

Land Transport Rule: Setting of Speed Limits 2017

*Land Transport Rules are law produced by the NZ Transport Agency for the Minister of Transport. This is the public consultation (yellow) draft of **Land Transport Rule: Setting of Speed Limits 2017 (Rule 54001)**.*

*If you wish to comment on this draft Rule, please see the information about making a submission in the accompanying explanatory material. The deadline for submissions is **5pm, Friday 16 June 2017**.*

Land Transport Rule

Setting of Speed Limits 2017

Contents

Part 1	<u>Rule requirements</u>	5
Section 1	Preliminary provisions	5
1.1	Title	5
1.2	Commencement	5
1.3	Purpose	5
1.4	Revocation	5
Section 2	General procedure	5
2.1	Functions and powers of Agency	5
2.2	Role of road controlling authorities in reviewing and setting speed limits	6
2.3	Consulting on proposed speed limits	6
2.4	Additional information required when consulting on particular proposed speed limits	7
2.5	Decision-making procedures and notification of set speed limits	8
2.6	Registration of all speed limits except temporary and emergency speed limits	9
2.7	Records relating to setting of speed limits	10
2.8	Road controlling authority procedure	10
2.9	Traffic control devices	11
2.10	Commencement of new or changed speed limit	11
2.11	Speed limits set under previous enactment	11
Section 3	Categories of, range of, and default speed limits	12
3.1	Categories of speed limit	12
3.2	Range of speed limits	12
3.3	Road lengths for speed limits	13
3.4	Default urban and rural speed limits	13
3.5	Designation of area as urban traffic area	14
Section 4	Permanent, holiday, and variable speed limits	14
4.1	Setting permanent, holiday, or variable speed limit	14
4.2	Agency must develop and maintain safe and appropriate speed information	15
4.3	Supply of safe and appropriate speed information to road controlling authorities	15
4.4	Road controlling authority may review permanent, holiday, or variable speed limit	16
4.5	Road controlling authority may propose permanent, holiday, or variable speed limit	16
4.6	Road controlling authority may set permanent, holiday, or	

	variable speed limit	17
Section 5	Additional procedural steps for certain speed limits	17
5.1	Variable speed limits	17
5.2	70 km/h and 90 km/h speed limits	18
5.3	110 km/h speed limits	19
Section 6	Temporary speed limits	19
6.1	Criteria for setting temporary speed limits	19
6.2	How temporary speed limit is set, applies, and is removed	20
6.3	Setting a temporary speed limit when there is physical work occurring on or adjacent to a road	21
6.4	Setting a temporary speed limit when there is an unsafe road surface or structure	22
6.5	Setting a temporary speed limit for a special event	22
Section 7	Emergency speed limits	23
7.1	Criteria for setting emergency speed limits	23
7.2	How emergency speed limit is set, applies, and is removed	23
Section 8	Roads in designated locations	25
8.1	Permanent speed limits for roads in designated locations	25
8.2	Designated location defined	26
Section 9	Signs and road markings	27
9.1	Requirement to provide signs at, or near, point where speed limit changes	27
9.2	Requirement to provide repeater signs unless nature of road makes speed limit clear to road users	28
9.3	Specific requirements for permanent and holiday speed limit signs	29
9.4	Specific requirements for signs for variable speed limits	29
9.5	Specifications for signs	29
9.6	Road markings	29
9.7	Agency may direct road controlling authority to install, modify, or remove signage	29
Part 2	Definitions	30
Part 3	Schedules	32
Schedule 1	Road lengths for speed limits	32
Schedule 2	Repeater signs	33

Part 1

Rule requirements

Section 1 Preliminary provisions

1.1 Title

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

1.2 Commencement

This Rule comes into force on [date to come].

1.3 Purpose

The purpose of this Rule is to—

- (a) produce a nationally-consistent and evidence-based approach to speed management; and
- (b) provide a mechanism for road controlling authorities to set safe and appropriate speed limits for roads in their jurisdictions; and
- (c) encourage road controlling authorities to prioritise roads where achieving safe and appropriate travel speeds is likely to deliver the highest benefits in terms of safety outcomes, economic productivity, or both.

1.4 Revocation

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

Section 2 General procedure

2.1 Functions and powers of Agency

2.1(1) The Agency must provide to road controlling authorities—

- (a) guidance on speed management and how this Rule is to apply; and

- (b) information about safe and appropriate speeds for roads in New Zealand.

2.1(2) The Agency may, in accordance with this Rule,—

- (a) change, or modify the application of speed limits; and
- (b) carry out any function necessary to ensure that road controlling authorities comply with this Rule when reviewing and setting speed limits.

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

2.2(1) A road controlling authority, for roads under its jurisdiction,—

- (a) must review speed limits in accordance with this Rule; and
- (b) must set speed limits in accordance with this Rule; and
- (c) may set speed limits for designated locations in accordance with *section 8*.

2.2(2) In carrying out its functions under 2.2(1), a road controlling authority must consider the safe and appropriate speed limit for a road in accordance with this Rule.

2.3 **Consulting on proposed speed limits**

2.3(1) A road controlling authority must, in accordance with this clause and 2.4, consult in writing with persons that may be affected by an urban traffic area proposed under *section 3* or a speed limit proposed under *section 4* before—

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

2.3(2) The persons that must be consulted are—

- (a) road controlling authorities that are responsible for roads that join, or are near, the road on which the speed limit is to be set or changed; and
- (b) a territorial authority that is affected by the existing or proposed speed limit; and

- (c) any local community that the road controlling authority considers to be affected by the proposed speed limit; and
 - (d) the Commissioner; and
 - (e) the chief executive of the New Zealand Automobile Association Incorporated; and
 - (f) the chief executive of the Road Transport Forum New Zealand; and
 - (g) the Agency; and
 - (h) any other organisation or road user group that the road controlling authority considers to be affected by the proposed speed limit.
- 2.3(3) A road controlling authority must allow a reasonable time for persons consulted under *subclause (2)* to make submissions on the proposed speed limit.

2.4 **Additional information required when consulting on particular proposed speed limits**

- 2.4(1) When consulting on a proposed holiday speed limit, the road controlling authority must inform any person being consulted of the periods during which the proposed speed limit is to apply.
- 2.4(2) When consulting on a proposed new urban traffic area or variation of an existing urban traffic area, the road controlling authority must inform any person being consulted of the following details:
- (a) a description of the proposed area; and
 - (b) details of roads with a speed limit other than 50 km/h within a proposed new or extended urban traffic area; and
 - (c) details of roads with a speed limit other than 100 km/h within an area that the road controlling authority proposes to change from an urban traffic area to a rural area.

2.5 Decision-making procedures and notification of set speed limits

- 2.5(1) A road controlling authority must set a speed limit (other than a temporary or an emergency speed limit) or designate an urban traffic area in accordance with this Rule by making a bylaw.
- 2.5(2) When a road controlling authority proposes to set a speed limit in accordance with 2.5(1) by making a bylaw under any enactment, the consultation required by 2.3 may be carried out at the same time as, or as part of, any consultative procedure in that enactment.
- 2.5(3) When deciding to set a speed limit, a road controlling authority must take account of submissions received during consultation on the proposed speed limit.
- 2.5(4) Following review and consultation, if a road controlling authority decides the existing speed limit is not the safe and appropriate speed limit for a particular road, it must either—
- (a) set a new speed limit; or
 - (b) take other measures to ensure that the existing speed limit is safe and appropriate for that road.
- 2.5(5) A road controlling authority must retain an existing speed limit if that speed limit is the safe and appropriate speed limit for the road.
- 2.5(6) Except for a temporary or an emergency speed limit, a road controlling authority must, at least 14 days before a speed limit comes into force, notify the Agency and the Commissioner that a speed limit has been set and provide them, in writing, with the following information:
- (a) the locality in which the speed limit applies:
 - (b) the names of the roads or a description of the area to which the speed limit applies:
 - (c) the existing speed limit and the new speed limit:
 - (d) the date on which the new speed limit comes into force.
- 2.5(7) After complying with 2.5(6), a road controlling authority must, as soon as practicable, supply in writing any other details requested by the Agency or the Commissioner that are relevant to the speed limit.

- 2.6 Registration of all speed limits except temporary speed limits**
- 2.6(1) A road controlling authority must establish and maintain a register of speed limits that records all speed limits, except temporary speed limits, for the roads under its jurisdiction, including—
- (a) speed limits set in accordance with this Rule; and
 - (b) urban traffic areas designated under this Rule; and
 - (c) speed limits set, and urban traffic areas designated, prior to the commencement of this Rule, in accordance with *Land Transport Rule: Setting of Speed Limits 2003*.
- 2.6(2) Information recorded in the register of speed limits must include—
- (a) a full description of the roads or area to which the speed limit applies, including references to details of maps or other documents as appropriate; and
 - (b) the speed limit; and
 - (c) for a variable speed limit, the conditions under which the speed limit changes; and
 - (d) the date on which the speed limit comes into force; and
 - (e) a record of the decision-making procedures of the road controlling authority carried out in accordance with 2.5(1) to (4); and
 - (f) for a speed limit set, or an urban traffic area designated, prior to the commencement of this Rule, a reference to the enactment under which the speed limit was set.
- 2.6(3) A road controlling authority must make the register of speed limits available for inspection, at reasonable times, by members of the public on request.
- 2.6(4) Details of a speed limit that has been superseded by a new speed limit set in accordance with this Rule must be retained on the register of speed limits for at least seven years from the date on which the new speed limit came into force.

2.7 **Records relating to setting of speed limits**

When a road controlling authority sets a speed limit, other than a temporary speed limit, it must retain, for at least seven years from the date on which the new speed limit comes into force, data, correspondence, reports, and other records relating to the review, consultation, decision-making procedures, and setting of the speed limit.

2.8 **Road controlling authority procedure**

- 2.8(1) A road controlling authority must have processes to ensure quality control of its procedures for reviewing and setting speed limits.
- 2.8(2) The Agency may investigate road controlling authorities for compliance with this Rule.
- 2.8(3) The Agency must notify a road controlling authority in writing if it considers that the road controlling authority has not complied with this Rule, and give the road controlling authority a reasonable opportunity to respond to the notification.
- 2.8(4) If the Agency is not satisfied by a road controlling authority's response under 2.8(3), the Agency may issue directions to the road controlling authority regarding matters to be addressed.
- 2.8(5) A road controlling authority must comply with directions given by the Agency under 2.8(4), 2.8(6), or 9.7, or with the requirements of the Agency or the Commissioner under 6.2(7) or 7.2(7).
- 2.8(6) If the Agency considers that a road controlling authority has not complied with this Rule in reviewing or setting a speed limit, or that a speed limit set by a road controlling authority does not comply with this Rule, the Agency may direct the road controlling authority to—
- (a) review, change, or modify the application of the speed limit:
 - (b) review or change, in accordance with this Rule, the procedures used by the road controlling authority to set speed limits:
 - (c) carry out the instructions in *paragraph (a) and (b)* within a stated period.

- 2.8(7) If a road controlling authority does not comply with directions given under 2.8(4), 2.8(6), or 9.7, or the requirements of 6.2(7) or 7.2(7), the Agency may exercise the appropriate responsibilities of a road controlling authority under this Rule and change, or modify the application of, a speed limit, by notice in the *Gazette*.
- 2.8(8) A road controlling authority is liable for the reasonable expenses incurred by the Agency under 2.8(7).

2.9 Traffic control devices

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

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

2.10 Commencement of new or changed speed limit

- 2.10(1) Except for a temporary or an emergency speed limit, a speed limit is set, or an urban traffic area is designated, by a road controlling authority when it makes a bylaw setting a speed limit or designating an urban traffic area.
- 2.10(2) Except for a temporary or an emergency speed limit, a speed limit that is set, or an urban traffic area that is designated, by a road controlling authority comes into force on the date specified in the bylaw that sets the speed limit or designates the urban traffic area.
- 2.10(3) A speed limit or urban traffic area that is changed by the Agency by notice in the *Gazette* under 2.8(7) comes into force on the date specified in the *Gazette* notice.

2.11 Speed limits set under previous enactment

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

- (a) the road controlling authority sets a different speed limit for the road; or
- (b) the Agency changes or modifies the speed limit for the road; or
- (c) the road controlling authority varies the urban traffic area; or
- (d) the Agency varies the urban traffic area.

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

3.1 Categories of speed limit

This Rule provides for the following categories of speed limit:

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

3.2 Range of speed limits

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

- (a) 10 km/h:
- (b) 20 km/h:
- (c) 30 km/h:
- (d) 40 km/h:
- (e) 50k m/h:
- (f) 60 km/h:

- (g) 70 km/h (which may only be set following approval by the Agency under 5.2(3));
- (h) 80 km/h;
- (i) 90 km/h (which may only be set following approval by the Agency under 5.2(3));
- (j) 100 km/h;
- (k) 110 km/h (which may only be set following approval by the Agency under 5.3(2)).

3.3 Road lengths for speed limits

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

3.4 Default urban and rural speed limits

- 3.4(1) The urban speed limit is 50 km/h and applies to any road that is within an area designated as an urban traffic area, except for—
- (a) any road that is a motorway; or
 - (b) a road described in *subclause (3)*.
- 3.4(2) The rural speed limit is 100 km/h and applies to any road that is a motorway and any road that is not within an area designated as an urban traffic area, except for a road described in *subclause (3)*.
- 3.4(3) The roads to which neither *subclause (1) nor (2)* apply are—

- (a) any road for which a permanent speed limit has been set by a road controlling authority; and
- (b) any road for which a variable speed limit has been set by a road controlling authority; and
- (c) any road for which a temporary, emergency, or holiday speed limit is in force; and
- (d) any road for which a speed limit has been set by or under another enactment.

3.5 Designation of area as urban traffic area

- 3.5(1) A road controlling authority may designate an area as an urban traffic area for the purpose of, and in accordance with, this Rule.
- 3.5(2) A road controlling authority—
- (a) if proposing to designate a new urban traffic area or vary an existing urban traffic area, must define the boundaries of the area to be designated as a new urban traffic area or a variation of an existing urban traffic area; and
 - (b) must, in proposing a new urban traffic area or a variation of an existing urban traffic area, have regard to the relevant factors set out in 4.4(2); and
 - (c) may propose a speed limit that is other than 50 km/h for a road within that area.

Section 4 Permanent, holiday, and variable speed limits

4.1 Setting permanent, holiday, or variable speed limit

- 4.1(1) *Clauses 4.2 to 4.6* specify the procedures for setting a permanent speed limit, a holiday speed limit, or a variable speed limit.
- 4.1(2) *Clauses 4.4 to 4.6* do not apply to a road in a designated location within the meaning of 8.2.
- 4.1(3) A road controlling authority that wishes to set a variable speed limit, or a permanent or holiday speed limit that is a 70

km/h speed limit, a 90 km/h speed limit, or a 110 km/h speed limit, must comply with, in addition to the requirements of 4.4 to 4.6, the relevant requirements of *section 5*.

4.2 Agency must develop and maintain safe and appropriate speed information

4.2(1) The Agency must develop and maintain information about the safe and appropriate speed for roads in New Zealand.

4.2(2) In carrying out its functions under *subclause (1)*, the Agency must have regard to—

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

4.3 Supply of safe and appropriate speed information to road controlling authorities

4.3(1) The Agency must supply, to each road controlling authority, information about the safe and appropriate speed for roads within that road controlling authority's jurisdiction.

4.3(2) The Agency must, in supplying information under *subclause (1)*, prioritise information about roads where achieving safe and appropriate travel speeds is likely to deliver the highest benefits in terms of safety outcomes, economic productivity, or both.

4.3(3) A road controlling authority may request from the Agency information about the safe and appropriate speed for any road within that road controlling authority's jurisdiction and, if requested by a road controlling authority, the Agency must supply such information if that information is available.

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

- 4.4(1) A road controlling authority may review a permanent, holiday, or variable speed limit.
- 4.4(2) In reviewing a permanent, holiday, or variable speed limit, a road controlling authority must have regard to—
- (a) the safe and appropriate speed information developed and maintained by the Agency; and
 - (b) any relevant guidance on speed management provided by the Agency; and
 - (c) the function and use of the road; and
 - (d) crash risk for all road users; and
 - (e) the characteristics of the road and roadsides; and
 - (f) adjacent land use; and
 - (g) the number of intersections and property accessways; and
 - (h) traffic volume; and
 - (i) any planned modification to the road; and
 - (j) the views of interested parties.

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

- 4.5(1) A road controlling authority may propose a permanent, holiday, or variable speed limit.
- 4.5(2) A road controlling authority must notify the Agency before proposing a variable, 70 km/h, 90 km/h, or 110 km/h speed limit.
- 4.5(3) A road controlling authority must consult on a proposed speed limit in accordance with 2.3 and 2.4.

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

- 4.6(1) A road controlling authority may set a permanent, holiday, or variable speed limit.
- 4.6(2) In setting a permanent, holiday, or variable speed limit, a road controlling authority—
- (a) must take account of any submissions received during consultation under 2.3 and 2.4; and
 - (b) may have regard to any other factor the road controlling authority considers relevant to achieving the safe and appropriate speed on a road; and
 - (c) must aim to achieve a mean operating speed less than 10% above that speed limit.

Section 5 Additional procedural steps for certain speed limits

5.1 Variable speed limits

- 5.1(1) A variable speed limit relates to—
- (a) particular situations or environments for which the safe speed may need to vary—
 - (i) for different numbers and types of road users; or
 - (ii) to manage the effects of changing traffic volumes, including to ease congestion; or
 - (iii) for emergency or temporary traffic management; or
 - (b) a road for which the safe speed limit may need to vary in accordance with environmental conditions.
- 5.1(2) Before setting a variable speed limit, a road controlling authority must obtain approval from the Agency to set that speed limit.
- 5.1(3) The Agency may, by notice in the *Gazette* and subject to any specified conditions that the Agency considers appropriate, approve a variable speed limit.

- 5.1(4) After an approval has been made under *subclause (3)*, a road controlling authority—
- (a) may set a variable speed limit; and
 - (b) must, when setting a variable speed limit, do so in accordance with 2.3, 2.4, and 2.5(1) and with any conditions specified by the Agency by notice in the *Gazette*.
- 5.1(5) The Agency may, by notice in the *Gazette*, remove a variable speed limit that has been set by a road controlling authority.
- 5.2 70 km/h and 90 km/h speed limits**
- 5.2(1) Before setting a 70 km/h or 90 km/h speed limit, a road controlling authority must obtain approval from the Agency to set that speed limit.
- 5.2(2) The Agency must, in considering a proposed 70 km/h or 90 km/h speed limit, take into account—
- (a) the benefit of increasing the distinction between different speed limits across the network by having fewer different speed limits; and
 - (b) whether the road controlling authority can demonstrate a plan to work towards a speed limit that does not require Agency approval on the road that is the subject of the proposed speed limit.
- 5.2(3) The Agency may, by notice in the *Gazette* and subject to any specified conditions that the Agency considers appropriate, approve a 70 km/h or 90 km/h speed limit.
- 5.2(4) After obtaining an approval under *subclause (3)*, a road controlling authority—
- (a) may set the 70 km/h or 90 km/h speed limit for which it has approval; and
 - (b) must, when setting a 70 km/h or 90 km/h speed limit, do so in accordance with 2.3, 2.4, and 2.5(1) and with any conditions specified by the Agency by notice in the *Gazette*.
- 5.2(5) The Agency may, by notice in the *Gazette*, remove a 70 km/h or 90 km/h speed limit that has been set by a road controlling authority.

- 5.2(6) Nothing in 5.2(1) to 5.2(4) affects a speed limit set before the commencement of this Rule.

5.3 110 km/h speed limits

- 5.3(1) Before setting a 110 km/h speed limit, a road controlling authority must obtain approval from the Agency to set that speed limit.
- 5.3(2) The Agency may, by notice in the *Gazette* and subject to any specified conditions that the Agency considers appropriate, approve a 110 km/h speed limit.
- 5.3(3) The Agency must not give approval under *subclause (2)* unless, in the Agency's opinion, the road has been designed and constructed, and will be managed and operated to the standard necessary to safely support 110 km/h travel speeds.
- 5.3(4) After obtaining an approval under *subclause (2)*, a road controlling authority—
- (a) may set a 110 km/h speed limit; and
 - (b) must, when setting a 110 km/h speed limit, do so in accordance with 2.3, 2.4, and 2.5(1) and with any conditions specified by the Agency by notice in the *Gazette*.
- 5.3(5) The Agency may, by notice in the *Gazette*, remove a 110 km/h speed limit that has been set by a road controlling authority.

Section 6 Temporary speed limits

6.1 Criteria for setting temporary speed limits

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

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

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

- 6.2(1) A temporary speed limit is set by installing signs in accordance with a traffic management plan approved in writing by the road controlling authority.
- 6.2(2) A temporary speed limit that is set in accordance with *6.1(2)(b)* must be—
- (a) one of the speed limits in *3.2(a) to (i)* (but, despite *3.2(g)* and *(i)*, Agency approval is not required); and
 - (b) if the permanent speed limit or the prevailing holiday speed limit is—
 - (i) greater than 50 km/h, at least 20 km/h less than that speed limit; or
 - (ii) 50 km/h or less, at least 10 km/h less than that speed limit.
- 6.2(3) A temporary speed limit—
- (a) applies from the point on the road at which a temporary speed limit sign is installed to the point on the road at which a sign indicates that a different speed limit applies; and
 - (b) applies from the time a temporary speed limit sign is installed; and
 - (c) ceases to apply when the temporary speed limit signs are removed; and
 - (d) may apply for no longer than six months.
- 6.2(4) A road controlling authority that has set a temporary speed limit due to physical work occurring on or adjacent to the

road that impacts the function of the road, or due to the presence of an unsafe road surface or structure, must take all practicable steps to ensure that a road user would reasonably understand the cause of the temporary speed limit being set.

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

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

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

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

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

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

6.5 Setting a temporary speed limit for a special event

- 6.5(1) A temporary speed limit that is set in accordance with 6.1(2)(b) for a special event must be safe and appropriate for—
- (a) the numbers and types of road users, including motorcyclists, cyclists, and pedestrians, that use the road; and
 - (b) the nature of the special event.
- 6.5(2) A temporary speed limit that is set in accordance with 6.1(2)(b) for a special event may apply for—

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

Section 7 Emergency speed limits

7.1 Criteria for setting emergency speed limits

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

- (a) is the result of any happening, whether natural or otherwise, including, without limitation, any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure of or disruption to an emergency service or a lifeline utility, or actual or imminent attack or warlike act; and
- (b) causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public in any part of New Zealand.

7.1(2) A road controlling authority—

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

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

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

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

- (a) one of the speed limits in 3.2(a) to (i) (but, despite 3.2(g) and (i), Agency approval is not required); and
- (b) if the permanent speed limit or the prevailing holiday speed limit is—
 - (i) greater than 50 km/h, at least 20 km/h less than that speed limit; or
 - (ii) 50 km/h or less, at least 10 km/h less than that speed limit.

7.2(3) An emergency speed limit—

- (a) applies from the point on the road at which a speed limit sign has been installed under 7.2(1) to the point on the road at which a sign indicates that a different speed limit applies; and
- (b) applies from the time a speed limit sign is installed; and
- (c) ceases to apply when the speed limit signs installed under 7.2(1) are removed; and
- (d) may apply for no longer than six months.

7.2(4) Within 10 working days of setting an emergency speed limit, a road controlling authority must, by notice in the *Gazette*, publish—

- (a) what the emergency speed limit is; and
- (b) details regarding where the emergency speed limit applies; and
- (c) the date the emergency speed limit was set; and
- (d) its reasons for considering that an emergency speed limit is necessary.

7.2(5) A road controlling authority may vary an emergency speed limit by—

- (a) installing different speed limit signs in accordance with *section 9* of this Rule; and
- (b) within 10 working days of varying an emergency speed limit, publishing, by notice in the *Gazette*,—
 - (i) what the varied emergency speed limit is; and

- (ii) details regarding the variation of the emergency speed limit; and
 - (iii) the date the variation of the emergency speed limit was set; and
 - (iv) its reasons for considering that the variation of the emergency speed limit is necessary.
- 7.2(6) If a road controlling authority fails to comply with 7.2(4) or 7.2(5), it must immediately remove any speed limit signs installed under 7.2(1).
- 7.2(7) The Agency or the Commissioner may, at any time, require the removal of an emergency speed limit and the removal of accompanying signs and equipment used to install or support the signs, if satisfied that—
 - (a) the reason for the emergency speed limit no longer applies; or
 - (b) the emergency speed limit is not appropriate in the circumstances for which the speed limit was set.
- 7.2.(8) An emergency speed limit that is set in accordance with 7.2(1) must be safe and appropriate in the circumstances of the emergency for—
 - (a) the numbers and types of road users, including motorcyclists, cyclists, and pedestrians, that use the road; and
 - (b) the needs of a community affected by the emergency; and
 - (c) the nature and level of risk to the public; and
 - (d) any other measures taken to reduce hazards and risks.

Section 8 Roads in designated locations

8.1 Permanent speed limits for roads in designated locations

- 8.1(1) A road controlling authority must comply with this section when setting a permanent speed limit for a road under its jurisdiction in a designated location.

- 8.1(2) A speed limit set in accordance with this section must be—
- (a) safe and appropriate for—
 - (i) the numbers and types of road users, including motorcyclists, cyclists, and pedestrians, that use the road; and
 - (ii) the level of roadside development; and
 - (iii) the condition or class of the road; and
 - (iv) the use to which the road is put; and
 - (v) any other matter relevant to public safety; and
 - (b) one of the speed limits in 3.2.
- 8.1(3) Before setting a speed limit for a road in a designated location, a road controlling authority must—
- (a) consult with—
 - (i) the Agency; and
 - (ii) the Commissioner; and
 - (iii) any other persons who the road controlling authority considers to be affected by the proposed speed limit; and
 - (b) give those persons a reasonable time to make submissions on the proposal; and
 - (c) comply with the decision-making procedures in 2.5(1), 2.5(2), and 2.5(3).
- 8.1(4) After setting a speed limit for a road in a designated location, a road controlling authority must—
- (a) notify the speed limit in accordance with 2.5(6); and
 - (b) record the speed limit in a register of speed limits in accordance with 2.6.

8.2 Designated location defined

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

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

Section 9 Signs and road markings

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

9.1(1) A road controlling authority must install a speed limit sign on the left-hand side of a road under its jurisdiction at or near, and not more than 20 m from, the point on the road where a speed limit changes.

9.1(2) If the estimated two-way annual-average daily traffic at the point where a speed limit changes exceeds 500 vehicles, the road controlling authority must also install a speed limit sign on the right-hand side of the road, or on the central median where appropriate, at or near, and no more than 20 m from, that point.

- 9.1(3) If a road user might not easily see, or readily understand or react to, a sign that is installed within 20 m of the point on the road where a speed limit changes, a road controlling authority may, despite 9.1(1) and 9.1(2), install speed limit signs more than 20 m, but as close to it as reasonably practicable, from that point.
- 9.1(4) A speed limit sign may be installed otherwise than as required by 9.1(1) if—
- (a) authorised under this Rule or any other enactment; or
 - (b) a road user might not easily see, or readily understand or react to, a sign that is installed on the left-hand side of the road; or
 - (c) the sign would be more effective if installed above a lane.

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

- 9.2(1) A road controlling authority must install speed limit signs where they will be easily seen by road users and to which they may readily react, with at least one sign being installed within each maximum length of road applying to the speed limits in—
- (a) *Table 1 of Schedule 2* for permanent and holiday speed limits; or
 - (b) *Table 2 of Schedule 2* for temporary and emergency speed limits.
- 9.2(2) A road controlling authority is not obliged to comply with 9.2(1)(a) in regards to any particular length of road if—
- (a) the nature of the particular length of road is such that a road user would reasonably understand that the speed limit displayed on the last speed limit sign remains the speed limit throughout the whole of that length of road; and
 - (b) the measured mean operating speed is less than 10% above the speed limit for that length of road.

9.3 Specific requirements for permanent and holiday speed limit signs

- 9.3(1) For a new permanent speed limit or a holiday speed limit, the speed limit shown on the associated signs installed by the road controlling authority must not be visible to road users until the speed limit comes into force.
- 9.3(2) A road controlling authority must remove a sign for a holiday speed limit at the end of any period for which the holiday speed limit is in force.

9.4 Specific requirements for signs for variable speed limits

- 9.4(1) A road controlling authority, when setting a variable speed limit approved by the Agency, must install signs as specified by the Agency.
- 9.4(2) For a new variable speed limit, the speed limit shown on the associated signs installed by the road controlling authority must not be visible to road users until the speed limit comes into force.

9.5 Specifications for signs

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

9.6 Road markings

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

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

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

Part 2

Definitions

(1) In this Rule,—

Act means the *Land Transport Act 1998*

Agency means the New Zealand Transport Agency

Commissioner means the Commissioner of Police

emergency speed limit means a speed limit set under 7.2

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

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

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

register of speed limits means the register established and maintained under 2.6

road—

(a) includes—

(i) a street; and

(ii) a motorway; and

(iii) a beach; and

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

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

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

(b) includes a section of a road

road controlling authority, in relation to a road,—

- (a) means the authority, body, or person having control of the road; and
- (b) includes a person acting under and within the terms of a delegation or authorisation given by the controlling authority

safe and appropriate speed means a travel speed that optimises safety and efficiency outcomes

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

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

speed limit—

- (a) means—
 - (i) an urban, rural, permanent, holiday, temporary, emergency, or variable speed limit; and
 - (ii) the maximum speed at which a vehicle may legally be operated on a particular road; but
- (b) does not mean the maximum permitted operating speed for classes or types of vehicle specified in any Act, regulation, or rule

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

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

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

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

Part 3

Schedules

Schedule 1

r 3.3

Road lengths for speed limits

Speed limit (km/h)	Minimum length (m)
50	500
60	500
70	As approved by the Agency under 5.2
80	800
90	As approved by the Agency under 5.2
100	2000
110	As approved by the Agency under 5.3

Schedule 2

r 9.2(1)

Repeater signs

Table 1

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

Speed limit (km/h)	Maximum length of road between signs (km)
60	2.0
70	2.4
80	2.7
90	3.0

Table 2

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

Temporary or emergency speed limit (km/h)	Maximum length of road between signs (km)
20	0.7
30	1.0
40	1.4
50	1.7
60	2.0
70	2.4
80	2.7
90	3.0