60	2.0
70	2.4
80	2.7
90	3.0
110	As approved by the Agency under 4.6

Table 2

Maximum length of road between repeater signs for temporary and emergency speed limits

Temporary or emergency speed limit (km/h)	Maximum length of road between signs (km)
20	0.7
30	1.0
40	1.4
50	1.7
60	2.0
70	2.4
80	2.7