

Vehicle Dimensions and Mass: Changes from 8 July 2015

Questions and answers

What is in this package?

Changes to the *Land Transport Rule: Vehicle Dimensions and Mass 2002* (the VDAM Rule) were approved in August 2014. Supporting changes made in the *Land Transport (Offences and Penalties) Regulations 1999* (the Offences and Penalties Regulations) have since been approved.

When do these changes take effect?

8 July 2015.

What does the amendment change in the VDAM Rule?

The amendment Rule changes the overweight vehicle and high-productivity motor vehicle permit systems. The changes:

- split permit conditions into critical and additional categories;
- provide weighing tolerances for vehicles being operated under permits; and
- clarify other conditions under which vehicles being operated under permits may operate.

The amendment Rule sets out circumstances where the permit would be made invalid (such as operating off a route described in the permit). The permit form has also been revised.

The previous practice of 'voiding' a permit for ANY breach of a condition is discontinued, however, the power to void or revoke a permit remains.

What are the key changes to the Offences and Penalties Regulations?

The regulations now differentiate between vehicles that are operated under a permit and those that aren't. The new regulations now provide:

- graduated offences, with appropriate penalties, for breaches by permit holders; and
- increased fine levels for overweight vehicles being operated without a permit.

What concerns have been addressed in the changes?

The previous Rule and regulations regulatory framework created situations where permit holders sometimes incurred very high penalties for relatively minor breaches of permit conditions.



Feedback from the road freight industry suggested that the risk of incurring these fines was discouraging the uptake of HPMV permits.

Conversely, the previous framework did not provide appropriate penalties for operators who operated illegally, such as overweight without a permit. Illegal overloading creates significant costs for public infrastructure and can create a safety risk. The changes are designed to encourage safer and more productive choices and discourage illegal behaviour.

How does the new offences system work for a permit holder?

There are three sets of penalties, which align to the severity of offending:

- If the permit is not valid (e.g. the vehicle is operating overweight off the approved route) then the vehicle will be treated as if no permit is held. For loads well in excess of the legal limits, this will continue to incur very high fines to recognise the safety and infrastructure risk of this breach of the law.
- If a **critical condition** (see below) is breached, then a \$2000 fine will be applied, along with fines for any additional offences.
- If an additional condition is breached, then only the fine for that offence will be applied.

Does this mean that an operator holding a permit faces lower fines for overweight vehicles?

- If an operator is found to be operating in a situation where the permit is invalid, fines will be higher than they were previously.
- If a **critical condition** of a permit is breached, then the total fine will be significantly lower than they were previously, because the permit will not be 'voided' (see below).
- If an **additional condition** of the permit is breached, then the fine will only be for that breach (e.g. overweight on a single axle will only incur the fine set for the overload of that axle).

But the 'voiding' of permits will stop for some breaches?

Yes. Previously, the permit issued to operators said that it was void if ANY condition was breached. For loads well over the standard weight limits this may have meant very heavy fines for what were actually minor breaches of the permit weight that represented a lesser risk to infrastructure and safety. From 8 July, this wording on an existing permit form has no effect, however if an operator is found to be operating in a situation where the permit is invalid (e.g. the vehicle is operating overweight off the approved route) then the vehicle will be treated as if no permit is held.

What are the critical conditions?

1. Exceeding the gross weight stated on the permit.
2. Exceeding the design limits for the vehicle (such as its Gross Vehicle Mass (GVM)).
3. Failure to meet bridge restrictions (load, speed, position) on route.

Why are bridge restrictions seen as critical?

Bridge restrictions only apply where the permit specifies that there are restrictions in place. These may be a limit on the allowable maximum weight of the vehicle crossing the bridge, or a requirement to reduce speed for crossing that structure. As publicly-owned assets, bridges that have limited carrying capacity have to be protected from excess wear and, in some instances, structural damage from overweight vehicles.

What is the basis for setting penalties for a vehicle holding a permit?

The levels of the fines for overloading are set out in the Offences Regulations and increases proportionally as the recorded weight increases above the applicable maximum weight limit.

If a permit is not valid, then the weight limits set in the VDAM Rule will be applied (e.g. a maximum gross weight of 44 tonnes for most truck and trailer combinations).

If the permit is valid, then the weight limits to be applied by NZ Police are those stated on the permit form.

Is there a difference between indivisible overweight and HPMV permits in the way the new penalties will be applied?

No.

Will the previous weighing tolerances continue to apply?

Enforcement weighing tolerances for vehicles operating without a permit are essentially unchanged. The 1.5 tonne weighing tolerance for vehicles operating at more than 33 tonnes without a permit **remains**. However, the previous 3 tonnes tolerance for vehicles over 60 tonnes is **removed** (because only vehicles with a permit can legally operate above 44 tonnes).

New tolerance levels of 500 kg for steering axles and gross mass, and 1000 kg for other load-sharing axle groups, will apply to all vehicles operating under an overweight indivisible load permit or an HPMV permit.

Why such tight margins for vehicles operating under a permit?

Vehicles operating at weights above the general limits have to operate under tighter margins since they're imposing higher demands on the infrastructure (roads and bridges). The changes reduce applicable penalties for offences, but the reduced tolerance makes it clear that permit holders are expected to meet higher standards in the interests of protecting publicly-owned infrastructure and safety.

What happens to vehicles not operating under a permit that are detected as over-weight?

Fines have been increased. The 'entry' fine (e.g. less than 500kg overweight on a single axle after tolerances have been applied) has increased from \$150 to \$350. The new fine scale then increases proportionally, but the top level fine (\$10,000) remains unchanged.

Who will be directly affected by these changes?

There are two main groups who will be affected by the changes to the VDAM Rule and the Offences Regulations:

- **Freight operators**, who include:
 - Operators who do not operate under a permit, and may (or may not) exceed the permitted weights under the Rule. They face limited increases in fines for overweight vehicles.
 - Operators who move indivisible loads or who hold high-productivity motor vehicle (HPMV) permits. Where permits are valid, the changes mean significantly reduced fines for minor breaches in most scenarios.
- **Road controlling authorities** (the NZ Transport Agency, councils and some other departments or authorities). For them, the changes:
 - encourage operators to operate more efficiently using HPMV permits, where these are considered suitable.
 - provide tighter weight tolerances for operation under permits.
 - provide greater disincentives to operators who operate illegally overloaded vehicles, which can create significant maintenance costs to the local road network.

What if I hold a permit issued before 8 July 2015?

You can continue to use existing permits until they expire, are revoked or replaced, but the new penalties apply from the date on which the amendment Rule commences.

Do the forms issued by road controlling authorities for overweight and HPMV permits change?

Yes, the changes to the VDAM Rule require new forms. However, the new requirements are largely, modelled on permits currently in use. The main change is that the critical permit conditions have been specified, and the reference to the 'voiding' of a permit has been removed.

The previous permit form had been in place since 1976 and it was not meeting the needs of the modern environment including the issuing of permits for HPMV operation.

How quickly will forms have to change?

The VDAM Rule amendment states that 'old' forms can be used until they expire, are revoked or replaced. So they do not need to be replaced immediately. However, only new permit forms should be issued after the amendment Rule commences.

How different are the new permit forms?

The new form that is specified in the VDAM Rule looks quite different to the one used previously. Some road controlling authorities have been adding their own specific requirements to permit forms



over the years, and the new forms reflect current practice. The Transport Agency will provide technical guidance and templates (both simple and complex) for using the new forms.

The new permit format does allow some flexibility. For example, not all permits need to have detailed axle limit tables. The new forms are designed to set out the critical information that the operator of the vehicle and NZ Police need in a logical order.

How do the changes affect the ability of road controlling authorities to manage permits by setting conditions?

The amendment Rule continues the practice of allowing road controlling authorities (RCAs) to set appropriate conditions on permits. What has changed is that these are now described as ‘additional’ conditions. To ensure a consistent application of the law across New Zealand, RCAs cannot add critical conditions to those set out in the amendment Rule.

Won’t these changes increase the volume of permits being sought?

Yes. This is the intention of the changes. It is likely this increase will continue the current trend of the industry towards more efficient HPMVs. To help manage any increase in freight volume, the NZ Transport Agency is working with road controlling authorities and the road freight industry to manage the transition.

Where can I get more information?

Further information about the amendment Rule will be available on the NZ Transport Agency website under “HPMV Permits”. The website is currently being refreshed.