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# State Highway Controls and Operations Manual (SM012)

## Transport Services

Third Edition – Amendment 0 | Effective from March 2025



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## More information

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# 0.1 Management of this Manual

## Manual Identification and Ownership

<b>DOCUMENT NAME</b>	<b>State Highway Controls and Operations Manual</b>
<b>MANUAL NUMBER</b>	SM012
<b>MANUAL OWNER</b>	Transport Services
<b>MANUAL SPONSOR</b>	Chief Engineer

## Availability

This manual is available electronically via:

- the Highways Information Portal (HIP).
- the NZTA/ Waka Kotahi standards and guidance Register for land transport (the register)

## Authorisation and Amendment

This manual and its amendments are authorised in accordance with:

- NZTA Delegations Framework (delegations' principles, decision making controls and delegations schedules)
- Transport Services/Te Toki processes for the approval and publication of standards and guidelines administered by Portfolio and Standards/Te Toki Manawa

The manual shall be maintained in accordance with the agreed maintenance schedule.

## Record of Amendment

<b>AMENDMENT NUMBER</b>	<b>DESCRIPTION OF CHANGE</b>	<b>EFFECTIVE DATE</b>	<b>UPDATED BY</b>
0	New Manual is published	November 2015	Ian Cox
1	Update for Manual	November 2017	Ian Cox
2	Update for Manual	March 2020	Ian Cox
2.1	Update of delegations and priority changes - interim	March 2023	Ian Cox
3	Restructure and update	March 2025	Ian Cox

## Relationship to Transport Services/Te Toki Standards and Guidelines Catalogue ( portfolio or whatever?)

This manual serves as the primary source of information for State Highways control and operations. For completeness and due to the interrelationship with other NZTA Standards and Guidelines, it is advisable ( strongly recommended?) to consult supplementary documentation, including specialist resources.

Consequential amendments to this manual may arise as a result of maintenance to related documents

## 0.2 Table of Contents

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## 0.3 Standards and Guidelines

### Background

New Zealand Transport Agency (NZTA) policy is to house all policies and procedures in manuals. All changes to those policies or procedures are to be promulgated by an amendment to the appropriate manual. This change has allowed the use of the *Register of Network Standards and Guidelines* as a definitive list of all policy documents that are approved and used by the NZTA.

### Definition and Application

Definition of the terms Standards and Guidelines and their applications are contained in the *Standards and Guidelines Process Manual*.

### Deviation From Manuals

There are very important rules and procedures relating to amendments or variations to any policy manual or standard. Details of these rules are as set out in processes detailed in the *Highways Information Portal*.

## 0.4 Introduction to State Highway Controls and Operations Manual Sections

### Purpose and Scope of the Devolved Manual Sections

The devolved manual sets out the New Zealand Transport Agency (NZTA) powers and policy with regard to State highways. The manual details procedures for protection, control, asset management and work execution. It references empowering legislation and provides guidance for staff, consultants, Territorial Local Authorities (TLAs), Regional Councils and other bodies in their dealings with State highways.

Reference to other manuals or guidelines is also made where appropriate.

### Ownership of Information

The information in these manual sections is owned by the Transport Services Group of the NZTA.

### Amendments

Amendments to this manual shall be made in accordance with Business Delegation BR141 and the processes detailed in the *Highways Information Portal*.

### Companion Manual

These manual sections deal with State highway matters only.

Policy and procedures relating to development and management of the annual National Land Transport Programme (NLTP) are found in NZTA's *Planning and Investment Knowledge Base* (PIKB) and NZTA's annual instructions.

The PIKB deals with the following topics which affect State highways:

- A. Work category definitions.
- B. Funding provisions for all roading and ancillary activities.
- C. National Land Transport Programme (NLTP) development and review procedures.
- D. Reporting requirements.
- E. Monitoring, review and audit procedures.

## Specialist Topic Manuals

Wherever possible specialist topics, such as Administration Procedures, will be covered by a standalone manual. Reference will be made to other manuals for this information.

**SM012**

# **State Highway Controls and Operations Manual**

## **Part 1 - Consolidated General Sections**

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## 1.0 Introduction

New Zealand Transport Agency/Waka Kotahi (NZTA) manages the country's state highway network on behalf of the Crown and is responsible for the operation and maintenance of these roads. As part of these responsibilities, the Agency needs to give effect to a broad set of arrangements derived from:

- legislative context (duties, powers and functions)
- government expectations
- overarching NZTA organisational strategies and directional policies
- technical and operational best practice

***Figure 1 State Highways Controls and Operations Context*** below provides a high-level view of the key inputs and selected examples relevant to the State Highways control and operations context<sup>1</sup>.

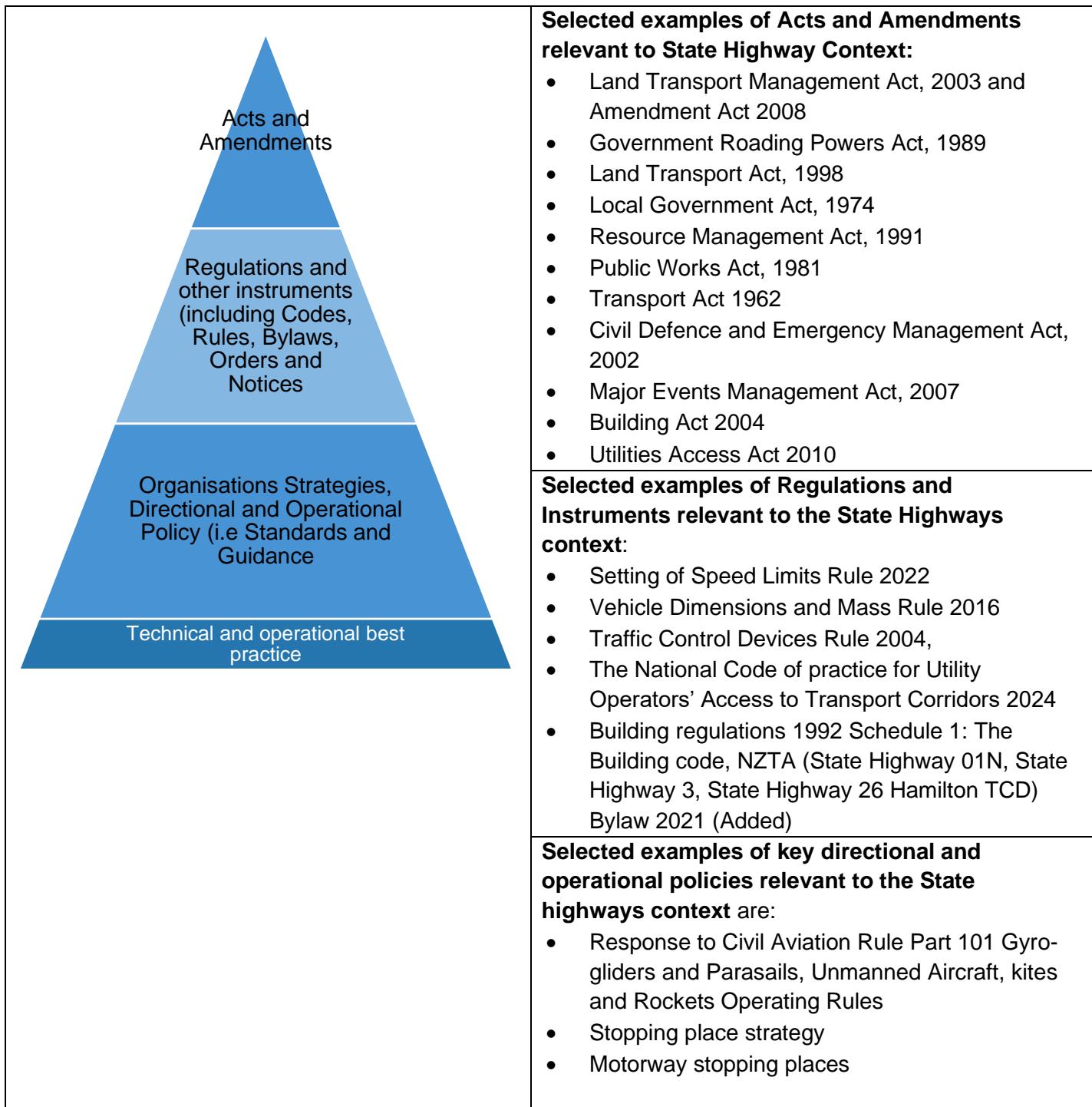
The agency may oversee or actively manage these arrangements to ensure that the network delivers desired and fit for purpose outcomes. Examples of activities include abandoned vehicles, fencing on motorways and recovery of costs for damages to roadside furniture.

This manual provides context, instructions, guidance and tools for effectively managing arrangements related to State Highways. It acts as the primary reference document for the state highway network.

The manual is intended for NZTA staff, consultants, local authorities and other agencies involved in the management of state highways in New Zealand.

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<sup>1</sup> See Appendices for further details on applicable legislation relevant to State Highways control and operations. Legislation can be accessed at (<https://www.legislation.govt.nz> www.)

**Figure 1: State Highways Controls and Operations Context**

## 1.1 Roles and Responsibilities

General responsibilities for the management of the State highway network (from Part 2 asset management)

NZTA is responsible for provision of the following services for the control and operation of the State highway network:

**Table 1: Roles for State Highway Management**

<b>Administrative and General services</b> ( i.e. customer, technical, planning, and legal services) (in accordance with governing legislation and approved policies) to protect and manage the State highway network
<b>Procure professional services</b> - to assist in statutory control or for the investigation, design and supervision of physical work on State highways.
<b>Procure professional services</b> - to assist in statutory control or for preparing or carrying out maintenance, works and property management Procured through an approved tender process developed in accordance with the Land Transport Management Act s27.
<b>Procure physical works</b> - State highways and ancillary property. Procured through an approved tender process developed in accordance with the GRP Act s90
<b>Oversight of Instruments of Delegations - (external)</b> delegation of all or any of the functions, duties and powers of construction, maintenance and control conferred on the Board with respect to any State highway or portion of State highway NZTA powers to Territorial Local Authorities (TLA) under GRP Act s62
<b>See Part 11 as to what should come across – guidelines for delegation of functions to TLAs Section 12.4</b>
<b>( delegation agreement may be found in Appendix G12, Section 12.1)</b>
<b>Oversight and Management of Instruments of Delegation (internal) (statutory, business and ad hoc)</b> - delegation of specific functions, duties and powers conferred on the Board with respect to any State highway or portion of State highway to NZTA/ Waka Kotahi staff.  The purpose of delegation is to provide operational authority to manage the State highways. The emphasis on delegation is to give it to an appropriate level commensurate with the activity being undertaken. Infrastructure that supports delegations such as policy and procedures, documentation and guidelines must be in place. (From part 11)
<b>Delegation policy and schedules located in Part 11 and Appendix G12</b>

## 2.0 Terminology and Abbreviations

### 2.1 In this Section

All terms used in this Manual have the meaning as per relevant legislation. Any required additional terms will be included in the Introduction.

## 3.0 Vision Zero and a Safe System

### 3.1 What is Vision Zero and a Safe System?

Vision Zero for Waka Kotahi means implementing and maintaining “Primary Safe System” infrastructure and speed measures wherever possible, i.e. median barriers, speed management, roundabouts, raised safety platforms. It’s acknowledged it may not always be possible to implement a Primary Safe System intervention, however if a primary treatment cannot be achieved then there should be strong justification to support this.

This is a change, as traditionally we’ve taken an incremental, risk-based approach in determining the most appropriate type of intervention. And those interventions were not always Safe System aligned and generally led to limited, or even poor, safety outcomes (i.e. high-volume roads without median barriers, high volume high speed signalised intersections, at-grade/non separated pedestrian crossings and cycle facilities).

A safe system must be one that is well engineered, maintained and operated.

### 3.2 What Role can the Engineering Sector Play?

The responsibility of the road engineering sector is to help take New Zealand toward Vision Zero, a New Zealand where no one is killed or seriously injured on our roads.

The sector will do this by designing, maintaining and operating a forgiving road network that takes human fallibility and vulnerability into account. Under a Safe System we design the whole transport system to protect people from death and serious injury.

Waka Kotahi will do this by embedding the Safe System principles in our policies, guidance, standards and processes. This ensures the way we design, operate and maintain our transport network not only reduces the chance of a crash occurring but also reduces the severity of that crash when it does occur.

### 3.3 Deviation from Manuals

The Safe System principles are:

- We promote good choices but plan for mistakes.
- We design for human vulnerability.
- We strengthen all parts of the road transport system.
- We have a shared responsibility.

Examples of how engineers can apply Safe System principles

The Safe System principles can be applied in road and street design, maintenance and operations. In engineering terms, it is about understanding and managing crash forces to within survivable limits.

The Safe System approach requires a change in mindset.

**Table 2: Requirement for Attitude Change**

Issue	Traditional Approach	Safe System Approach
<b>Belief</b>	<p>Some deaths are inevitable</p> <p>As long as we were making a good go at improving things, people accepted that some road deaths would still occur, and would be satisfied with some improvement.</p>	<p>Road deaths are preventable</p> <p>We know road deaths are preventable. It's not acceptable to accept the status quo. By taking a system approach, and choosing Safe System interventions, we can drastically reduce the level of harm on our roads.</p>
<b>Human Error</b>	<p>Expect perfect human behaviour</p> <p>Human error was often seen as the excuse for inaction, and effort was focused toward improving driver behaviour rather than infrastructure.</p>	<p>Plan and design for mistakes, people are fallible and vulnerable</p> <p>A 'forgiving' transport network is core to the Safe System. Death and serious injury crashes should not occur as a result of driver error. Vehicle and infrastructure/speed improvements should be used to reduce impact forces (should a crash occur) to within human biomechanical tolerances, and therefore reduce the harm.</p>
<b>Responsibility</b>	<p>Blame the road user</p> <p>The focus was on driver education to address road user error which consequently lowered the responsibility of system designers.</p>	<p>System designers and operators are also responsible for creating a Safe System</p> <p>System designers and operators share the responsibility for safe travel outcomes by accommodating people's errors.</p>
<b>Crash Severity Addressed</b>	<p>Total number of crashes</p> <p>Total crashes (of all severities) was often used to identify problem sites.</p>	<p>Crashes resulting in death or serious injury</p> <p>Death and serious injury crashes and/or high-risk crash types should be the starting point in site identification. Minor injury and non-injury crashes may be useful to provide additional information but are not the core focus.</p>
<b>Understanding Speed at Which Deaths and Serious Injuries (DSI) Occur for Different Crash Types</b>	<p>Biomechanical tolerances known but not core to decision making</p> <p>Information on biomechanical tolerances was available but was not core to the understanding of how to address risk.</p>	<p>Biomechanical tolerances core to decision making to eliminate DSI</p> <p>Biomechanical tolerances are core to the vision of eliminating death and serious injury crashes.</p> <p>We need to understand and be guided by the speed at which DSI occur for different crash types.</p>
<b>Design Requirements</b>	<p>High Benefit Cost Ratios (BCRs) favoured rather than eliminating death and serious injury</p> <p>Treatment types were often selected based on high BCRs rather than eliminating death and serious injury.</p>	<p>Must focus on eliminating death and serious injury</p> <p>It is paramount that new infrastructure assists in eliminating death and serious injuries. This also includes speed management and prioritisation/separation of different transport users travelling in different directions or modes.</p>

## 4.0 Safe System Principles in Design

### 4.1 Principle

The road system needs to be managed and designed in such a way that impact energy on the human body is:

- Firstly avoided - this includes considering the ways in which people respond to road conditions and design roads to minimise opportunities for error.
- Secondly managed at tolerable levels, in the event a crash occurs - design a system that is error tolerant – i.e. design that is resilient to human error and will minimise harm when something goes wrong.

### 4.2 Embedding

For the Safe System approach to be fully embedded into New Zealand we need systematic application of these principles in road design, operations and maintenance.

### 4.3 Translation

To translate the Safe System approach into application, the following questions should guide us:

- Is it possible to have a head-on crash at a speed greater than 70 km/h?
- Is it possible to have an intersection (right-angle) crash at a speed greater than 50 km/h?
- Is it possible to have a run-off-road (side impact with a rigid object) crash at a speed greater than 40 km/h?
- Is it possible to have a vulnerable person (e.g. pedestrian, cyclist and motorcyclist) crash at a speed greater than 30 km/h?

### 4.4 Outcome

Through implementing the Safe System approach there will be potential reductions of human error and, preventing crashes occurring, the priority is reducing the level of harm (death and serious injuries) when crashes do occur.

### 4.5 Targets

Infrastructure and speed management improvement projects and programmes should address high severity, head-on, run-off-road, intersection (side impact) and vulnerable road user casualties where the appropriate value for money can be achieved.

## 5.0 Miscellaneous Policies

### 5.1 Official Opening Ceremonies

Guidelines for opening ceremonies are set out in Section 6.0. All proposals for official opening ceremonies must conform with the criteria specified in the guidelines. Funding should be provided as a provisional sum in the approved contract.

### 5.2 Salt as Ice Control

NZTA holds no approval to use salt on roads.

### 5.3 Rural Selling Places

Guidance on rural selling places is contained in:

- A. RTS3: Guidelines for Establishing Rural Selling Places, MOT/Transit.
- B. Planning Policy Manual.

### 5.4 Filming on State Highways

From time to time requests will be received from filmmakers wishing to film short-term mobile activities on the State highway network and such requests should be allowed if it is assessed that the request is reasonably achievable. Such requests will need to be properly managed so that neither the people involved in the filming nor the public using the road are put at risk. Note that driver distraction is an issue.

Closures may be requested and these should only be of the same order of magnitude as would be applied to temporary closures for roadworks. They must not unduly delay traffic and should only be considered if where and when the closures are to be done can be appropriately managed. The filmmaker must submit a work plan for the site, which must include a site safety plan with all necessary temporary traffic management plans and arrangements attached, to be approved by the System Manager. All enquiries will be directed to the relevant regional office for liaison and approval and regional offices should provide guidance as necessary so that the filmmaker can arrange the necessary advice to submit a proposal.

Filming at static roadside sites for extended periods involving road restrictions or closures is not encouraged because of the impact on road users and public safety. In general, while not wishing to be overly bureaucratic, the use of highways for unrelated commercial activities is not the purpose of their management and may create liabilities that are otherwise avoidable.

### 5.5 Roadside Landscaping and Vegetation

Roadside planting shall be in accordance with the NZTA's Landscape Guidelines 1st edition.

A schedule of landscape areas maintained by the NZTA shall be kept by the Network Consultants and regional offices.

All specified NZTA maintained landscape areas shall be maintained to a standard agreed to that situation and specified in any resource consents included within project management documents.

## 6.0 Guidelines for Opening Ceremonies for New Zealand Transport Agency Projects

### 6.1 Appropriate Projects

Opening ceremonies should be considered for all large projects of national significance (e.g. the completion of Grafton Gully, Auckland).

They may be appropriate for some projects of local significance (e.g. completion of the sealing of SH 6).

Small projects which generate high local interest, but have little or no national significance may also be considered at the discretion of System Managers.

### 6.2 Funding

New Zealand Transport Agency (NZTA) will fund opening ceremonies of significant projects on the grounds that they are NZTA's achievements on behalf of road users. The contractor and/or the local territorial authority may wish to contribute. Where appropriate, NZTA will accept and acknowledge other contributions, but ownership of the ceremony will remain with NZTA.

Joint projects (e.g. NZTA/local authority projects) should be funded in proportion to the funds contributed to the project.

Official openings should preferably be identified during the early planning phase of projects. Funding for an opening ceremony should be written into the professional services contract as a provisional item.

Where the desirability of having an opening ceremony becomes apparent at a later phase of the project, funding must be negotiated as a variation to the professional services contract.

The upper limit on NZTA funding of opening ceremonies is \$5,000.00 unless the Chief Executive approves otherwise.

### 6.3 Approval

All opening ceremonies are to be approved by the Chief Executive at least two months before the date of the ceremony. A memo to the Chief Executive outlining the proposal and cost should be copied to the Practice Manager, Engagement and Communications.

### 6.4 Publicity

The publicity for opening ceremonies will be managed through NZTA's Communications and Engagement Group. The details must be with the Practice Manager, Engagement and Communications at least one month prior to the ceremony.

### 6.5 Invitations

Invitations should be issued to all organisations and individuals approached during the consultation phase. This should include the local MP (including the local Māori MP), the local authority Mayor and relevant councillors, Regional Transport Committee members, the Chair of NZTA, the Chief Executive, General Manager, Transport Services, NZTA, or their representatives.

NZTA Board members living in the project region should be invited. Invitations should also be extended to other local dignitaries and interest groups in accordance with the wishes of the community (e.g. iwi where they have an interest) and organisations which have an interest in the project (e.g. RTA or AA).

The Minister of Transport should be invited to attend only when the project is one of national or very significant local interest. In that case the Minister should be requested to perform a brief ceremonial role (e.g. declaring the highway open/ cutting the ribbon) and to speak on any particular subjects of public interest. The invitation should be extended formally through the Chief Executive.

Small, local ceremonies may involve only the System Manager, a local authority representative and possibly a locally based Board member.

## 6.6 Opening Ceremony Protocols

The appropriate Infrastructure Delivery Manager should preside over the ceremony.

The official speakers should be:

- the Chair (or representative) of NZTA
- the contractor
- the Mayor (or representative)
- the local MP
- a representative from Iwi where appropriate
- the Minister of Transport or Prime Minister where appropriate
- a blessing / tapu lifting etc. where appropriate

For small local ceremonies the System Manager will represent NZTA if a locally based Board member is not available to attend.

The ceremony may be followed by morning or afternoon tea or appropriate catering.

## 7.0 Other Statutory Controls

### 7.1 Purpose

Situations often arise where action is required to meet an immediate situation. Provision is made in various regulations for prompt action to be initiated without the need for a bylaw or more formal control measures.

### 7.2 Temporary Traffic Control

The requirements for temporary traffic control and temporary speed limits are contained in the NZTA manual “New Zealand Guide to Temporary Traffic Management”.

### 7.3 Road Construction Zones

System Managers, Regional Managers, the Portfolio Manager – Portfolio E (Special Projects) and Alliance Manager (WTA) are authorised to declare Road Construction Zones on State highways in accordance with regulation 12 of the HMV Regulations 1974.

The zone can be applied to construction or maintenance works. The purpose of such a notice is to be able to run special or non-standard vehicles on the whole or part of a section of the highway being reconstructed. It is not intended that it should allow overloading of vehicles beyond the manufacturers’ recommended limits as this may be detrimental to vehicle safety. The specific types and particular limits of these vehicles must be stated on the notice.

The boundaries of any road construction zone shall not extend beyond the specific section of road under construction but may be of lesser length. The length of the zone should only be that part of the site for which any resultant damage from these vehicles will not be critical in the future management of the highway. The limitations on access within the zone for all or any particular type(s) of vehicles must be stated on the notice.

The construction zone will also need to apply when the particular vehicles are being used on any haul road within the road reserve, even if the carriageway itself is not utilised.

The Regulations require that a copy of the notice (and any amendment to it) is lodged with the Agency. This requirement is to advise a change in allowed vehicle standards on a road and therefore a copy of any State highway notice must be sent to the appropriate Manager, Road Compliance, Transport Access Delivery Group within the Agency.

NZ Police (CVIU) is also to be advised of all construction zones and be sent a signed copy of the notice. The CVIU may also be consulted if there are concerns about the vehicles requested to be included in the notice.

### 7.4 Control of Damage and Nuisance

System Managers are authorised under s51 of the GRP Act to grant permission and set conditions for activities which would otherwise be unlawful and seek Court action in respect of offences.

### 7.5 Drainage Works

Regional Managers, System Managers, the Portfolio Manager – Portfolio E (Special Projects) and Network Managers, at all levels from Network Managers up and various officers of the Wellington Alliance (refer delegations), are authorised under the GRP Act sections 61(4)(j) and (m) to construct or maintain drainage facilities necessary for the safe operation of State highways. However, where this affects private land, the entry is only at the discretion of the Regional Managers, System Managers or the Portfolio Manager and all procedures in the GRP

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Act in sections 61(6) through (10) must be observed as required. Should the landowner make any application to the Courts, the Regional Manager and the Legal Team must be notified immediately information is received.

## 7.6 Limited Access Roads Purpose

NZTA policies on access management are contained in the Planning Policy Manual (PPM). The declaration of State highways as Limited Access Roads is an access management tool available for contributing to the control of the interface between the road and adjacent land in a way that protects the utility and amenity of both. By reducing or controlling access to arterial roads and influencing development along the road margins, the detrimental effects on the efficiency and safety of the road for road users will be minimised and will increase safety for the landowners.

## 7.7 LAR Statutory Authority

The statutory authority for the creation and revocation of LARs is contained in the GRP Act from section 88 to section 98.

## 7.8 LAR Responsibility

System Managers and Alliance Managers (WTA) are responsible for initiating declaration proposals, provided the lengths proposed are in accordance with the following:

- the State Highway Asset Management Plan; and
- the annual national priority listing of State highway lengths for declaration as established by the process outlined in the Planning Practice Guidelines Manual (SM085).

## 7.9 LAR Procedure to be Followed

The procedures to be followed are as follows:

- for prioritisation of lengths for declaration refer to the Planning Practice Guidelines Manual
- for initiating declarations, management and revocation of LARs prepare an appropriate Business Plan for approval. The quality of documentation for the process should be set out in the approved Project Quality Plan. The criteria for legal descriptions for New Zealand Gazette notices are given in Legal Descriptions for Gazette Notices in Appendix G14.
- each region is required to include its priority listing of length for declaration in the annual plan and business plan as appropriate.

## 7.10 Traction Engine Permits

Traction engines are not considered Heavy Motor Vehicles for the purposes of regulation 10 of HMV Regulations 1974. On that basis it is not possible to permit access for traction engines on the road network under any overweight permit.

## 7.11 Over- Dimensional Loads on State Highways

Permits for over-dimensional loads are issued by the Agency's Over-dimension Permit Issuing Agency (OPIA).

For motorways, comment must be given by the System Managers.

Broad guidelines for over-dimension permit issuing are contained in Section 1 of the Overweight Permit Manual, NZTA.

## 7.12 School Patrols

Senior Safety Engineers are authorised to grant permission in terms of the Traffic Control Devices Rule 2004 to the Board of Trustees of any school to establish a school patrol at any specified pedestrian crossing or school crossing point on State highways where the speed limit does not exceed 50 km/h, subject to agreement by the local Police Youth Education Officer. All school-patrolled pedestrian crossings and school crossing points on State highways where the speed limit exceeds 50 km/h must be approved by the National Manager System Design.

## 7.13 Banners on State Highways

System Managers and the Alliance Manager (WTA) are authorised to approve the placing of banners over State Highways to advertise events of widespread local interest. The requirements for approving banners are outlined in NZTA Bylaw 2003/13.

## 8.0 Removal of Abandoned Vehicles

### 8.1 Overview

The Local Government Act 1974 section 356 deals with procedures for dealing with abandoned vehicles. This is distinct from vehicles unnecessarily blocking roads or impeding traffic flows and is dealt with by Police in terms of the Traffic Regulations.

Under the Act, NZTA is deemed to be a local authority in respect of State highways under its control. System Managers and Alliance Manager (WTA) may exercise this authority.

### 8.2 What is an Abandoned Vehicle?

The law does not spell out just when a vehicle has become abandoned. System Managers and Alliance Manager must use their judgement in this matter.

**Table 3: Classes of Abandoned Vehicles**

Category	Description
A	Those with neither number plate nor licence label.
B	Those with either a number plate or a current licence label, but not both.
C	Those with a number plate and either <ul style="list-style-type: none"> <li>• a current licence label, or</li> <li>• a label that has been expired for not more than 6 months.</li> </ul>

### 8.3 Notify the Police

The NZ Police must be advised of all vehicles deemed abandoned and prior to NZTA's intention to remove them.

**Table 4: Storage Requirements**

The following storage requirements shall apply:

Category	Storage Requirements
A & B	Store until reasonable efforts to identify and locate the owner have been completed.
C	One-month storage while reasonable efforts are made to identify and locate the owner.

**Table 5: Identify and Locate the Owner**

The following minimum procedures shall apply:

Category	Minimum Reasonable Efforts
A, B, & C	Use the chassis and other vehicle identification numbers to identify and locate the owner.
B & C	Contact the Transport Registry Centre of NZTA, who maintain the motor vehicle register, on 0800 108 809.

## 8.4 Registered Security Interest

If a search within the Transport Registry Centre shows the vehicle is subject to a registered security interest, then the holder of the interest must be notified of the intention to sell or dispose of the vehicle.

## 8.5 Newspaper Notice

A notice of intention to dispose of or sell the vehicle, if unclaimed after 10 days, must be given. The notice must be published in two issues of a daily newspaper circulating in the district in which the road from where the vehicle had been abandoned is situated.

The notice may be dispensed with if the vehicle is of little or no value.

The notice must include:

1. Vehicle description, make, model, colour.
2. Chassis number and any other identifying numbers (if known).
3. Location from which the vehicle was removed.
4. For category C vehicles, the name of the current registered owner and their last known address.

## 8.6 Disposal of the Vehicle

If the vehicle owner does not reclaim the vehicle the vehicle may be sold or otherwise disposed of.

A set of photographs of the vehicle may be useful particularly if the owner does not respond or cannot be located.

The proceeds of the sale may be used to pay for the removal and storage of the vehicle, the newspaper notice and costs of selling the vehicle.

Money left over must be paid to the owner (if known).

If the former owner is not known the money may be retained.

## 8.7 Owner Reclaims Vehicle

The owner must pay all removal and storage expenses before the vehicle is returned.

## 9.0 Road Construction and Maintenance Standards

### 9.1 Introduction

The NZTA has approved national standard documents specifications with notes to cover a range of construction and maintenance activities on State highways.

Current national standard Services (TS) contract documents are:

- State Highway Professional Services Contract Proforma Manual SM030
- State Highway Construction Contract Proforma Manual SM031
- State Highway Maintenance Contract Proforma Manual SM032
- Network Outcomes Contract Management Manual SM034.

A schedule of all current specifications can be obtained from the Manager, Procurement Strategy and Methods, Wellington.

### 9.2 Application of Standard Contract Documents

The following guidelines shall apply to the use of standard contract documents:

1. Standard contract documents shall be used for all appropriate contracts unless written dispensation has been received from the Manager, Procurement Strategy and Methods.
2. The standard contract documents shall be maintained by the Manager, Procurement Strategy and Methods, and all requests for documents and recommendations for change shall be forwarded to that officer. Requests for assistance and/or change can be sent to the e-mail address [procurement@nzta.govt.nz](mailto:procurement@nzta.govt.nz).

### 9.3 Application of Standard Specifications

The following guidelines shall apply to the use of standard specifications:

1. All construction and maintenance on State highways shall be in accordance with NZTA standard specifications where these exist.
2. Project specifications shall list only those standard specifications relevant to the project.
3. Specification notes shall not be included in contract documents.

### 9.4 Responsibility

System Managers and Alliance Manager (WTA) are responsible for the inspections and maintenance of all sections of State highway including those sections delegated to TLAs.

### 9.5 Road Construction

Construction shall be in accordance with the current NZTA "B", "F", "G", "P", "Q" and "T" series specifications.

### 9.6 Road and Ancillary Services Maintenance

Guidance on the required level of service is given in SM031 and the draft State Highway Asset Management Plan.

Specifications detailing the contractual requirements are listed in the Waka Kotahi NZ Transport Agency Standards and Guidelines Register for Land Transport and particularly the NZTA Manual "New Zealand Guide for Temporary Traffic Management".

# 10.0 Safety during Work

## 10.1 Overview

The provisions of the Health and Safety at Work Act 2016 apply to all NZTA activities on or off the highway. Under this Act NZTA, its Consultants and Contractors have a legal responsibility to ensure that employees and members of the public are protected from risk of injury or illness in the workplace. The Government Roading Powers Act section 61 requires the Board to take all steps necessary to ensure a safe environment under the provisions of the LG Act section 353, 1974.

## 10.2 General Thrust of the Act

The Act generally seeks compliance through the formulation and use of a common safety policy by employers and employees. The safety policy should embody elements such as those that follow:

Employers will ensure:

1. Safe working practices and first aid skills are taught.
2. Safety and health risks are minimised or eliminated.
3. All necessary safety and protective equipment is provided.
4. Employees and members of the public are protected from risk of injury or illness in the workplace.
5. Safety rules and regulations are understood and strictly observed.
6. Safety and health performance targets are set and monitored.
7. Periodic audits of safety and health systems and procedures are carried out.
8. Feedback from employees through Health and Safety Representatives and Safety Committees is encouraged.

Employees will:

1. Act safely at all times.
2. Take all reasonable precautions to prevent the risk of injury to themselves or others.
3. Use safety and protective equipment provided.
4. Not interfere with any safety device or protective equipment.

## 10.3 Roadwork Sites

System Managers are responsible under section 353 of the Local Government Act 1974 to ensure that proper actions are taken for safety of the public and workmen by the erection of barriers, signs, lights, road closure signs, etc. as appropriate during the execution of any work on State highways. This includes work carried out by utility authorities or any other authorised person working on or near the highway.

## 10.4 Standards and Procedures for Temporary Traffic Control

The standards for traffic control at any work site on the State highway are set out in NZTA's Manual "NZ Guide for Temporary Traffic Management".

# 11.0 Recovery of the Cost of Damage to Road Furniture and Equipment

## 11.1 Legal Basis

A review of the law and the policy has been undertaken. The review has concluded that the law and the policy (in relation to damage, etc.) as based on the law of negligence are legally uncontroversial. If a person acts negligently and causes damage, that is reasonably foreseeable as resulting from the negligent act, to property, then generally that person is liable to the owner of the property for repairs or replacement. If there are also consequential losses such as traffic management, site clearing etc., which are reasonably foreseeable as arising from the damage caused, then to the extent they are reasonable, they can be recovered.

The issue of whether a person is liable for losses in the absence of physical damage can be less clear, so no claims should be made in this situation without seeking legal advice to review an analysis of the facts and law relating to particular incidents.

## 11.2 Responsibilities of NZTA Offices

Where damage has occurred to highway assets, infrastructure has been compromised and/or a significant disruption has eventuated through 3rd party negligence; then as a prudent asset owner, NZTA should seek reparation for costs incurred. Discretion should be exercised in every case, including when lesser amounts are involved (for example, less than \$1,000).

The NZTA Contract Manager should be advised promptly by the Network Operations Contractor of the verification of the party alleged to be liable and the repair costs (and/or traffic management costs as appropriate) of any damage done to road furniture or equipment. The process flowchart is included in Appendix G1, Section G1.2.

When the party alleged to be liable is able to be identified (generally the appropriate driver) and it is deemed appropriate to make a claim, the NZTA Office should send out the first letter advising of a potential claim. When satisfied as to the legitimacy of the claim and in receipt of the cost details, the NZTA Office should send the second letter itemising the claim and make all reasonable efforts to recover these costs appropriately, promptly and efficiently.

Note that both full cover and third-party insurances should cover these costs and should be able to be claimed against. Unless the asset that was damaged was already in an upcoming maintenance programme to be replaced as a maintenance renewal, there is precedence in case law that the recoverable cost is full replacement value without depreciation.

Principal and Senior Network Managers are empowered to manage the process in the usual course of business. If there are concerns about any specific case or the need to take legal proceedings, the System Manager should be consulted and the final decision on whether to recover costs rests with the System Manager. The System Manager has full discretion to pursue or waive the recovery of costs including the seeking of redress through the Disputes Tribunal or District Court.

## 11.3 Summary of Principles

To prove liability in negligence the NZTA must be able to show that it is more likely than not that: the person claimed against owed a duty of care to the NZTA (i.e. a duty not to drive below the standard of a reasonable and prudent driver so as to cause loss to the NZTA);

- the person claimed against breached that duty of care (i.e. drove negligently);

- the breach of the duty of care caused loss that was reasonably foreseeable as arising from the breach;
- it is reasonable and fair between the parties for compensation to be paid;
- there are no countervailing considerations in either policy or the public interest that outweigh *prima facie* liability; and
- the amount claimed is reasonable.

Where the loss is economic and not the result of physical damage to property (for example, traffic management costs only) no claim should be made without first obtaining legal advice.

## 11.4 Guidance in Respect of Fatal Crashes

If it can be proven that a deceased driver caused loss through negligence, then it is legally possible to pursue compensation from the deceased's estate. This is a matter of extreme sensitivity and must be approached with caution. While matters such as empathy/sensitivity do not necessarily displace the legal liability, such would be relevant to reasonableness, fairness, and the reputation of the NZTA.

For a fatal crash, or a critical injury crash that might potentially become a fatal crash, it behoves the NZTA to ensure that the family of the person who caused the damage and is either deceased or is critically injured is not put under further stress by us. Where the claim is against the estate of this person and therefore directly impacts on the family, no claim should be made.

However, if the matter is being dealt with by an insurance company, and the issue is divorced from the family and is a standard business transaction, then so long as the risk is properly managed the cost recovery could proceed. It would be a decision for the System Managers or Alliance Manager (WTA) to make to consider whether to continue the action should the circumstances change. It must always be kept in mind that this is a very sensitive issue requiring ongoing management.

## 12.0 Materials and Equipment Requirements

### 12.1 General

All materials and equipment used on State highway works must be of good quality and appropriate for their intended use.

A large number of more commonly used materials and equipment have specific NZTA requirements and these must be complied with as a standard for all State highway works. Dispensations can be obtained from the National Manager Programme and Standards, the National Manager System Design or the Chief Engineer as appropriate so long as the scope and the intent of the standard are achieved.

### 12.2 NZTA Materials and Equipment Specifications

Details of materials covered by specific NZTA requirements are detailed in Specifications List, NZTA, under the headings Materials and Equipment.

### 12.3 Other Materials and Equipment

Materials or equipment not covered by specific NZTA requirements shall comply with one of the following as appropriate:

1. A SANZ Standard or Specification where one exists.
2. A manufacturer's specification where no SANZ standard or specification exists.
3. A custom-made engineer's specification.
4. A specification from overseas or from other references referred to in other NZTA Manuals.

# 13.0 Lighting

## 13.1 General

With the exception of intersections with physical islands and pedestrian crossings there are no specific requirements for State highways to be lit. The necessity for lighting is normally based on the likelihood of conflict between vehicles, pedestrians or cyclists.

Lighting is generally unnecessary outside urban areas, except for motorways, major rural intersections and sections of highway where it is justified to address high night-time crash rates.

## 13.2 Technical Standards

New or upgraded state highway lighting installations shall comply with AS/NZS 1158.1.1:2005 Lighting for roads and public spaces - Vehicular traffic (Category V) lighting – Performance and design requirements.

New or upgraded pedestrian crossings shall comply with AS/NZS 1158.4:2015 Lighting for roads and public spaces – Lighting of pedestrian crossings.

Installation guidance for traffic route lighting is given in AS/NZS 1158.1 .2:2010 Lighting for public spaces - Vehicular traffic (Category V) lighting - Guide to design, installation, operation and maintenance.

## 13.3 Lighting Poles

All new lighting poles shall comply with NZTA specification M26.

Poles installed in urban or pedestrian frequented areas must not be of slip-base design. Guidance about types of poles suitable for use in various areas is given in NZTA specification M26.

## 13.4 Pedestrian Crossings

All pedestrian crossings on State highways must be kept illuminated during the hours of darkness and must be provided with either operating Belisha Beacons or 400mm diameter (min.) fluorescent reflectorised discs fitted to poles at each end.

## 13.5 Flag Lighting

Flag lighting is intended to indicate the presence of a minor intersection or important access particularly in rural areas. The installation shall normally consist of no more than 2 lanterns. Capital costs can be a SH or TLA responsibility. The annual costs of flag lighting on State highways in rural areas are a state highway cost.

Specific approval can be given by System Manager for flag lighting on State highway road reserves requested by a private developer or lighting for a private development required by regional office to mitigate adverse effects on the State highway. This usually only occurs in rural areas.

Capital and annual costs are the responsibility of the developer. It is important to ensure that this is recorded and an agreement to do maintenance work on the highway is in place.

## 13.6 Motorway Lighting

Capital and annual costs are a state highway responsibility. Replacement systems should be LED lighting if possible and management and control systems should be considered. Other

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sections of State highway which are fully access controlled may also qualify, with the System Managers approval.

## **13.7 Ambiguities**

Any installation not clearly covered by policy shall have the specific approval of the GMTS.

## **13.8 Schedule of SH Operational Lighting**

A schedule of all light installations that are an annual State highway operational responsibility shall be kept by the System Manager.

## **13.9 Maintenance**

The maintenance of highway lighting shall be in accordance with the Network Operations Contract standard specification.

## **13.10 New Lighting Installation**

The need for new light installations will generally be determined by project evaluation criteria specified in Chapter 2 Section 2.3 of NZTA's Economic Evaluation Manual Volume 1.

# 14.0 Traffic Signals and Traffic Signs

## 14.1 Introduction

This section specifies the requirements for off-carriageway traffic aids.

## 14.2 Legal Requirements

All traffic control devices when installed must comply with the Land Transport Rule: Traffic Control Devices 2004 and its amendments.

## 14.3 Traffic Signal Technical Standards

Guidance on the design and maintenance of traffic signal installations is contained in the following:

1. Land Transport Rule: Traffic Control Devices 2004.
2. Traffic Signals, A Guide to the Design of Traffic Signal Installations, AUSTROADS.

## 14.4 Traffic Signal Funding

All traffic signals installation and operational costs at a State highway intersection or a State highway motorway ramp terminal are a State highway charge. A TLA may install approved signals as part of its subsidised works programme where programming priorities do not permit State highway funding. Operational costs will in this case be funded by the State highway.

## 14.5 Traffic Signs

1. The description and use of all traffic signs is contained in the Land Transport Rule: Traffic Control Devices 2004 with its amendments and gazette notices.
2. Graphics of traffic signs are shown in the NZTA Traffic Control Devices Manual.
3. All traffic signs, delegations and procedures shall comply with the NZTA Manual of Traffic Signs and Markings and/or the NZTA Traffic Control Devices Manual.
4. Signs advising a speed restriction shall be placed within 20 metres of the gazetted positions.
5. All permanent warning and information signs shall display a NZTA logo as illustrated in Section 31.0 below.

## 14.6 White Crosses at Fatal Accident Sites

White crosses may be erected at fatal accident sites subject to the proposed design and location being approved by the appropriate Manager System Management. Note that enforcement of this should be handled delicately.

Appendix G21 contains the guideline for the erection, maintenance and removal of white crosses.

## 14.7 Road Safety Billboards

See Part 9, Section 1.11, for delegations. Section 28.0 of this Part below contains the guideline for the installation, maintenance and removal of road safety billboards on State highways.

# 15.0 Small Claims Guideline

## 15.1 Introduction

1. The Transport Agency receives a range of private property damage claims including those associated with vehicles that have struck imperfect pavement surfaces such as potholes.
2. When such claims are received, as much as possible of the relevant factual background needs to be collected, communications carefully managed, and any threat of litigation or uncertainty should be reported to the legal team.
3. Occasionally the Transport Agency also receives personal injury claims associated with vehicle accidents. However, the Accident Compensation Act 2001 generally bars these types of personal claims according to s 317(1), where typically the plaintiff has cover under the Act. Any claim of this type should be referred to the legal team.

## 15.2 Background

1. The Transport Agency does not act as an insurer to the public in relation to its use of the state highway network, and similarly does not provide warranties or guarantees in relation to hazards and failures that can occur. However, the Agency must act in good faith in deciding how to respond to any claim and it has a certain duty of care in dealing with the management and maintenance of the state highway network.
2. Certain situations can attract liability where it can be shown that the Transport Agency or its contractors have been 'negligent' in responding to a known and serious defect, and where an omission or lack of proper care and attention in responding has resulted in quantifiable damage to personal property.
3. Nevertheless, at any one time a certain proportion of roads will contain known defects that the Transport Agency has no ability to respond to. This type of constraint is also relevant in assessing the ability to reasonably respond and in determining the limits of the 'duty of care' that can be expected.
4. It is useful to be aware of the definition of negligence that is: a breach of duty of care that results in loss or injury to a person or property that owed that duty. Negligence usually includes doing something that an 'ordinary, reasonable and prudent person' would not do, or not doing something such a person would do considering the circumstances, situation and the knowledge of parties involved.
5. In civil liability, if negligence is proven, on the balance of probabilities, an aggrieved person [or entity] is entitled to claim damages in a court.
6. As an example, in the situation where a 'defect' has been identified according to the State Highway maintenance contract "*Visual Audit Guidelines*" in conjunction with the operational performance measures outlined in the Network Outcomes Contract Maintenance Specification, and the response has breached the standard response time or quality of repair, then the Transport Agency may attract liability in relation to the respective damage.

## 15.3 Collection of Facts

Relevant fact collection is critical to assessing a claim, particularly pavement condition prior to and at the time of the incident, according to the State highway maintenance contract "*Visual Audit Guideline*" in conjunction with the operational performance measures outlined in the standard maintenance contract specification.

Typically this will require a detailed site inspection, and information on the following type of issues::

- i. local historical complaints and associated defects;
- ii. environmental conditions that may contribute to the defect;
- iii. prior and current difficulties in responding or repairing;
- iv. historical knowledge of the contractor and Transport Agency at the time of the incident in relation to the particular defect;
- v. omissions such as delay in responding to the incident and providing appropriate remedial mitigation and warning notice or traffic management;
- vi. conduct of the claimant
- vii. detail of the vehicle damage and proximity of this in relation to the defect;
- viii. actions or omission of the Transport Agency to remedy or manage the road defect;
- ix. witness statements of those with direct knowledge of the incident and surrounding circumstances;
- x. expert opinion and review of the incident.

## 15.4 Communications

1. Careful attention to communications to claimants is required when dealing with applicant claims, because ultimately any of the communications may be used in evidence against the Transport Agency in reviewing facts and establishing the conduct of the parties.
2. It is important to keep the applicant informed of the process when responding to their claim and provide anticipated timeframes before a conclusive decision can be provided.
3. The circumstances of claims vary considerably, therefore it is particularly important to identify the relevant facts and actively seek further information if these are deficient. After analysing the background and a decision is reached, the reasoning for that decision must be included in the correspondence to the claimant.

## 15.5 Disputes Tribunal

1. If the claimant decides to refer the matter to the Disputes Tribunal, a lawyer can't represent you in the hearing, and there are no judges. Each hearing is run by a referee who will encourage both sides to reach agreement. If they can't, the referee makes a decision and this decision is binding.
2. Although, the tribunal is not a court of record, and the decisions do not create a formal precedent, they can be persuasive because the decisions are public information and searchable.
3. You can give your case to the Tribunal in writing in the form of a written submission, and appear to present this at the hearing. This should be submitted to the Tribunal before the hearing if possible (post, courier, scan or hand them in at the court counter, quote the CIV number from your notice of hearing and the hearing date, and send a copy to the claimant). It is important to submit rigorous submissions for the Transport Agency, and the in-house legal team can assist with this aspect. You can take relevant witnesses and experts with you, who can support your submissions to the referee.
4. The Tribunal replaced the Small Claims Courts in 1988 and is covered by the Disputes Tribunal Act 1988 and Disputes Tribunals Rules 1989. For further information contact a member of the legal team.

## 15.6 Legal Review

The internal legal team should be contacted in the first instance if the matter appears to create a potential litigation risk, and then also to assist in any decision making, assessment, review, and final communications.

# 16.0 Processing Applications for Services on State Highways

**Table 6: Summary of Procedures**

The following chart summarises the procedures to be followed in processing applications:

Step	Action	Action Required	Comment
1	NZTA/ NOC	Receive application/Corridor Access Request (CAR).	<ul style="list-style-type: none"> <li>Determine if UO or private service.</li> <li>Establish Fees payable: Ref. pages 17 to 18 above</li> </ul>
2	NOC	Acknowledge receipt of application/CAR.	Send standard letter, or, if received electronically, standard electronic response.
3	NOC	<p>Inspect and report on application/CAR and prepare Works Access Permit (WAP) and draft Schedule of Reasonable Conditions (including Special and Local Conditions) for approval.</p> <p>Provide advice to local NZTA office on processing and supervision costs.</p>	<ul style="list-style-type: none"> <li>Use applicant's plan with or without improvements.</li> <li>Report with recommendations.</li> <li>Check against Forward Works Programme.</li> <li>Prepare documents:</li> <li>WAP (roads or motorways as appropriate) for UO, or</li> <li>Licence to Occupy for Services plus Agreement as to Work on State Highways, with Schedule of Reasonable Conditions, for private services.</li> <li>Attach site-specific Special and Local Conditions.</li> <li>Include a "Works Completion Notice".</li> </ul>
4	NOC	Determine service charges for bridge crossings/reasonable servicing costs.	If applicable. Document waiver if applicable.
5	NOC	Forward documentation to System Manager for approval	Include all supporting information.
6	NZTA System Management Team	<p>Principal/Senior Network Manager/Network Manager (Utilities) seeks additional information or approves as appropriate.</p> <p>NZTA Region advises applicant of all costs to be charged.</p>	<p>Following approval-in-principle by GMTS or National Manager Programme and Standards, the System Manager approves subject to a register of decisions being kept if it is natural gasflammable liquid transmission pipeline on all State highways.</p> <p>In all other cases Principal/Senior Network Manager/Network Manager (Utilities) approves subject to a register of decisions being kept if it is a utility</p>

Step	Action	Action Required	Comment
			service on non-motorway state highway, for which Utility Operators have a lawful power to locate.
7	NZTA Wellington	General Manager, Transport Services	New installations of natural gas/flammable liquid transmission pipelines. Electricity lines greater than 110Kv or 100MVA.
8	NZTA System Management Team	Forward one signed copy of Works Access Permit or Works Access Permit (Motorways) and Schedule of Reasonable Conditions to the applicant.	Include appropriate schedules as noted in pages 34 to 40 below and invoice for all charges.
9	NZTA System Management Team	Receive signed documents (those documents where the applicant also has to sign) and processing, supervision and bridge charge fees from applicant. System Manager signs documents.	Forward one copy to the applicant together with a Works Completion Notice form. Principal/Senior Network Manager keeps the other copy.
10	NOC	All preconditions should be met. Ensure satisfactory compliance with preconditions and issue non-compliance notices and Stop Work Orders as necessary.  Receive completed Works Completion Notice from Utility Operator and perform a completion audit at practical completion. 24 months later receive completed Maintenance Notice from Utility Operator and complete maintenance audit and certification.	Consultant to ensure that the authority has completed all prior actions e.g. those approved in TMP are in place.  Upon satisfactory practical completion, sign the Works Completion Notice and forward it to NZTA local office.  Update NMC processing control database and where applicable, the Highway Information Sheets and Route Data Sheets.  Upon satisfactory completion of maintenance period, sign the Maintenance Notice and forward it to NZTA local office.
11	NZTA System Management Team	Finalise invoicing of any remaining processing fees.	Update System Management Team approval summary register and services inventory

## 17.0 Special Motor Vehicle Crossings

### 17.1 In this Section

Regulation 2A of the Motor Vehicle Registration and Licensing Regulations includes a category of motor vehicles exempt from payment of registration and annual licence fee. A written deed of grant is required specifying the type of vehicle, crossing points or sections of highway to be used. The deed shall include provisions to make good damage and to operate traffic control devices on the highway.

Details of the agreement required to be completed are set out below.

All such proposals require the approval of the Board.

### 17.2 Conditions for Motor Vehicle Crossing Licenses on Highways

This section contains the recommended special conditions to be used in a licence to occupy granting limited access permission for vehicles that do not pay road user charges, and also qualify for a full refund of motor spirits duty, to cross State highways.

Agreements should be based on the Licence to Occupy long form agreement included in Appendix G2. The conditions below should be used as a basis for replacing the Special Conditions contained in that agreement.

1. THAT all travelling along the said highway with the said vehicles shall be confined to \_\_\_\_\_ the road reserve between RP \_\_\_\_\_ and RP \_\_\_\_\_.
2. THAT the grantee will meet all reasonable costs necessary in the opinion of the System Manager of NZTA to provide and maintain this access path along the western shoulder of the said highway.
3. THAT the grantee shall agree to meet reasonable capital and maintenance costs necessary in the opinion of the System Manager for any works considered necessary to accommodate the movement when the State highway is reconstructed including the construction of properly designed concrete crossing strips to be incorporated in the reconstruction of the pavement as required.
4. THAT the grantee shall be responsible for the costs of providing any traffic control signs and/or any other measures found to be necessary in the opinion of the System Manager to ensure the safety of traffic using the State highway.
5. THAT the grantee shall make good to the satisfaction of the System Manager at the grantee's own cost any damage to the said highway caused by the passage of the said vehicles within the boundaries of the legal road reserve permitted to be used by terminating the grantee shall at the grantee's own cost restore the said highway if so required by and to the satisfaction of the System Manager.
6. THAT the grantee shall in exercising the rights hereby granted cause as little obstruction as possible to the use of the said highway by the public, and in particular will ensure, to the satisfaction of the System Manager, that the headlights of the said vehicles do not cause hazard to other users of the said highway.
7. THAT the grantee indemnifies the Board from and against all costs, actions, demands, suits, damages and proceedings of any kind for or in respect of any loss or damage that may directly or indirectly result by reason of the rights hereby granted and for that purpose shall take out policies of insurance fully assuring the Board and the grantee against all claims and liabilities whether under any statute or at common law which may arise from the grantee's exercise of its rights under this agreement.

AND it is hereby agreed and declared by and between the parties hereto:

8. THAT the Board may at any time during the continuance of the right hereby granted by written notice to the grantee require the grantee at its sole expense in all things to comply with any further conditions on the use of the said crossing places or other rights as the Board may consider necessary to ensure the safe and efficient use of the said highway.
9. THAT this grant is at all times subject to the provisions of section 48 of the Public Works Act 1981 as if this grant were a grant of easement within the meaning of that section.
10. THAT the grantee shall not acquire any vested right by virtue of the right hereby granted.
11. THAT the grantee shall not without the prior consent in writing of the Board assign, transfer, underlet, or part with its rights under this agreement and the grantee shall use rights hereunder only in connection with and for the purpose of the present business of the grantee.
12. THAT the grantee shall not have any claim whatsoever against the Board, its agents, representatives and contractors in respect of any alterations or work done on the said highway or road reserve which interferes with the grantee's rights under this agreement, nor shall the grantee be entitled to any compensation at any time should this agreement be terminated by the Board.
13. THAT any power may be exercised, or approval given hereunder on behalf of the Board by the System Manager or other person acting under his express or implied authority.
14. THAT should the grantee in the exercise of its rights under this agreement be found in the opinion of the System Manager to constitute a danger to other road users, then the Board may terminate this agreement immediately by written notice to the grantee.
15. THAT in the construction of these presents when any notice is to be given by the Board that such notice be signed by some person acting under the Board's express or implied authority and sent by post or telegram addressed to the grantee's duly registered office.

# 18.0 Charges and Financial Cost Sharing for Services

## 18.1 Authorisation for Charges

The GRP Act authorises NZTA to make or pay charges either in accordance with the Act or by agreement.

## 18.2 Service Charges on Bridges

Applicants shall be charged for attaching services to a bridge. In the absence of costing records, the charge shall be assessed using the following formula.

$$\text{Charge} = \text{Bridge Construction Cost} \times \frac{\text{Weight of Services with Content}}{\text{Overall Weight of Bridge Superstructure}}$$

plus the cost involved in assessing the practicality of and design required for any attachment.

System Managers have discretion in respect of the application of this charge. Should the costs of applying the charge particularly the professional services costs of calculating the charge, in the opinion of the System Manager, be greater than the likely cost recovery, then the charge may be waived.

### Table 7: Charges for Relocation of Services

The following charges shall apply:

Initiator of Relocation	Type of Service	NZTA Application Charges	NZTA Share of Relocation Cost
Utility Operator	Utility, TLA or private.	As for new services.	Nil.
NZTA	Telecommunications, power or gas.	Nil.	<u>On non-motorway State highways</u> - costs excluding all fittings other than those used only during construction. <u>On motorways</u> – in accordance with conditions previously agreed or in the absence of such agreement, 50% excluding betterment.
NZTA	Other utility or TLA.	Nil.	50 % excluding betterment.
NZTA	Private.	Nil.	Nil.

## 18.3 Reserving of Additional Ducting in Bridges

Additional empty ducts in bridges shall not be placed or reserved for future use by a Utility Operator unless the bridge charge has been paid and the Utility Operator has stated a definite intention to install the service within a reasonable timeframe.

### Table 8: Application for New Services Works Access

By convention, statute or agreement the following charges apply:

Service	Charges
Power, Gas and Telecommunications.	Reasonable processing and supervision costs
Territorial authority, Governmental Agency or Local Authority Trading Enterprise.	Nil for minor. Major installations shall be treated on their merits with application of a standard charge as agreed with management (currently \$400).
Private.	Processing and supervision costs (\$500 minimum).
Bonds	A bond shall be charged where considered reasonable to demand a bond due to previous non-performance. Bonds shall not be applied vexatiously.

## 18.4 Cost Sharing Agreements

In all cases the NZTA's consultants should advise the System Manager of activities which should be subjected to cost sharing and secure the agreement in writing of the other party.

The NZTA and its consultants are responsible for advising the other party of the likely costs.

Agreement to payment is to be approved by a Regional Manager and secured by an exchange of letters.

Cost shares are apportioned as prescribed in the GRP Act (section 54) or as prescribed in applicable provisions of the relevant utility act. The share that the NZTA agrees to has to be "reasonable".

## 18.5 Annual Lease Charges, Utility or TLA

The GRP, Gas, Electricity and Telecommunications Acts generally do not permit a lease to be charged for the works listed in those Acts.

## 18.6 Annual Lease Charges, Private Individuals or Bodies

The GRP Act does permit a lease to be charged. By convention a peppercorn rental is charged.

## 18.7 Installation of Additional Ducting in Highways in General

Additional empty ducts in highways shall not be placed or reserved for future use by a Utility Operator unless the Utility Operator has stated a definite intention to install the service within a reasonable timeframe and the ducts are installed to ensure the most efficient use of space.

The national code of practice allows the Corridor Manager to ask for additional ducts to be placed when work is being done by a Utility Operator, provided that the Corridor Manager pays the incremental costs of the additional work. In congested networks (either traffic or other utilities) this may be considered on a discretionary basis by the System Manager where there is a benefit in reducing future disturbance of the highway and a payment mechanism exists. The System Manager is authorised to manage the future use of these assets on a commercial basis.

# 19.0 Resource Management Act, 1991

## 19.1 Introduction

The Board is required to use the processes of the Resource Management Act for State highway activities. The Act is a comprehensive document of which only the major clauses affecting work on the State highway have been listed below.

**Table 9: Major Clauses used by the Board**

Nº	Function	Reference Section(s) of Act
1	Purpose of Act promoting sustainable management	s5
2	Recognition of matters of national importance and certain existing uses protected	ss6-8
3	Restriction on land use and protection of certain land use, certain uses and works allowed	ss9-10B
4	Restriction in use of coastal marine area and beds of lakes etc.	ss12-13
5	Discharge of contaminants into environment	ss15-15C
6	Duty to avoid, remedy, or mitigate adverse effects including noise	ss16-17
7	Matters to be considered by Regional Council	ss61-62
8	Rules about discharges including greenhouses gases	ss70-70B
9	District plans	ss72-77D
10	Resource consents, type, how to apply, notification	ss87-92B and 95-95G
11	Conditions of recourse consents	s108
12	Decisions on resource consents, applications and rights to appeal	ss113-121
13	Requiring Authority (NZTA is by Order in Council dated 7/12/92, Gazette Notice 10/12/1992 No.201, 3/3/94 No.20978)	s167
14	Notice of requirement to Territorial Authority	s168
15	Designation to be provided for in district plan and effect of designation	ss175-176
16	Land subject to existing delegation or heritage order	s177
17	Alteration of designation	s181
18	Lapsing of delegation	s184

19	Subdivision, applications, consents, conditions	ss218 and s220
20	Completion certificates	s222
21	Restriction upon deposit of survey plan	s224
22	Restriction on issue of Certificate of Title	s226
23	Vesting of roads	s238
24	Environment Court Appeals etc.	ss247-307
25	Court of Appeal	s308
26	Emergency works	ss330-330B

## 20.0 Biosecurity Act, 1993

### 20.1 Introduction

The NZTA as a land owner must meet its obligations to control pests set under the Biosecurity Act (1993) and associated Regional Pest Management Plan's. These obligations will vary throughout the country in terms of pests being controlled and methods used. An essential part of the successful delivery of these obligations is having strong collaborative relationships with the Ministry of Primary Industries, regional councils and neighbouring properties. This collaboration is particularly important with DOC within or adjoining national parks, reserves and conservation areas.

### 20.2 Areas of Control

NZTA shall manage pest plants in accordance with regional pest management strategies and any of its own biosecurity strategies, standards and guidance. Pest control shall be undertaken on all projects (capital works or network maintenance projects) on NZTA Agency owned/managed land and includes, but is not limited to:

- a. rest and stopping place areas;
- b. motorway reserves;
- c. weigh pit and stockpile sites;
- d. other isolated areas of road reserve, where safety, economic or environmental values are compromised
- e. State highway reserves adjacent to land that is free of plant pests;
- f. State highway reserves adjacent to land where a good neighbour rule applies to the pest plant species present
- g. NZTA land adjoining the road reserve as defined below.

### 20.3 Road Reserve

The State highway reserve under control is defined as the road reserve bounded by existing fences or road reserve boundaries, whichever is closest to the highway centreline. Where the road reserve boundary is unknown it shall be taken as 10 metres from the highway centreline.

The above clause eliminates the requirement of expensive boundary definition surveys and ensures any reserve being leased is maintained by the lessee and not NZTA. The Transport Agency's biosecurity responsibilities may extend beyond the road reserve boundary should the adjoining land also be owned by the Transport Agency.

### 20.4 Adjacent Landowners

Should an adjacent land occupier object to the method of pest plant control being undertaken by NZTA, alternative means of control shall be investigated and potentially negotiated with the adjacent land owner.

Under the Resource Management Act the application of agrochemicals including herbicides requires public notification. The Transport Agency should seek to reduce the use of agrochemicals and encourage alternative methods. Should an herbicide be used, it shall be applied by a certified handler. The correct chemical and method shall be used for the pest species being targeted and time of year.

## 20.5 Pests Under Regional Pest Management Strategies

The NZTA should make every effort to ensure nuisance plants that interfere with highway operation, such as gorse, broom, etc. are termed as pests under each of the regional pest management strategies (RPMS's).

It is important that the RPMS's are not solely focused on agricultural pests.

## 20.6 Pest Management Levy

The NZTA has agreed to pay a levy for the administration of RPMS based on the land the NZTA occupies within a region. This proportion is to be calculated based on three hectares of land per kilometre of road.

Beneficiaries and Exacerbators in RPMS's

The NZTA does not consider itself to be either a beneficiary or an exacerbator of plant pests, and does not therefore accept responsibility for plant pest control, where:

- the adjacent land is not clear of plant pests and the landowner is not undertaking pest control; and
- access to the subject site is via that property.

## 20.7 Backlog of Pests

The NZTA does not consider that it should fund the clearance of any backlog of pests that should have been controlled previously by the adjacent landowner. In this situation the NZTA advocates that the responsibility for clearance of the backlog remains with the owner of the adjacent land or is undertaken by the relevant regional council or territorial authority or that a levy is imposed on the owner of the adjacent land to pay the NZTA to clear the backlog of pests.

## 20.8 Area Controls for Unwanted Organisms

The Ministry of Agriculture and Forestry have been considering their responsibilities to manage the possible incursion of an unwanted organism, such as foot and mouth disease, and their rights to put in place area controls and to set up cordons and road blocks. Their mechanisms to put these in place are cumbersome and time consuming as they must apply to the courts for permission. It is expected that given the likely economic impacts, the Government would require that any such need for control would be supported by all other departments and agencies as necessary. The NZTA has these powers already in place for its roads and will co-operate with any reasonable request for temporary road closures and to provide resources where possible to man cordons. Such requests may come from either the Ministry or the Police and should be given the utmost support with urgency and should be treated as any other emergency response. Note that the Act does give the Ministry the right to direct persons to take appropriate actions, but it should not be necessary for them to invoke such powers.

# 21.0 Planning Under the Resource Management Act

## 21.1 Overview

The RMA (see Section 19.0 above) has significant implications for management and enhancement of the roading network throughout New Zealand.

It obliges councils, through their district plans or other planning instruments, to ensure that the adverse effects caused by the roading network are mitigated, remedied or avoided.

## 21.2 Importance of Planning

The NZTA's resource management planning role is part of an overall NZTA philosophy of efficiently and appropriately using all available tools for State highway management. State highway management is a vital component of resource management planning.

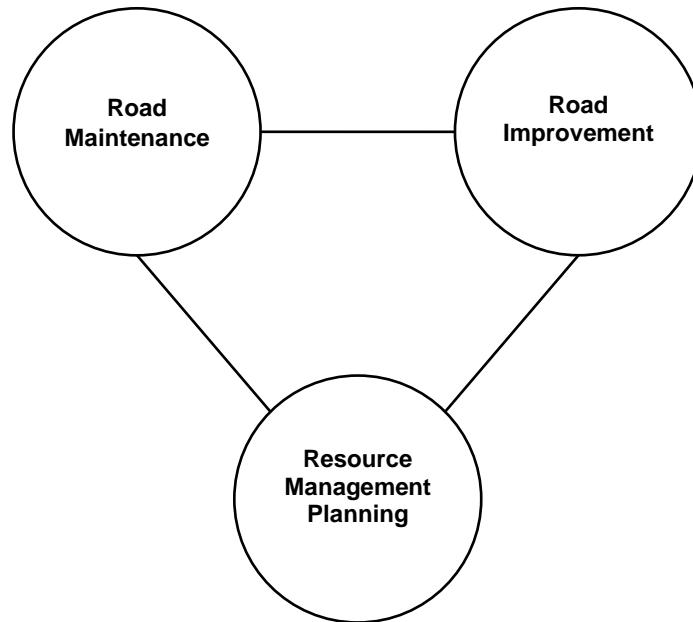
There is a risk of undervaluing the opportunity for effective and efficient strategic management of the State highway network. The risk arises from perceived difficulties with the resource management planning component. These difficulties may result in a sense of "can't do it".

For this reason, the NZTA is committed to allocating sufficient resources to planning as an integral component of its highway management philosophy. The NZTA recognises that without appropriate investment and integration the overall management of the road resource will suffer.

## 21.3 Planning Elements

The State highway network is a significant physical resource. To be effective, the NZTA's management of this resource integrates the following components:

**Figure 2: Resource Management Components**



A safe, efficient and sustainable State highway network cannot be attained when one element is considered in isolation from the others.

## 21.4 Definition of Planning Elements

The following definitions of planning elements are used in the context of planning under the RMA.

- (a) Road maintenance: normal care of the existing facilities excluding improvements;

- (b) Road improvements: construction and safety projects;
- (c) Resource management planning: limiting the adverse effects of activities which affect roads so that maintenance is effective and efficient, and the need for road improvements minimised.

## 21.5 Highway Management Philosophy

The management philosophy of State highways will involve the following:

- (a) Recognition of the need for environmental sensitivity.
- (b) Recognition of the planning and environmental context of the road.
- (c) Sustainable management.
- (d) Doing the right thing at the right time.

## 21.6 NZTA Response

This philosophy will be supported by NZTA through the following response:

- (a) Establishing partnerships with local authorities to ensure the purposes of the GRP Act, the LTM Act and the RM Act are realised.
- (b) Promoting policies and actions that avoid or limit the adverse effects of adjacent land use activities on the road resource.
- (c) Fully utilising the procedures of the RMA to achieve its objective.
- (d) Allocating sufficient resources to each component.

## 21.7 Outcomes

The outcomes of this response are consistent with NZTA's overall management philosophy which includes:

- (a) Promoting bold and innovative solutions to problems.
- (b) Encouraging consultation.
- (c) Optimising flexibility.
- (d) Allocating available funds in the best interests of all road users.

## 21.8 Implementation

Implementation of this philosophy requires System Managers or Managers System Design to take the following actions:

- (a) Prepare Corridor Management Plans which include:
  - i. proper recognition of the role of resource management planning, and
  - ii. identification of opportunities for taking a pro-active stance in relation to land use activities and effects on roads.
- (b) Incorporate the provisions of the NZTA Planning Policy Manual in district plans.
- (c) Actively participate in the preparation of Regional Policy Statements and Regional Plans to achieve proper recognition of NZTA's interests.
- (d) Actively evaluate peripheral development proposals against:
  - i. the PPM,
  - ii. Corridor Management Plans,
  - iii. Regional Land Transport Strategy,
  - iv. Regional/district plans and policies; and
  - v. Take appropriate action.

- (e) Use of the submission, appeal, abatement or enforcement provisions when appropriate with the approval of the National Manager System Design, following consultation with the Legal Team.

## 21.9 Planning Practice Guidelines

NZTA has developed a compendium best practice for the use of NZTA and its consultants involved in planning and resource management activities, called the Planning Practice Guidelines Manual (PPGM).

## **22.0 Spills Arising from Transport Incidents on the State Highway Network**

### **22.1 When to Use**

This operating procedure is to be used in planning responses to crashes that spill harmful substances as a result of a transport incident.

### **22.2 Justification**

The objective is to streamline the response to spills on the highway by having effective response plans already in place and agreed with the emergency services as an aid to the co-ordinated incident management system.

### **22.3 Procedure**

The procedure is set out in Appendix G12.

## 23.0 Sustainability Rating Scheme Policy

### 23.1 Policy

The approved Sustainability Rating Scheme Policy requires the following:

- All capital projects and programmes over \$15 million capital value shall consider the merits of ISC certification.
- All projects over \$100 million are required to complete ISC certification unless:
  - Alignment with the objectives, non-monetised and monetised benefits and a strong value for money case demonstrates that it is not practical; and
  - The sustainability objectives of Waka Kotahi such as: reducing GHG emissions, reducing environmental harm and improving public health can be implemented in an agreed alternative way.
- The assessment of the merits of ISC certification for all capital projects will be evaluated during the early business case stage and at subsequent project stages. This evaluation shall be in the context of broader sustainability outcomes outlined in our relevant policy and strategy documents, including Toitū Te Taiao, the Environmental Social Responsibility Policy and the Resource Efficiency Policy.
- The assessment of the merits for completing ISC certification shall be completed in accordance with requirements and processes outlined in the Environmental and Social Responsibility Standard (Z19) and EPMO - SM011.
- Requirements and processes for contractors completing the ISC certification during tender, design and construction phase are outlined in the Sustainability Rating Scheme Specification (P49).
- Any project not required to complete ISC certification shall be required to implement and demonstrate achievement of the broader sustainability outcomes outlined in our relevant policies and strategic documents, including Toitū Te Taiao, the Environmental Social Responsibility Policy and the Resource Efficiency Policy.
- Projects that are part funded by Waka Kotahi and meet the policy thresholds of \$15 million shall also consider the merits of using the ISC - IS rating scheme. At a minimum these projects shall apply the principles outlined in Toitū Te Taiao, the Resource Efficiency Policy and other relevant Government policies driving broader sustainability outcomes.

## 24.0 Response to the Electricity (Hazards from Trees) Regulations 2003

### 24.1 Process

1. It is important that the proper legal response be given to tree notices issued under the Regulations and meet the responsibilities for such notices and to properly meet the requirements of sections 15, 16 and 17 of the Regulations. Note that section 15 gives only three specific instances when no-interest notices could be issued but the format leaves it open to other reasons for such a response.
2. There is no set format for such a response or a no-interest notice. As a necessity any response will need to be clear whether the NZTA accepts ownership of the tree(s). Any notice should include the words "no-interest notice" and highlight that this notice is a response in terms of section 16(1) of the Regulations (this section is reasonably more clear-cut in purpose) that the tree (or trees) in question are of no interest to the NZTA as occupier of the land. The response should be of the same transmission type as the notice that was received (electronic is allowed if received electronically). Note that 10 working days is the limit and after that the NZTA is liable for the outcome.
3. The specific process for each individual or group of trees should be:
  - a. The lines company identifies specific trees of issue. It must be specific trees - if they just say shelter belts in Raetihi for example then they have not met their requirements either. Keep querying until they identify the trees specifically.
  - b. The tree owner is responsible for the tree and therefore it is first necessary to establish if there is a clear owner. Check the register. If the trees have been identified advise the "owner" to take action. If not, contact the adjacent landowner(s) to find out if anyone has an interest and will take ownership and responsibility. Add such people to the register.
  - c. Decide whether it is necessary for NZTA to take ownership and if the NZTA should therefore have an interest in the tree(s). Advise the lines company if there is an interest or not and who will action that interest.
  - d. Any trees that nobody has an interest in can be removed.
4. Over time, each local NZTA office could assist with the process of establishing who does have an interest with each of these groups of trees and therefore who would either agree to take responsibility for managing them or agree to their total removal. Note that the first step for each office should be to list all trees in the respective District Plans for their area and list all sections of highway through or adjacent to National Parks, Forest Parks or formally approved reserve areas.
5. Also note the issue contained in section 17(1) where the no-interest notice is rescinded if access is not granted to allow the lines company to undertake works to action removing or trimming the tree(s). In such a case the NZTA would have the liability of actioning the tree issue thrust back on it so it is very important that if access cannot be given on the day requested by the lines company, that the wording of any correspondence or notice given cannot be construed in any way to be a refusal to grant access. I would recommend that there should even be an explicit statement that this was not a refusal to grant access.
6. It is essential that the response to the lines company requires that all trimmings and any other debris is removed and that any material left on site is a likely breach of both the

## 24.2 Urban Trees

In actioning any response in an urban area, it is essential to make certain that the local authority is involved because of the land ownership issues that result from the provisions of the Local Government Act 1974.

Each office should clarify the process with each local authority for trees in all of their urban areas. Then when a lines company identifies specific urban trees to be of issue it should be a simple matter to respond. If the local authority will accept unexclusive “ownership” of all trees in all of their urban areas, it should be possible to redirect the notice to the local authority as the “owner”. This would be a simpler approach that avoids the whole difficult issue of road ownership.

However, if the local authority will not make its position clear, then it would be a matter of resolving the issue on a one-by-one basis for each tree for which a notice is received. Note that most local authorities have bylaws that make the adjacent resident responsible for maintaining urban trees, but that these cannot be applied to State highways without delegation as the NZTA has the powers of control, not the local authority. It would still pay not to jump straight in with a no-interest notice, but also to resolve a process with the local authority.

# 25.0 Motorway Service Centres

## 25.1 Background

The National Stopping Place Strategy recognises that the NZTA has a responsibility to ensure the provision of convenient facilities and services that cater for the needs and expectations of road users. These facilities can also contribute to safety objectives by providing road users with the opportunity to break their journey, reduce fatigue and service vehicles.

On most State highways, demand for essential services is usually met by private sector interests (through the provision of service stations and other roadside businesses) and the NZTA (through the provision of rest areas, viewing points and the like). However, on motorways and expressways, where access is restricted and road users are generally unable to stop, the availability of such services is often limited.

## 25.2 Definition

Motorway Service Centres (MSC) are defined as developments located adjacent to a motorway or expressway, for the sole purpose of providing essential services for the safety, comfort and convenience of motorway and expressway users.

## 25.3 Policy Objective

To encourage the nationally consistent development of MSC, in a manner that improves the contribution of motorways and expressways to an integrated, safe, responsive and sustainable land transport system.

## 25.4 Key principles

### 25.4.1 Policy Statement

The NZTA will support the private development of MSC where the development is consistent with the NZTA's strategic objectives for MSC, does not compromise the NZTA's statutory objectives or functions, and is established and operated at minimal cost to the NZTA.

The NZTA will work with key stakeholders (including industry representatives, private developers and local government) to ensure MSC developments are undertaken in accordance with the following principles:

### 25.4.2 Safety and Efficiency

MSC are to be located, designed and operated to ensure the safe and efficient movement of vehicles (on and off-site) pedestrians (on-site).

### 25.4.3 Communities and Environmental Effects

MSC are to be located, designed and operated to avoid, to the extent reasonable in the circumstances, adverse effects on communities and the environment. MSC should reflect good urban design principles and be well integrated into the surrounding environs.

### 25.4.5 Availability of Essential Services

MSC are to be established only where there is a lack of essential services in an area to meet the safety, comfort and convenience requirements of motorway and expressway users. MSC should not be established in areas where there are sufficient stopping opportunities and adequate service availability en route to meet the needs of motorway and expressway users.

## 25.4.6 Fatigue Mitigation

MSC are to be located, designed and operated to encourage motorway and expressway users to break their journey and make use of the available facilities.

## 25.4.7 Traffic Generation

MSC are to be provided for the benefit of motorway and expressway users and must not of themselves generate additional traffic. MSC are not intended to encourage, extend or intensify development along a transport route.

## 25.4.8 Statutory and Local Authority Requirements

The construction, operation and maintenance of MSC must comply with all statutory and local authority requirements, including District and Regional Plan provisions.

## 25.4.9 Public Engagement

The NZTA encourages early engagement with affected communities, stakeholders and local authorities to assist in the early resolution of potential issues associated with the development of MSC.

## 25.4.10 Compliance with Other NZTA Policies

In giving effect to these principles, all MSC are to be located, designed, constructed and operated in accordance with NZTA's statutory objectives and relevant policies, standards and guidelines. This includes the NZTA's Guidelines on MSC, Environmental Policy Manual, Urban Design Policy and Urban Design Professional Services Guide.

## 25.4.11 Case by Case Approach

Detailed design, access and operating requirements for each site will be determined on a case-by-case basis. In addition, developers will be required to prepare and implement comprehensive asset management plans, in accordance with agreed levels of service and forward maintenance requirements.

## 25.4.12 Tendering Process

Where MSC are to be developed on NZTA administered land, development rights will be allocated through a competitive tendering process, consistent with NZTA's Policy and Guidelines on MSC.

## 26.0 Motorway Service Centre Guidelines

These guidelines set out the key issues to be considered in the development of Motorway Service Centres (MSC). The NZTA is unlikely to support proposals that are not consistent with the following requirements.

### 26.1 On-site Services, Facilities and Land Area

The services and facilities are to be provided solely for the comfort, convenience and safety of road users and should not in themselves generate additional traffic movements.

#### 26.1.1 Core Facilities

Core facilities to be provided should include:

- Vehicle services, including emergency repairs and fuel (together with alternative energy sources, as required).
- Public amenities, including toilets, washbasins, telephones.
- Food and refreshments. Drive-through facilities will be prohibited as they do not encourage drivers to rest.
- Provision of adequate emergency spill/fire equipment.
- Rubbish collection/disposal facilities.

#### 26.1.2 Additional Facilities

Additional facilities may be required on a case-by-case basis, including tourist information, toll collection facilities, showers and children's play areas. Resource consents sought for MSC are to be sufficiently flexible to enable the development of all appropriate on-site services and facilities.

#### 26.1.3 Operating Hours

As a general rule, facilities are to be provided 24 hours, 7 days per week, 365 days per annum and to a standard sufficient to meet road users' needs and encourage drivers to break their journeys.

#### 26.1.4 Design

The design, layout and treatment of onsite facilities and services should be family-friendly, and consistent with good urban design principles and practices. MSC should:

- fit in sensitively with the surrounding built, natural and community environments; and
- make a positive contribution to the quality of public space.

## 26.2 Location and Spacing

### 26.2.1 General Factors

Factors to be considered in determining the appropriate location and spacing of MSC include:

- Traffic volumes, types and predominant trip length;
- Safety/fatigue mitigation needs;
- Proximity to existing highway stopping opportunities and other NZTA approved MSC;
- Long term plans for motorway/expressway development;

- Potential co-location benefits i.e. development in pairs on either side of

## 26.2.2 Travel Time

As a general guide, MSC are to be spaced approximately 1 hours travel time apart (unless co-located).

## 26.3 Site access and visibility

### 26.3.1 NZTA Standards

The design and location of MSC access and exit ramps are to comply with NZTA standards, including relevant geometric design standards. Appropriate provision should be made for heavy and large vehicle movements.

### 26.3.2 Direct Access

Direct access sites are preferred over sites with access to an interchange as they are more effective in encouraging drivers to use the facility and provide safer traffic movements on and off the site.

### 26.3.3 Sight Distances

Sight distances to accesses, design vehicle turning paths and interference to through traffic by decelerating and accelerating vehicles shall be considered on a case-by-case basis.

### 26.3.4 Access Ramps

Access ramps are to be designed to provide for future motorway and expressway carriageway widening. If there is any indication the carriageway may be scheduled for future widening, ramps should be designed so that deceleration and acceleration standards are retained when the carriageway is widened.

### 26.3.5 Site Visibility

Sites are to be highly visible to approaching traffic and well-lit to encourage the driver to stop. Sites should be significantly less visible to vehicles that have already passed the access point (refer landscaping requirements).

### 26.3.6 Site Specific Agreements

Further details on access arrangements and licence fees will be contained in site-specific access/licence agreements.

## 26.4 Connections to Local Roads

### 26.4.1 No Local Road Access

Motorway and expressway users should not be able to access the local road network from the MSC. In some circumstances it may be appropriate to provide local road access for staff and service delivery vehicles only.

## 26.5 Emergency Services Access

The site design should enable efficient and effective emergency service access to the site. Liaison with emergency service agencies will be undertaken on a case-by-case basis to determine appropriate access provisions.

## 26.6 Pedestrian access

Appropriate safety measures are to be incorporated within the median and at the MSC boundary to prevent pedestrian access to the MSC (including preventing pedestrians from crossing the motorway or expressway)

## 26.7 Lighting

### 26.7.1 NZTA Standards

All lighting (both approach and on-site) is to comply with relevant NZTA standards and should not adversely affect neighbouring properties (existing or proposed).

### 26.7.2 Safety And Personal Security

On-site lighting should be provided to promote safety and personal security objectives.

## 26.8 Parking & Internal Circulation

### 26.8.1 NZTA Standards

All parking is to comply with appropriate standards, including disability provisions and stormwater requirements. Parking areas are to be sealed and well-defined for safety and efficiency.

### 26.8.2 Numbers And Layout

The number and layout of parking spaces will be determined on a case-by- case basis, with regard to traffic volumes and types.

### 26.8.3 Size

Parking spaces are to be of a sufficient size to enable easy access and manoeuvrability for all users including heavy vehicles to allow drivers to check their load stability.

### 26.8.4 Vehicle Classes

Dedicated parking areas are to be established for different vehicle classes including private vehicles, heavy vehicles, buses, and motorhomes/caravans.

### 26.8.5 Safety

Parking areas are to be designed to provide a smooth transition from vehicle to pedestrian areas, with minimum conflict between pedestrians and vehicles. Ease and directness of circulation between parking and onsite facilities should determine the location of pedestrian walkways.

## 26.9 Signage

### 26.9.1 NZTA Standards

Advanced and on-site signage is to comply with relevant NZTA standards.

### 26.9.2 Advance Signage

Advance signposting is to be provided to give drivers adequate advance notice of a MSC, to encourage use of the centre and to ensure safety standards are met. Care should be taken to ensure the landscape planting does not encroach on signage sight lines.

## 26.10 Landscaping

### 26.10.1 NZTA Guidelines

Landscaping is to be designed and maintained in accordance with NZTA's "Guidelines for Highway Landscaping". The purpose of landscaping in MSC should include:

- Minimising driver distraction for vehicles that have already passed the access point;
- Creating a pleasant setting and visual interest for MSC users; and
- Integrating the site into the natural surrounds.

### 26.10.2 Setback

On site landscaping is to be set back sufficient distance from the road boundary to avoid shoulder closure when maintaining landscaping.

## 26.11 Stormwater Management

### 26.11.1 NZTA Standards

Permanent stormwater quality treatment and improvement devices are to be designed and operated in accordance with the objectives of NZTA's Environmental Plan. This should include adequate spill containment capacity.

## 26.12 Noise

### 26.12.1 NZTA Standards

Noise mitigation measures are to comply with relevant NZTA standards. Mitigation measures are to be included in detailed site design to reduce adverse noise effects from the use of MSC in relation to any neighbouring properties (existing or proposed).

### 26.12.2 Reverse Sensitivity

Consideration should also be given to mitigating adverse noise effects from the motorway/expressway for MSC users.

# 27.0 Traffic Control Device Trials

## 27.1 Purpose

This section describes the approval process for the trial of non-standard traffic control devices. See Appendix G23.

## 27.2 Application

Unless otherwise authorised according to the procedures in the three clauses below, all traffic control devices must comply with the relevant standards, criteria, and guidelines listed in the online Waka Kotahi NZ Transport Agency Register of Standards and Guidelines for Land Transport.

## 27.3 Procedure for initiating a trial

All requests for traffic control device trials on State highways must be sent to the Lead Advisor Safety. Requests for trials must be submitted by a System Manager or with his/her approval. The request must include:

1. Outline of the issues
2. Development background.
3. Technical analysis
4. Impacts and risks
5. Safety and efficiency gains
6. Consultation
7. Proposed assessment.

A full description of all these points is contained in Appendix G23.

Formal approval of all traffic control device trials rests with the Senior Manager Systems Integrity in accordance with the Traffic Control Devices Rule 2004 section 3.4(1). Approvals of trials must then publicly be notified in a Gazette notice.

Six monthly progress reports for the duration of the trial and a copy of the final results of the trial must be submitted punctually to the Lead Advisor Safety who will copy them to the Senior Manager Systems Integrity.

## 27.4 Responsibilities of the Lead Safety Adviser for Trials

### **The Lead Advisor Safety is responsible for:**

1. consulting with other sections within the NZTA, including Legal Counsel, as appropriate for all proposed trials.
2. submitting proposed trials to the Senior Manager Systems Integrity or appropriate delegate for authorisation. Note that normally, the agreement of the Traffic Control Devices Steering Group will be necessary prior to authorisation.
3. notifying such authorisation along with any conditions imposed to the originator of the request for the trial.
4. submitting a copy of the final results of the trial to all System Managers.
5. ensuring all trials are registered in a central database and progress is tracked through to completion. The Lead Advisor Safety is responsible for the database.

6. distributing a copy of the database and its updates to all System Managers.
7. The Lead Advisor Safety is responsible for the database.
8. distributing a copy of the database and its updates to all System Managers.
9. ensuring all necessary approvals are obtained from the Regulatory Group, NZTA.
10. ensuring the results of all trials are considered and a decision is made on whether existing NZTA policy should be amended.
11. notifying the originator of the request to trial, and the Lead Adviser Asset Management, of the decision made in point (2) above.
12. amending, as necessary, NZTA policy for traffic control devices and communication of the decisions.

# 28.0 Guidelines for the Installation, Maintenance and Removal of Road Safety Billboards on State highways

## 28.1 In this Section

This section contains the guideline for the installation, maintenance and removal of road safety billboards on State highways.

## 28.2 Background

This document serves as a guideline for New Zealand Transport Agency (NZTA) offices responding to requests and managing billboards on State highways.

It must be read in conjunction with the NZ Transport Agency (Signs on State Highways) Bylaw 2010 published NZ Gazette 15 July 2010, No 83, page 2284.

It applies to all requests to install or re-install road safety billboards for both short and long term applications.

This guideline does not apply to road safety messages conveyed by any Variable Message Sign. Refer to National Operating Policy for NZTA Variable Message Signs – 1 July 2010.

## 28.3 Role of Billboards

Billboards can be an effective component of road safety campaigns.

They must contain only an easily understood message of text, and optionally graphics, specifically aimed at promoting a road safety message to road users.

## 28.4 Criteria

The following criteria shall be met in order to install billboards within the State highway road reserve:

- Applicants, both internal and external, must submit written proposals to NZTA Transport Services safety staff for any billboard initiative;
- Billboard themes shall relate to recognised road safety issues relevant to the specific section of State highway on which they are installed, either as part of a nation-wide campaign or as part of a locally managed initiative;
- Billboards may generally only be installed on rural State highways where the speed limit is greater than 70 kilometres an hour and located not closer than 5 metres from the edge of the carriageway;
- Billboards will not be permitted on motorways or expressways, however, in some instances they may be approved on motorway ramps. Billboards on motorway ramps shall not be easily visible to drivers using the main motorway through-lanes;
- While many sites may be identified as suitable for the installation of road safety billboards, and may be used from time to time, nominally only six sites within any one territorial local authority area may be utilised at any one time. Where a TLA area is very large, as a general guideline approval may be granted for up to six billboard sites for every 100 kilometres of State highway. All sites must be approved by the Lead Advisor Safety;

- Billboards shall be erected on straight sections of State highway where the sight distance on the approach to the sign shall preferably be at least 250 metres, but not less than 200 metres. The signs shall be located on the left hand side of the highway, facing oncoming traffic. All location criteria shall be in accordance with the Traffic Control Devices Manual;
- Billboards shall be located preferably 500 metres and definitely no closer than 200 metres from any official traffic sign, other sign or billboard (either on road reserve or on private property) or an intersection.
- Competent, professional personnel shall install billboards in the State highway road reserve. Temporary traffic control shall be in accordance with the Code of Practice for Temporary Traffic Management (COPTTM);
- All billboards shall be mounted on two white frangible poles in accordance with the relevant parts of NZTA P24: *Specification for the Design, Manufacture, Installation and Maintenance of Permanent Traffic Signs* which now incorporates the Road Safety Manufacturers Association (RSMA) “Compliance Standard for Traffic Signs” as a single, suitable guide of good practice. Diagonal bracing of the support poles is not permitted;
- All billboards shall comply with the NZ Transport Agency (Signs on State Highways) Bylaw 2010,
  - relevant sections of the Land Transport Rule: Traffic Control Devices 2004 (TCD Rule),
  - the Traffic Control Devices Manual Part 3: Advertising Signs (January 2011), and
- Any relevant TLA requirements.

## 28.5 Sign Design

The following design criteria will be applied to all applications for billboards:

- billboards shall not conflict with the colour or style, nor risk being confused with, official traffic signs as described in the TCD Rule or with traffic or railway signals;
- they shall generally have panel dimensions of approximately 2.4 metres wide by 1.2 metres high (the long axis can be either horizontal or vertical), but shall not exceed six metres in width or three metres in height;
- to be effective, billboards must have messages that are relevant, concise and easy to read. Generally, a maximum of six words or symbols, with a maximum of 40 characters shall be permitted;
- the minimum letter height shall be in accordance with the following table:

**Table 10: Sign Capital Letter Heights**

Minimum Capital Letter Heights		
Operating Speed (km/h)	Lettering Height (mm)	
	Main Message	Main Message
60	150	75
70	175	90
80	200	100

95	250	125
115	300	150

- commercial advertising or sponsorship logos are not permitted, however, the logo of the campaign promoter, such as a Government Department, local authority or road safety organisation, may be approved for inclusion on the sign face;
- all billboards shall display the name and telephone number of the managing organisation on the back face of the sign panel. The maximum size of the names shall be 200 millimetres wide by 150 millimetres high;
- reflective sign sheeting material, internal or external illumination, or flashing lights are not permitted on billboards;
- billboards shall not display dynamic or changing message sets or moving elements.

## 28.6 Campaign Duration

There are two types of billboards – temporary/short-term or permanent. The maximum duration of a short-term billboard campaign should be between two and three months. For billboards to obtain maximum impact, sites should not be used for at least two months between campaigns, to avoid overuse of the site or overexposure. When considering applications, the NZTA will take into account the timing and location of potentially competing nation-wide or regional campaigns.

## 28.7 Maintenance

The organisation that initiates the erection of a billboard is responsible for arranging the installation and maintenance of the billboard, in liaison with the relevant NZTA office.

Any billboard that is damaged or vandalised must be repaired or removed within 48 hours of the damage occurring.

## 28.8 Billboard Removal

Apart from permanent billboard installations, those billboards installed for a specific road safety campaign shall be removed promptly at the end of the agreed campaign period.

## 28.9 Evaluation

Within three months after the conclusion of a campaign, an evaluation report shall be forwarded to the relevant NZTA regional safety staff.

## 28.10 Management

Each NZTA regional office shall maintain a formal database relating to billboards on State highways.

## 29.0 Aerial Photography of the State Highway Network

### 29.1 Introduction

A set of aerial photographs of the State highway network are to be maintained on-line. The Wellington Office will keep the set up-to-date for the whole network.

### 29.2 Strategy

The strategy for updating these photographs will be:

- A five year rotation cycle will be used for major strategic State highways;
- A seven year rotation cycle will be used for non-strategic State highways;
- Some flexibility is permitted where there are route changes and where significant realignment or improvement works have been carried out in the intervening periods;
- The result is to be delivered as digital imagery;
- All imagery will be in colour;
- The on-line dataset will be as specified by the Manager, Programme and Performance;
- The Manager, Programme and Performance will appoint a project manager for implementation of the above requirements and responsible for the provision of funding and administration of any necessary contract(s); and
- The project manager will ensure that product and programme information for users is produced and distributed annually.

## 30.0 Miscellaneous Schedules held for Group Activities

### 30.1 Purpose

System Managers and the Portfolio Manager, Delivery Portfolio, regional Managers and Programme Directors from Infrastructure Delivery are required to maintain schedules and registers of various consents given for works on State highways or other activities approved under delegation.

**Table 11: Schedules Maintained by System Managers**

The table below shows the schedules required to be maintained by System Managers but not required to be presented to Group meetings:

No	Name of Schedule	Activity approved by	Comment
1	Traffic restrictions approved under delegation.	SM,PA	Road closures, bus stops, parking restrictions etc.
2	Special vehicle lanes approved under delegation.	SM,PA	Clearways, bus lanes, HOV lanes etc.
3	Consent for works on State highways approved under delegation.	SM,PA	Service crossings, installations etc.

## 31.0 NZ Transport Agency Logo Details

Figure 3: NZTA Logo



### 31.1 NOTE:

- A. Logos shall be printed in black or white on a clear self-adhesive background. Black logos shall be applied to signs with black symbol/legend and border. White logos shall be applied to signs with white symbol/legend and border.
- B. The smaller logo (< 30 sq. cm) shall be applied to signs less than 1sq metre in area. The larger logo (<100 sq. cm) shall be applied to larger signs
- C. The logo should be located in a corner of the sign where it does not obscure any part of the symbol or legend, but generally for:
  - rectangular signs at the bottom corner nearest the traffic line;
  - permanent warning signs (diamond) in the bottom corner; and
  - fingerboards at the point end.
- D. Only one logo may be displayed on a sign.

### 31.2 ELECTRONIC VERSION OF LOGO:

Go to Using our logo | ONRAMP ([nzta.govt.nz](http://nzta.govt.nz)) on the internet.

For general communications queries email [act@nzta.govt.nz](mailto:act@nzta.govt.nz).

## 32.0 Rural Mail Boxes

### 32.1 Introduction

Mailboxes can be a roadside hazard. Limited New Zealand data exists for vehicle collisions with mailboxes as the crash analysis system (CAS) does not include mailbox separately as a coded object hit. However, US data suggests as many as 70 to 100 people die annually in the US as a result of colliding with improperly designed mailboxes and their supports (AASHTO, 2002). This data excludes those crashes associated with vehicles or pedestrians delivering or picking up mail.

### 32.2 Application

This policy applies to all new and replacement mailbox installations on rural State highways, that is those highways with a posted speed limit greater than 70 km/h. Mailboxes in the urban environment do not pose the same safety risks as those on high speed roads and, therefore, this policy is specific to rural roads.

### 32.3 Location

Mailboxes must not be installed where access is from the lanes of a motorway or where access, stopping or parking is otherwise prohibited by law or regulation, for example where “no stopping” signs are installed or where segregation strips have been established.

In most cases mailboxes should be located at an authorised access where the mailbox can be easily and safely serviced from a vehicle without the vehicle having to reverse from the mailbox into the traffic flow.

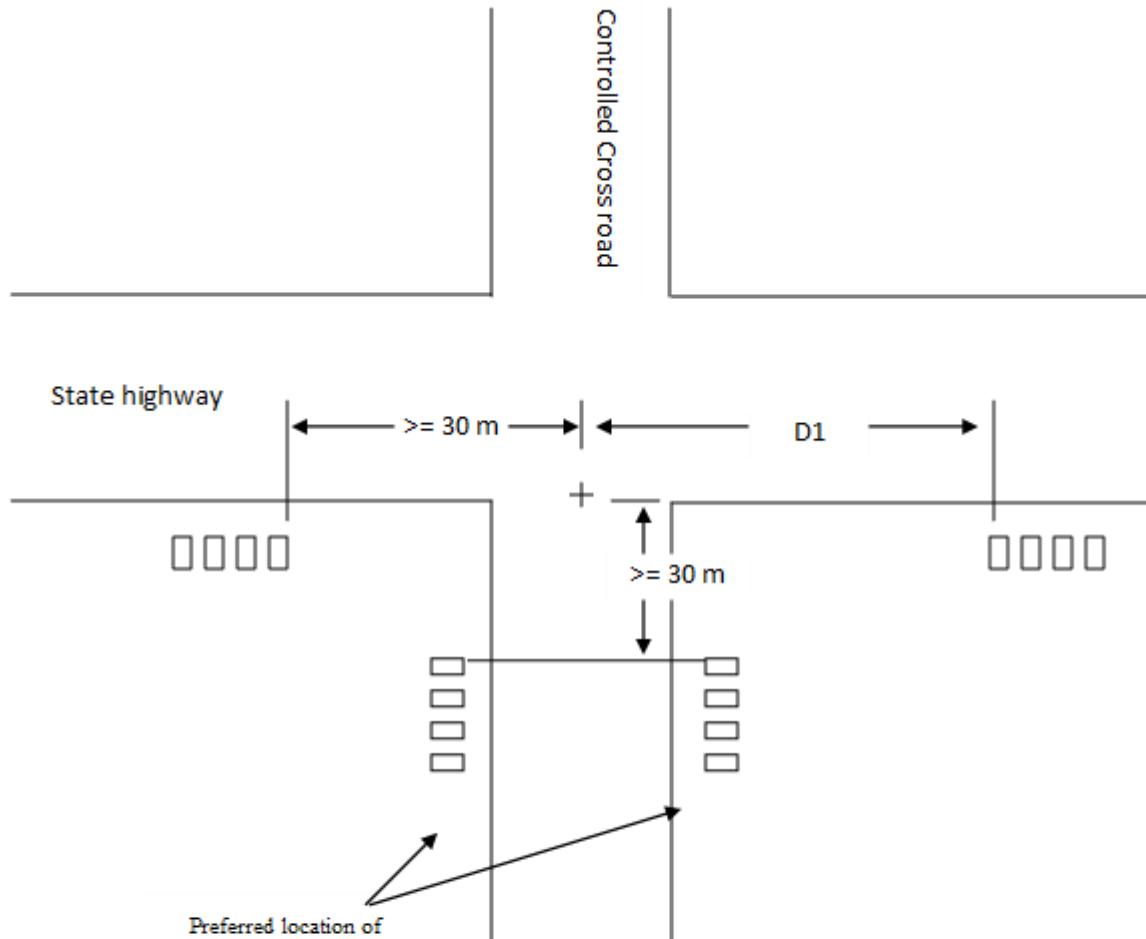
Ideally mailboxes should be installed on one side of the road so deliveries can be made in one direction without crossing the road.

In some situations it may be possible and desirable to locate mailboxes on a side road.

Pedestrian travel along the road shoulder to access the mailbox is undesirable. However for distances up to 60 metres this may be preferable to alternatives such as, say, placing a mailbox just beyond a sharp crest vertical curve, or constructing two or more closely spaced lay-bys.

### 32.4 Intersections

Placing a mailbox near an intersection can affect the safety and operation of an intersection. Figure 4 below shows suggested minimum clearances to the nearest mailbox at intersections.

**Figure 4: Minimum Clearances to Mailboxes at Intersections****D1 Operating Speed on State Highway**60 m  $\leq 60$  km/h90 m  $> 60$  km/h